

SITUATIONAL ANALYSIS OF THE COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN THAILAND



DESK REVIEW





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Sexual Exploitation of Children in Thailand
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ACRONYMS

AIDS	Acquired Immune Deficiency Syndrome
ASEAN	Association of South East Asian Nations
CEOP	Child Exploitation and Online Protection Centre
COMMIT	Coordinated Mekong Ministerial Initiative against Trafficking
CPA	Child Protection Act
CRC	Convention on the Rights of the Child
CSEC	Commercial Sexual Exploitation of Children
CSOC	Cyber-Security Operation Centre
DSI	Department of Special Investigations
ECPAT	End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes
FACE	Fight Against Child Exploitation
FBI	Federal Bureau of Investigation
GDP	Gross Domestic Product
HIV	Human Immunodeficiency Virus
ICE	(US) Immigration and Customs Enforcement
ICT	Information and Communications Technology
ILO	International Labour Organization
IOM	International Organization for Migration
IPEC	International Programme on the Elimination of Child Labour
ISP	Internet Service Provider
MDG	Millennium Development Goal
MFA	Ministry of Foreign Affairs
MoU	Memorandum of Understanding
MSDHS	Ministry of Social Development and Human Security
NGO	Non-governmental Organisation
NLC	New Life Centre
OPSC	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography
OSCC	One Stop Crisis Centre
SECTT	Sexual Exploitation of Children in Travel and Tourism
TCSO	Technology Crime Suppression Division
TIP	Trafficking in Persons
UN	United Nations
UNACT	United Nations Action for Cooperation against Trafficking in Persons
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children’s Fund
UNODC	United Nations Office on Drugs and Crime

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DEFINITIONS

Child: According to Article 1 of the Convention on the Rights of the Child (CRC), a child is “every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.”

Child/early/forced marriage: According to Article 16(2) of the Convention on the Elimination of All Forms of Discrimination against Women, “the betrothal and the marriage of a child [under the age of 18] shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.” Article 24(3) of the CRC states that “States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.” According to ECPAT International, child or early marriage can be considered a form of commercial sexual exploitation when “a child is received and used for sexual purposes in exchange for goods or payment in cash or kind.” ECPAT International also recognises child marriage as a contributing factor to the vulnerability of the child to sexual exploitation. Early marriage can be linked to wife abandonment, which can expose young girls to extreme poverty and increase the risk that they will be forced to enter the commercial sex trade in order to survive.

Child pornography/Child sexual abuse materials: According to Article 2(c) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC), child pornography means “any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.” According to Article 3(1)(c) of the OPSC, “each State Party shall ensure that, as a minimum, the following acts and activities are fully covered under its criminal or penal law...producing, distributing, disseminating, importing, exporting, offering, selling or possessing for the [purpose of sexual exploitation of the child] child pornography.”

Child prostitution: According to Article 2(b) of the OPSC, child prostitution means “the use of a child in sexual activities for remuneration or any other form of consideration.” According to Article 3(1)(b) of the OPSC, “each State Party shall ensure that, as a minimum, the following acts and activities are fully covered under its criminal or penal law...offering, obtaining, procuring or providing a child for child prostitution.”

Compensation: Article 9(4) of the OPSC states that “States parties shall ensure that all child victims of the offences described in the present Protocol have access to adequate procedures to seek, without discrimination, compensation for damages from those legally responsible.” Compensation is normally some sort of financial award made by a court or through a legal settlement. The money is usually awarded to pay for the costs of psychosocial services needed by the victim and there may also be a component to compensate for pain and suffering.

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

ECPAT (End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes): ECPAT International is a global network of civil society organisations dedicated to ending the commercial sexual exploitation of children. As of August 2015, ECPAT International consisted of 85 member groups in 77 countries around the world.

Internet service providers (ISPs): entities that provide services for accessing, using or participating in the Internet and online services. Reporting obligations, when mandated and enforced, typically require the ISPs to report illegal content (according to the national law of the country where the ISP operates) to law enforcement or other designated authorities in their country when they are notified about it.

Mere possession: The simple possession of child sexual abuse materials/child pornography for personal consumption only and not for the intent of distribution.

Online grooming: The solicitation of children through the use of information and communication technologies for sexual purposes.

Recovery and reintegration: The right to recovery and reintegration is provided for in Article 39 of the CRC which states that “States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse.” It is also provided for in Article 9(3) of the OPSC which states that “States Parties shall take all feasible measures with the aim of ensuring all appropriate assistance to victims of such offences, including their full social reintegration and their full physical and psychological recovery.” This assistance can include physical health services, psychosocial support and assistance with reintegration where children have been removed from their families or communities.

Sale of children: According to Article 2(a) of the OPSC, sale of children means “any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration.” According to Article 3(1)(a)(i) of the OPSC, “each State Party shall ensure that, as a minimum, the following acts and activities are fully covered under its criminal or penal law...offering, delivering or accepting, by whatever means, of a child for the purpose of: (a) sexual exploitation of the child.”

Sexual exploitation of children in travel and tourism (SECTT): According to ECPAT International, SECTT is “the sexual exploitation of children by a person or persons who travel from their home district, home geographical region, or home country in order to have sexual contact with children. Travelling child sex offenders can be domestic travellers or they can be international tourists. SECTT often involves the use of accommodation, transportation and other tourism-related services that facilitate contact with children and enable the perpetrator to remain fairly inconspicuous in the surrounding population and environment.”

Stateless: According to Article 1 of the Convention Relating to the Status of Stateless Persons, the term “stateless person” means a person who is not considered as a national by any State under the operation of its law.

Trafficking: According to Article 3(a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime (Trafficking Protocol), trafficking “shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.” Article 3(c) states that “the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered ‘trafficking in persons’ even if this does not involve any of the means set forth” above.

Virtual child pornography: For the purposes of this report, virtual child pornography refers to Article 9(2) (c) of the Council of Europe’s *Convention on Cybercrime* which includes under the term child pornography, “realistic images representing a minor engaged in sexually explicit conduct.”

SITUATIONAL ANALYSIS OF THE COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN IN THAILAND THROUGH A DESK REVIEW

EXECUTIVE SUMMARY

For decades, Thailand has been identified as a host country to a vast and embedded sex industry, which includes various manifestations of the commercial sexual exploitation of children. Today, the sexual exploitation of children in the country continues to be a phenomenon of grave concern. Although reliable, evidence-based data on the full scale and scope of the problem is difficult to find, there is evidence to suggest that this type of abuse and exploitation is still occurring. In recent years, Thailand has responded to the pressure and desire for greater legal protection of children against this type of exploitation; however, it appears that significant challenges to effective implementation and enforcement of these laws remain.

In order to effectively and efficiently protect children from commercial sexual exploitation in Thailand, there must be an evidence-based understanding of its scale and manifestations, the vulnerability of children to those manifestations, data reflecting how and where children are being exploited and by whom and how to provide child victims with the support they need for recovery and reintegration. In response to this need, a situational analysis (SITAN) was undertaken through a desk review to investigate and analyse the magnitude, nature, context and trends of the commercial sexual exploitation of children (CSEC) in Thailand.

METHODOLOGY

Conducting a desk review was the primary undertaking for this SITAN to discover the scale and scope of what has been reported concerning CSEC in Thailand. Based on the reviewed literature, specific questions were sent to key actors in the country representing different areas/fields of work related to CSEC in order to fill gaps in information or provide clarity on certain issues.

Two roundtable discussions were held that contributed to the content and findings of this SITAN. The first was organised by ECPAT International and took place in Pattaya on 22 April 2015. The second roundtable discussion was organised by ECPAT International and took place on 31 August 2015 in Bangkok. Participants included representatives from the Thai government, NGOs, the Royal Thai Police, local universities, UN agencies and independent consultants on child rights in Thailand. The findings of the desk review were shared and feedback was provided by participants including recommendations for future research.

RESEARCH LIMITATIONS

Limitations and challenges encountered throughout the research project included:

- A general lack of data on CSEC manifestations, especially regarding the sexual exploitation of children online;
- Out-of-date studies involving qualitative and quantitative research and sources citing to statistics and studies from over a decade earlier without acknowledging the time gap;
- The collection of information solely in English. Multiple official documents from the government found online were “unofficial” translations and some documents had several versions available online containing different terminology;
- The absence of direct field research beyond the two consultations and contact with several key stakeholders.

KEY FINDINGS

Child Prostitution

Although prostitution is illegal in Thailand, it appears from the literature that the law is largely ignored. As a result, prostitution is reportedly practiced openly and includes the involvement of children. There are significant variations in the estimated number of children exploited in prostitution in the country, including what appears to be a certain amount of unreliable and inflated statistics. It has been reported that the largest number of girls involved in the sex industry in cities like Bangkok come from Northern Thailand and several studies show that most of the children involved in prostitution are between 15-17 years old. While providing support to their families is one of the principle reasons identified for girls’ involvement in prostitution, another factor commonly cited is the desire of girls to earn extra money for consumer goods or to pay for school. Boys, on the other hand, are rarely mentioned in these studies. However, one study reported that a significant majority of male entertainment workers in Chiang Mai came from various hill tribes in Northern Thailand, some of whom were identified as underage boys.

Sexual Exploitation of Children Online

The sexual exploitation of children online is the CSEC manifestation with the least amount of data/information found in the literature; however, the Thai government has recognised the country as a production and distribution source of child sexual abuse materials. Although identifying the scope of the problem is difficult, newspapers in 2010 reported on the sale of child sexual abuse materials on the streets of Bangkok. It appears that street children are particularly at risk of sexual exploitation for the purpose of the production of child pornography. In 2009, Thailand was identified as a host country of child sexual abuse images, ranking 6th out of the top 15 image host countries and 14th out of the top 15 website host countries. While offenders are difficult to identify, a significant number of cases involving travelling child sex offenders appear to include an online component. For example, out of the 16 cases of arrests of foreign perpetrators in 2009 in Thailand, 57% were found to have child sexual abuse materials that were mostly self-produced.

Trafficking of Children for Sexual Purposes

Human trafficking, including the trafficking of children for sexual purposes, is the most discussed and profiled manifestation of CSEC in the literature, due in part to Thailand's recent downgrade in the US State Department's Trafficking in Persons Report to a Tier 3 country. Unfortunately, it appears that much of the data on trafficking is not disaggregated by age, gender or type of exploitation. However, the statistics that are available provide evidence to support the idea that children are still a significant portion of those identified as victims of trafficking for sexual purposes. In 2014, it was reported that more than one third of the identified human trafficking victims were involved in sexual exploitation, the majority of whom were girls from Thailand and Laos. There is evidence to suggest, however, that the trafficking of children for sexual purposes is becoming increasingly clandestine. Therefore, it is likely that these statistics do not provide a comprehensive picture of the overall trafficking situation in the country. It has been reported that the majority of trafficking cases are facilitated by individual and local level networks, including friends and family members of victims and, as a result, it is common for trafficking cases to begin as voluntary migration. Multiple sources reported that the number of Thai children identified as trafficking victims has decreased, with an increase in children from Cambodia, Laos and Myanmar. Overall, foreign migrants, members of ethnic minorities and stateless persons were identified as the most at-risk populations for human trafficking in Thailand.

Sexual Exploitation of Children in Travel and Tourism

Thailand has long been a popular tourist destination for travellers from all over the world. For example, Bangkok was the most visited city in the world (by international tourists) in 2013. As travel and tourism increase, so does the risk to children of sexual exploitation by travelling sex offenders. However, the sexual exploitation of children in travel and tourism (SECTT) has reportedly declined in Thailand in recent years and it has been suggested that travelling child sex offenders are visiting other countries in the region (Cambodia, Laos and Vietnam) which have fewer laws and less monitoring of SECTT. It appears that Thailand's efforts to address SECTT focus primarily on child sexual abuse by international "western" travellers in tourist hubs such as Pattaya, Phuket and Bangkok, and very little on Thai travellers and those from neighbouring countries in remote and indigenous areas. These communities cannot be easily accessed and have been identified as locations where child sex offenders are increasingly targeting children. Data suggests that a significant proportion of travelling child sex offenders in Thailand are from Asia.

Legal Framework, Policies and Support Services

Thailand has a comprehensive law on prostitution – the *Prevention and Suppression of Prostitution Act* – which includes specific references to children. However, it does not exempt child victims of prostitution from penalties under the law. As a result, it is possible that children exploited through prostitution can be prosecuted as offenders, instead of treated as victims. The law also does not appear to criminalise ancillary acts (such as complicity or participation).

In May 2015, Thailand passed a new amendment to its *Penal Code* on child pornography. Upon enactment, the law will provide a definition of child pornography which appears to be in accordance with the *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography* (OPSC) and will criminalise mere possession of child pornography, which goes beyond OPSC requirements. This new amendment does not appear to criminalise knowingly accessing child sexual abuse materials, virtual child pornography or online grooming. While the criminalisation of these actions is not required by the OPSC, it would provide important protection for children against pornography and exploitation online. There also appears to be no legal obligation of Internet service providers to report to the police – upon obtaining notice – illegal material or activity dealing with the sexual exploitation of children online. Thailand has several specialised units dealing with cybercrime, including online sexual abuse, and maintains hotlines to report the sexual exploitation of children online.

Thailand's *Anti-Trafficking in Persons Act* is a comprehensive piece of legislation, covering many aspects of the offence, including assistance and protection to victims. The government has also signed various regional agreements and memoranda of understanding (MoUs) with neighbouring countries on human trafficking and has developed guidelines for government agencies and NGOs engaged in anti-trafficking operations. While these laws and policies appear strong, their implementation and enforcement have been criticised. Compared to the estimated magnitude of the problem, there appears to be a disproportionate number of arrests, prosecutions, convictions and awards of compensation to victims. It is the responsibility of the Ministry of Social Development and Human Security (MSDHS) to provide assistance and protection to victims of trafficking. While there is evidence to show that the MSDHS is providing services to victims within their shelters, these services have been criticised for their lack of specialisation and the length of time victims are held. It has also been reported that many of the support services provided to child victims of trafficking for sexual purposes come from INGOs and NGOs in the country.

While Thailand's laws are generally strong when it comes to protection for children against sexual exploitation, there are still gaps that remain in regard to legislation that affect the prosecution of travelling child sex offenders. Thailand's law only extends extraterritorial jurisdiction to a limited number of sexual offences. Additionally, extraterritorial jurisdiction is subject to a double criminality requirement, in which the relevant offence must be a criminal offence both in the country in which it occurred, and in the State of which the offender is a national/resident. This can result in travelling child sex offenders escaping prosecution in countries that have fewer legal protection frameworks addressing CSEC. The law also does not appear to criminalise acts carried out in preparation for SECTT.

Risk Factors Leading to Vulnerability to CSEC

Risks and vulnerabilities of children to sexual exploitation cannot be attributed to one specific profile or situation, such as poverty or lack of education, although these factors can play a significant role. Some research has suggested that governments and other relevant actors should look beyond factors like poverty to explain the prevalence of CSEC in Thailand.

The research makes it clear that the most vulnerable groups of children to sexual exploitation are children on the move, migrants, refugees, stateless children, ethnic minorities and children living and/or working on the street. This vulnerability is reportedly due to various factors, including a lack of legal status, discriminatory cultural attitudes, exploitative working conditions and a lack of community. An additional vulnerability factor that reportedly affects children from all backgrounds is the desire for consumer goods.

RECOMMENDATIONS

Recommendations to government agencies and mechanisms include:

- Conducting an evaluation of the existence and level of specialised services for child victims of trafficking for sexual purposes at government shelters and throughout the victim identification process;
- Developing national databases that include all manifestations of CSEC, including numbers of arrests, prosecutions and convictions of offenders, disaggregated by age, sex and type of exploitation;

- Investigating and prosecuting corruption at all levels, not only among law enforcement but all occupations related to child protection, including prosecutors, judges and social workers;
- Amending sections of the *Criminal Procedure Code*, the *Prevention and Suppression of Prostitution Act*, the *Penal Code*, the *Computer Crime Act* and the *Anti-Trafficking in Persons Act* to provide further protection for victims of CSEC;
- Ensuring that children’s voices – both victims and those at risk – are not only heard but taken into consideration in all matters that affect them.

Recommendations to law enforcement include:

- Providing CSEC-specialised, child-focused training with an emphasis on victimology and adolescents;
- Continuing to monitor travel and tourism “hotspots” to identify victims and offenders of sexual exploitation of children in travel and tourism, as well as investigating reports of this exploitation in more remote locations;
- Eliminating the selling of child sexual abuse materials on the streets;
- Continuing to investigate and prosecute CSEC cases involving particularly sensitive offenders such as monks, police, justice officials and teachers.

Recommendations to civil society include:

- Conducting awareness raising activities at national as well as local levels where Internet connectivity is growing, on online risks to children of sexual exploitation, including online grooming;
- Coordinating initiatives with a variety of government ministries (not only the MSDHS) to review the process and effectiveness of available support services to victims;
- Organising open forums in communities to discuss CSEC-related issues to address misinformation, stereotypes or social tolerance surrounding CSEC as well as to develop a wider child protection network;
- Conducting awareness raising of the risk factors involved with the trafficking of children in coordination with government agencies, the private sector, local community officials and schools, particularly in Northern Thailand which has been identified as a vulnerable region to trafficking;
- Increasing coordination and cooperation among INGOs and NGOs working on child protection issues through informal meetings on a regular basis to discuss and decide which issues should be prioritised and which research questions should be investigated.

Recommendations for further research include:

- Developing a reliable, realistic methodology for investigating the scope and scale of child prostitution, including research on the exploitation of boys and LGBT children as well as “voluntary” prostitution;
- Investigating risk factors among those most vulnerable, including: migrant and stateless children, children from “dysfunctional” families, ethnic minorities and children living and/or working on the street;
- Conducting research on demand for sex with children by travelling child sex offenders, steering away from generalised terms of description such as “western” and “regional” offenders and including an analysis of domestic demand as well as demand from nearby countries;

- Investigating the prevalence and nature of the sexual exploitation of children in travel and tourism in relation to new tourism products, including ecotourism, voluntourism and home stay tourism;
- Researching the role of ICT in the sexual exploitation of children in travel and tourism as well as the links between child sexual abuse materials and the sexual exploitation of children in travel and tourism.

The complete list of recommendations can be found in Section V of this report.

SECTION I:

INTRODUCTION

In order to effectively and efficiently protect children from commercial sexual exploitation in Thailand, there must be an evidence-based understanding of its scale and manifestations, the vulnerability of children to those manifestations, data reflecting how and where children are being exploited and by whom and, related to these, how to provide child victims with the support they need for recovery and reintegration. In response to this need, a situational analysis (SITAN) was undertaken through a desk review to examine and assess the current situation of the commercial sexual exploitation of children (CSEC) in Thailand.

OBJECTIVES OF THE SITAN

Overall Objective

To conduct a situational analysis through a desk review to investigate and analyse the magnitude, nature, context and trends of the commercial sexual exploitation of children in Thailand.

Specific Objectives

- To produce a comprehensive written report with country-specific findings based on secondary research data in order to inform policy development and strengthen national legal frameworks;
- To identify emerging trends and manifestations of CSEC including those associated with online sexual exploitation of children;
- To provide the government, relevant NGOs/agencies and other key stakeholders with reliable, evidence-based, contemporary data to assist in building realistic and effective intervention programmes to eliminate CSEC;
- To widely disseminate the written report and use the findings to advocate at the local, national, regional and international levels for improved prevention and protection policies, mechanisms and frameworks for victims or those at risk of CSEC.

Key Research Questions

- What is the current situation and emerging trends in the scale and scope of the commercial sexual exploitation of children in Thailand?
- What are the causes and risk factors surrounding the vulnerability of children to sexual exploitation, including the gender dimensions?
- Who is exploiting vulnerable children in Thailand and how?
- What policies, legislation, interventions and relevant child protection services exist in Thailand to address all forms of CSEC and how effective are they?

- What key players are involved in combating CSEC and what actions have been taken to date?
- How can relevant stakeholders better address CSEC so that all children, with a focus on the most vulnerable, in Thailand are protected?
- What is the quality of existing information/data in the country on CSEC and what are the gaps and challenges in CSEC research that need to be addressed?

METHODOLOGY

Desk review

Conducting a desk review was the primary undertaking for this SITAN to discover the scale and scope of what has been reported concerning CSEC in Thailand. Although Thailand has been identified as a country with significant cases of sexual exploitation of children in all its manifestations, there was surprisingly little up-to-date data or studies on the issues, particularly regarding child prostitution and child sexual abuse materials.

It was not difficult to find information on trafficking in persons in Thailand or on government efforts to address the problem, especially since Thailand's downgrade to a Tier 3 country in the US Department of State's Trafficking in Persons Report in 2014. It was challenging, however, to find recent, disaggregated data on the trafficking of children specifically for sexual purposes. The majority of the research on the sexual exploitation of children in travel and tourism focused on international travellers (mostly from "Western" countries) and provided little information or analysis on those from nearby countries – and even less – on local offenders. The literature reviewed provided a plethora of statistics on the number of children involved in prostitution in the country over the past two decades; however, the range of estimates varied so greatly, it was difficult to come to any kind of realistic, evidence-based conclusion on the scale of the problem. Although a new amendment to Thailand's *Penal Code* on child pornography was approved in 2015, this manifestation of CSEC had the least amount of information available in the literature reviewed, especially regarding the profiles of victims and offenders.

Contacting key child's rights actors

Based on the reviewed literature, specific questions were sent to key actors in the country representing different areas/fields of work related to CSEC in order to fill gaps in information or provide clarity on certain issues. The names of those contacted are provided in the acknowledgements of this report.

Roundtable consultations

Two roundtable consultations were held that contributed to the content and findings of this SITAN. The first was organised by ECPAT International and took place in Pattaya on 22 April 2015. The roundtable focused on the situation of CSEC in Pattaya and included participants from Hand to Hand Foundation; Child Protection and Development Centre, Human Help Network (HHN) Foundation Thailand; Pattaya City Hall; Shelter Centre Pattaya; Tourist Police Volunteer; Oak Foundation; and ECPAT International. The roundtable included discussions on: places where CSEC occurs; methods abusers use to gain access to children; vulnerability of children to CSEC; and issues to be addressed if CSEC is to be tackled more effectively.

The second roundtable consultation was organised by ECPAT International and took place on 31 August 2015. Participants included representatives from the Thai government, NGOs, the Royal Thai Police, local universities, UN agencies and independent child rights consultants. The findings of the desk review were shared and feedback was provided by participants including recommendations for future research.

A full list of the participants present at both consultations is provided in Annex 5.

RESEARCH LIMITATIONS

During this research project, the following limitations and challenges were encountered:

- There was a general lack of data on CSEC manifestations, especially regarding child sexual abuse materials. There were a number of resources and studies found on trafficking and prostitution generally, but limited statistical data on child victims and types of exploitation. There was very little systematically collected data by government agencies or NGOs, which made it difficult to identify trends over time. While statistics and examples were given related to each manifestation of CSEC, there were times when reliable, evidence-based conclusions could not be drawn from the information found on the current situation of CSEC in Thailand.
- Many of the studies involving qualitative and quantitative research were out-of-date. Additionally, multiple sources cited statistics and studies from over a decade earlier – without acknowledging the time gap – and hence would present the data as if it applied to the situation of CSEC in 2015. Where possible, the SITAN tried to address this issue by acknowledging the dates of the original texts/studies cited.
- The desk review was conducted solely in English. Multiple official documents from the government found online were “unofficial” translations and some documents had several versions containing different terminology. Hence, it is possible that some of the terminology may differ in English, depending on the source and translation.
- The study did not include any significant field research beyond the two consultations and contact with various key stakeholders.

COUNTRY PROFILE

The Kingdom of Thailand is located in Southeastern Asia and covers an area of 514,000 square kilometres. It borders the Andaman Sea and the Gulf of Thailand, with a coastline of 3219 km. The country shares its land borders with Cambodia to the East (sharing a 817 km border), Laos to the Northeast (sharing a 1845 km border), Malaysia to the South (sharing a 595 km border) and Myanmar to the North and West (sharing a 2416 km border).

Thailand is the only Southeast Asian country never to be colonised by a European power. The country has a population of approximately 67 million and is made up of 77 provinces with its capital in Bangkok or, as it is known to Thais, Krung Thep (City of Angels). Today, Bangkok is home to over nine million people. The country is governed by a constitutional monarchy and Thailand's King, His Majesty Bhumibol Adulyadej, has been on the throne for almost 70 years. The Parliament has legislative power which is exercised through a National Assembly made up of a House of Representatives and the Senate. The Parliament approves all legislative matters of national policy, which then require the King's signature before becoming law.



Figure 1: Thailand Map
(<http://www.funpittsburgh.com/thailand-map/>)

Since 1932, Thailand has reportedly experienced 13 military coups.¹ The most recent coup took place in May 2014 and in August of that year, General Prayut Chan-o-cha, Head of the National Council for Peace and Order (NCPO) and Commander-in-Chief of the Royal Thai Army, was appointed the 29th Prime Minister of Thailand. According to UNICEF, this “prolonged political crisis and instability has disrupted Thailand’s social development path, impeding continuity of policy direction and implementation.”²

Thailand is the second largest economy in Southeast Asia with a gross domestic product (GDP) in 2014 of around USD 374 billion,³ with exports accounting for over 70% of its GDP.⁴ The predominant religion in the country is Buddhism (approximately 95% of the Thai population) and the official language is Thai.

Table 1: Key Demographic Indicators

Demographic Indicators	2010	2011	2012	2013	2014
Total Population ⁵	66.4 million	66.58 million	66.79 million	67.01 million	67.22 million
Population under 14 years old	12.837 million ⁶	12.584 million ⁷	12.263 million ⁸	12.163 million ⁹	11.949 million ¹⁰
Population between 15 and 24 years old	9.505 million ¹¹	9.411 million ¹²	9.311 million ¹³	9.205 million ¹⁴	10.194 million ¹⁵
Life expectancy at birth	74 years ¹⁶	74 years ¹⁷	74 years ¹⁸	74 years ¹⁹	74 years ²⁰
% of population living in urban areas ²¹	44%	45%	47%	48%	49%
% of population below international poverty line (1.25 USD/day)	16.9% ²²	13.2% ²³	12.6% ²⁴	N/A	N/A

- 1 Coup in Thailand’s political history, accessed 23 July 2015 from: <http://library2.parliament.go.th/wichakarn/content-digest/digest009.html>
- 2 UNICEF Thailand, *Situation Analysis of Children and Women in Thailand* (Bangkok: UNICEF, 2011), p. 3.
- 3 The World Bank, *Thailand*, accessed 7 September 2015 from: <http://www.worldbank.org/en/country/thailand>
- 4 Thailand Ministry of Foreign Affairs, *Thailand Today: Economy*, accessed 14 July 2015 from: <http://www.thailandtoday.in.th/economy>
- 5 World Bank, Population, total, accessed 7 July 2015 from: <http://data.worldbank.org/indicator/SP.POP.TOTL>
- 6 UNESCO Institute for Statistics, accessed 7 July 2015 from: <http://data.uis.unesco.org/>
- 7 *Ibid.*
- 8 *Ibid.*
- 9 *Ibid.*
- 10 CIA World Factbook, Thailand, accessed 7 July 2015 from: <https://www.cia.gov/library/publications/the-world-factbook/geos/th.html>
- 11 UNESCO Institute for Statistics, accessed 7 July 2015 from: <http://data.uis.unesco.org/>
- 12 *Ibid.*
- 13 *Ibid.*
- 14 *Ibid.*
- 15 CIA World Factbook, Thailand, accessed 7 July 2015 from: <https://www.cia.gov/library/publications/the-world-factbook/geos/th.html>; this statistic for 2014 reverses the trend of the previous four years. It is not clear if this is correct or if it is due to different source material (UNESCO vs. World Factbook).
- 16 World Bank, Life expectancy at birth, total (years), accessed 7 July 2015 from: <http://data.worldbank.org/indicator/SP.DYN.LE00.IN>
- 17 *Ibid.*
- 18 *Ibid.*
- 19 *Ibid.*
- 20 CIA World Factbook, *Life Expectancy at Birth*, accessed 7 July 2015 from: <https://www.cia.gov/library/publications/the-world-factbook/fields/2102.html>
- 21 World Bank, *Urban population (% of total)*, accessed 7 July 2015 from: <http://data.worldbank.org/indicator/SP.URB.TOTL.IN.ZS>
- 22 World Bank, *Poverty headcount ratio at national poverty line (% of population)*, accessed 7 July 2015 from: <http://data.worldbank.org/indicator/SI.POV.NAHC>
- 23 *Ibid.*
- 24 *Ibid.*

In 2013, Thailand was ranked 89th out of 187 countries on the United Nations Development Programme (UNDP) Human Development Index.²⁵ In recent years, Thailand has experienced increases in Internet access, as well as in tourism, with the largest number of international tourists coming from East Asia (see Annex 4).

Table 2: Other Country Statistics

Tourist arrivals at national borders (2010)	15,936,000
Tourist arrivals at national borders (2012)	22,354,000 (13,048,000 male; 9,306,000 female)
Individuals using the Internet (2010)	22.4%
Individuals using the Internet (2012)	26.5%
Unemployment (% of labour force) (2012)	0.7%
Refugees and others of concern to UNHCR (mid-2013)	602,600

Source: UN data, Country Profile: Thailand, <https://data.un.org/CountryProfile.aspx?crName=THAILAND>; Statistical Yearbook Thailand 2013, http://web.nso.go.th/en/pub/e_book/YEARBOOK_2013/index.html#/701/zoomed

SITUATION OF CHILDREN

In 2008, the estimated child population of Thailand was 17.5 million (approximately 8.9 million males and 8.5 million females). The greatest number of children (37%) was located in the Northeast, recognised as the poorest region of the country.²⁶ In 2012, the reported population of those under 18 was approximately 15.1 million²⁷ which accounts for around 23% of the population.

Over the past two and a half decades, poverty in Thailand has reportedly fallen by around two-thirds. According to UNICEF Thailand:

“This prosperity, combined with a growing awareness of and commitment to child rights, has resulted in successive governments investing in the wellbeing and future of children...since 1990, achievements have included:

- a 50 per cent fall in infant mortality;
- a 50 per cent reduction in the number of children underweight;
- immunization coverage above 90 per cent;
- a doubling of secondary school enrolment and massive reductions in child labour;
- laws to protect the rights of children, including the 1997 Constitution, the Thai Education Act of 2000, the Child Protection Act of 2003 and the School for All cabinet resolution of 2005;[and]
- bilateral and regional agreements to address trafficking and migration, including the world’s first multi-country Memorandum of Understanding on trafficking...”²⁸

25 UNDP, *Human Development Report 2014, Sustaining Human Progress: Reducing Vulnerabilities and Building Resilience (explanatory note on the 2014 Human Development Report composite indices)*, Thailand, accessed 7 September 2015 from: http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/THA.pdf

26 UNICEF, *Situation Analysis*, 2011, p. 11.

27 UNICEF Thailand, *Statistics*, accessed 18 September 2015 from: http://www.unicef.org/infobycountry/Thailand_statistics.html

28 UNICEF Thailand, *Thailand country profile*, accessed 14 July 2015 from: <http://www.unicef.org/thailand/overview.html>

Despite these improvements, it was reported in 2011 that approximately one in eight children lived in poverty.²⁹ In 2013, it was reported that approximately eight million Thais lived below the national poverty line, 2.5 million of whom were children.³⁰

UNICEF has also pointed out that the above achievements have not benefited all children in Thailand, especially:

“

...children of ethnic minorities, migrants, refugees and the very poor... [who] are still denied many of their basic rights to survival, protection and development. For example, there are still an estimated 600,000 primary-school aged children not in primary school or who are enrolled late. A disproportionate number of them are from minority groups in remote or very poor areas, often along Thailand's borders with Cambodia, Lao PDR, Malaysia and Myanmar. Children in these groups also account for the vast majority of children who are not registered at birth -- which their rights to an education, healthcare and other services could be denied.³¹

”

Remaining challenges for children in the country include birth registration; access to and quality of education; HIV/AIDS; trafficking and other forms of commercial sexual exploitation; child labour; poverty and increasing disparities; violence against children; child soldiers; refugees; awareness of child rights; and a lack of data on children's issues.³²

In recent years, economic and social developments in the country have also led to changes in traditional Thai culture and family contexts. According to Thailand's Report to the Committee on the Rights of the Child in 2011:

“

Developments over the past decades have significantly changed the face of Thai society. The focus on economic, rather than social, development; adaptation of values towards capitalism and materialism; and contact with Western cultures have all contributed to the change in traditional aspects of Thai family structure, most importantly the change from extended family to nucleus family. In the urban areas, often both parents are engaged in economic activities, leaving their children in the care of child minders or day-care institutions. In the rural society, children are very often left with elderly grandparents, while parents move away to search for better economic opportunities in towns.³³

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29 According to UNICEF, this refers to households in which expenditure of each member of the family is below the official poverty line (1,443 baht per person per month).

30 Ross, M.P., "Child Trafficking in Thailand: Prevention and Prosecution Challenges", *Asian Affairs: An American Review*, Vol. 40, no. 4, 2013: 163-174. The source of these numbers was not cited. Upon additional research, the numbers were found in various news articles; see: The Nation, *Up to 8m Thais below poverty line, says PM*, accessed 20 July 2015 from: <http://www.nationmultimedia.com/home/Up-to-8m-Thais-below-poverty-line-says-PM-92767.html>; The Nation, *Where a little is a lot*, 9 January 2014, accessed 20 July 2015 from: <http://www.nationmultimedia.com/webmobile/life/Where-a-little-is-a-lot-30223803.html>.

31 UNICEF Thailand, *Thailand country profile*, accessed 14 July 2015 from: <http://www.unicef.org/thailand/overview.html>. The time period of this information reported by UNICEF is unclear.

32 *Ibid.*

33 Committee on the Rights of the Child, *Consideration of reports submitted by States parties under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, Initial reports of States parties due in 2008: Thailand*, CRC/C/OPSC/THA/1, 19 July 2011, para. 110.

According to the Thailand Multiple Indicator Cluster Survey 2012, only 58% of children lived with both parents and “two thirds of children living in poor and the poorest households live[d] with neither parent.”³⁴

Marginalised populations

It is widely recognised that Thailand has large populations of undocumented migrants, stateless persons, refugees and ethnic minorities, with children representing significant percentages of these groups. It was reported in 2006 that about 250,000 migrant children (5–17 years of age) from Cambodia, Laos and Myanmar were living in Thailand.³⁵ In 2011, the Ministry of Interior estimated there were more than 2.4 million “low-skilled” migrants from Cambodia, Laos and Myanmar living in Thailand, over 1.4 million of whom were undocumented.³⁶ Thailand reportedly contains large numbers of Burmese refugees; in its report to the Committee on the Rights of the Child in 2011, Thailand cited statistics from UNHCR that of the 150,000 displaced Burmese people living in Thailand, half were children.³⁷

The International Organization for Migration (IOM) reported in 2011 that there were 377,000 children of international migrants in Thailand, or about 11% of the total migrant population. The total included 113,000 children of registered ethnic minorities, 128,000 children of registered migrant workers, 54,000 children of displaced persons and 82,000 children of unregistered migrants.³⁸ Save the Children has noted that this data “contain[ed] a considerable margin of error due to the difficulty of estimating actual numbers.”³⁹

According to the Thai government, more than 300,000 “illegal” migrants enter Thailand every year.⁴⁰ A registration system for migrant workers has reportedly been established⁴¹ and it was reported that, in 2012, the Thai government registered more than 800,000 undocumented migrants.⁴²

It has been estimated that at one point Thailand had a stateless population of around two million people and, in 2007, the government reportedly estimated that there were one million stateless children in the country.⁴³ In more recent years, UNHCR has estimated the number of stateless persons in the country to be closer to 500,000.⁴⁴ In 2011, it was reported that almost one million people identified as ethnic minorities without birth certificates were living in Thailand and, as a result, lacked formal social protection.⁴⁵ While efforts are appearing to be made to address the high population of children among these groups and their increased risks to discrimination, violence and exploitation, there are reportedly a large proportion of children that remain unprotected.

34 Thailand National Statistical Office, *Thailand Multiple Indicator Cluster Survey: monitoring the situation of children and women* (Bangkok: National Statistical Office, 2012).

35 UNICEF, *Situation Analysis*, 2011, p. 43; citing to: Education for Migrant and Stateless Children in Thailand, Office of the Education Council, 2008.

36 IOM, *Thailand Migration Report 2011, Migration for Development in Thailand: Overview and Tools for Policymakers* (Bangkok: IOM, 2011), p. 11.

37 Committee on the Rights of the Child, *Initial reports of States parties on the OPSC: Thailand*, 2011, para. 11.

38 IOM, *Thailand Migration Report 2011*, p. xiv.

39 Save the Children, *Thailand Strategic Plan 2014-2015*.

40 Thailand Ministry of Foreign Affairs, *Trafficking in Persons 2014 Country Report*, p. 45. Emphasis added by author.

41 *Ibid.*, p. 27.

42 U.S. Department of State, *Trafficking in Persons Report 2013: Thailand*, available at: <http://www.state.gov/documents/organization/210742.pdf>

43 UNICEF, *Situation Analysis*, 2011, pp. 40, 43.

44 UNHCR, *2015 UNHCR country operations profile – Thailand*, accessed 10 September 2015 from: <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e489646&submit=GO>

45 UNICEF, *Situation Analysis*, 2011, p. 9.

Education

In 2012, the Committee on the Rights of the Child highlighted Thailand's achievement of the Millennium Development Goals (MDGs) on education and the adoption of the 15-year free compulsory education for all programme. The number of students in the Thai education system has risen dramatically over the last 25 years. According to UNICEF, the net enrolment rate for children from 6-11 years of age grew from approximately 81% in 2000 to around 90% in 2009; the rate for children from 12-17 years of age grew from around 55% in 2000 to approximately 72% in 2009.⁴⁶ The Committee expressed concern, however, over the approximately 600,000 primary school children (ages 6-11) not in school in 2010 and a net enrolment ratio of only approximately 72% for secondary education.⁴⁷

It was reported in 2010 that almost 10% of school-age children from poor households did not attend school.⁴⁸ A study carried out by the Thai Education Watch Network examining education among marginalised groups, reported on by UNICEF in 2011, found that about 15% of the children and adults interviewed had not received any kind of formal education and only 51% received a primary education. These statistics were reportedly well below the national average.⁴⁹

Birth Registration

Amendments to the *Civil Registration Act* in 2008 granted the right to birth registration for all children born in Thailand, regardless of their parents' legal status.⁵⁰ In September 2010, the Thai government approved the withdrawal of its reservation to Article 7 of the *UN Convention on the Rights of the Child* (CRC), which guarantees the right of the child to be registered immediately after birth, the right from birth to a name and the right to acquire a nationality.⁵¹ According to a survey on the situation of children and women conducted by the National Statistical Office and UNICEF in 2012, almost all children under the age of five were registered at birth (99.4%); however, only 79.2% of children from non-Thai households were registered.⁵²

46 UNICEF Thailand, *Education Overview*, accessed 10 September 2015 from: http://www.unicef.org/thailand/education_303.html

47 Committee on the Rights of the Child, *Consideration of reports submitted by States parties under article 44 of the Convention, Concluding observations: Thailand, CRC/C/THA/CO/3-4*, 17 February 2012, para. 68(b)&(c).

48 UNICEF, *Situation Analysis*, 2011, p. 45; citing to: Chandoevmit, W., et al., *Choices of Social Welfare for Thais*, 2010. It is not clear from the literature how "school-age children" is defined.

49 *Ibid.*, p. 25; citing to: Report on the survey of the education situation among the seven marginalized groups including cases of homeless children, indigenous/ethnic minority children, displaced children, children from urban slums, migrant children, rural children and children in conflict area – three southern provinces, Thai Education Watch Network. It should be noted that the 15% who had not received any kind of formal education included both children and adults. Many adults from marginalised groups never have an opportunity to study so the 15% statistic may be influenced by the adults more than by the children.

50 *Ibid.*, p. 40; see: *Civil Registration Act* (No. 2), B.E. 2551 (2008).

51 Ministry of Foreign Affairs of the Kingdom of Thailand, Press Release, January 2011, accessed 14 July 2015 from: <http://www.mfa.go.th/main/en/media-center/14/7753-Thailand-has-withdrawn-its-reservation-to-Article.html>; see: Article 7, *Convention on the Rights of the Child*: 1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents; 2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

52 UNICEF, *Multiple Indicator Cluster Survey Thailand*, 2012, p. 6.

Child Labour

In 2005, Thailand’s Ministry of Labour approximated that there were 300,000 children employed in “registered establishments” in 2005. The actual number of children involved in labour was likely higher, as this official statistic only included those children from 15-17 years of age and did not include unregistered or falsely registered children, particularly migrants.⁵³

The International Labour Organization (ILO) estimated in 2006 that 1.5 million workers (15–19 years of age) were involved in labour, two thirds of whom were in the informal economy.⁵⁴ An ILO survey of working children conducted in six selected provinces of Thailand in 2006 found that, of the 2200 child labourers surveyed, 35% were younger than 15 years and as many as 44% could be categorised as in a worst form of child labour.⁵⁵ Despite these statistics, the ILO recognised in 2008 that Thailand had reduced the amount of child labour in the country over the past 15 years.⁵⁶

Violence against Children

It was reported in 2009 that of the 22,925 cases of violence against women and children handled by the One-Stop Crisis Centre of the Ministry of Public Health, 12,031 were children; 87% of whom were girls.⁵⁷ According to a survey of 631 hospitals in 2013 by the Ministry of Public Health, more than 19,000 children – or about 52 children per day – were treated for physical and sexual abuse.⁵⁸

According to UNICEF in 2011,

“

“In recent years, Thailand has witnessed a steady increase in the reported number of cases of violence against children and women. This is partly a result of improvement in monitoring and information systems, particularly through the One-Stop Crisis Centres of the Ministry of Public Health, and a stronger legal framework. It is too early to say whether this represents a real increase in cases or improved monitoring and response systems along with heightened awareness of the problem.”⁵⁹

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53 ILO, *Overview of Child Labour in Thailand*, available at: http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_098336.pdf

54 UNICEF, *Situation Analysis*, 2011, p. 37.

55 ILO, *Overview of Child Labour in Thailand*.

56 *Ibid.*

57 UNICEF, *Situation Analysis*, 2011, p. 14. It should be noted that these numbers represent only those who sought hospital care and therefore may not necessarily be representative of the entire population.

58 UNICEF Thailand, Media Centre, *UNICEF and the Government launch the End Violence Against Children Campaign, urging Thai parents to stop corporal punishment*, 19 January 2015, accessed 4 August 2015 from: http://www.unicef.org/thailand/media_23459.html

59 UNICEF, *SITUATION ANALYSIS*, 2011, p. 35.

Hill Tribe Children in Northern Thailand

In Thailand, the term “hill tribes” refers to ethnic minorities who live mostly in the northern highlands. In 2002, it was reported that there were 3527 hill tribe villages in 20 provinces of Thailand, consisting of approximately 751,886 people. The largest tribal group was identified as Karen (46%), followed by Hmong (16.3%) and Lahu (11%). Of all the provinces, Chiang Mai reportedly had the largest hill tribe population.⁶⁰ In 2005, ECPAT UK estimated that there were 800,000 to 900,000 hill tribe people living in Northern Thailand.⁶¹

It has been reported that hill tribe people experience higher rates of poverty than the rest of the population and many lack Thai citizenship. As a result, they reportedly do not always have access to health care or primary school, which can increase children’s vulnerability to sexual exploitation. It has also been reported that children in hill tribe communities can be excluded from prevention programmes and victim services.⁶²

Children in the Southern Conflict

Five provinces in the south (Narathiwat, Pattani, Satun, Songkhla and Yala), are home to over 65% of Thailand’s Muslim population and the three southernmost provinces (Narathiwat, Pattani and Yala) are reportedly among the 20 poorest in Thailand.⁶³

According to the 2014 report of the Secretary-General on children and armed conflict, “despite the unprecedented announcement of a ‘general consensus on the peace dialogue process’ between the Government of Thailand and ‘people who have different opinions and ideologies from the State’, including the National Revolutionary Front (BRN), on 28 February 2013, armed violence continues to affect the southern border provinces of Thailand.”⁶⁴ Children are affected in a number of ways due to this conflict. UNICEF has reported that over 5000 children have been orphaned due to violence in the southern border provinces.⁶⁵ Children as young as 14 have reportedly been recruited by armed groups in the region and are allegedly used as informants and lookouts. In 2012, the Committee on the Rights of the Child urged the Thai government to criminalise underage recruitment into any armed forces and to support the recovery and reintegration of child soldiers,⁶⁶ but these recommendations have reportedly not been implemented.⁶⁷ It was reported in February 2015, however, that the *Child Protection Act* (2003) was in the process of being amended to “explicitly criminalise the involvement of children in armed forces or armed groups.”⁶⁸

60 Food and Agriculture Organization of the United Nations, Regional Office for Asia and the Pacific, *Case study on Education Opportunities for Hill Tribes in Northern Thailand: implications for sustainable rural development* (Bangkok: FAO, 2002).

61 ECPAT UK, *Child Sex Tourism in Thailand*, <http://www.ecpat.org.uk/sites/default/files/thailand05.pdf>

62 *Ibid.*

63 UNICEF, *Child and Young People in Thailand’s Southernmost Provinces: UNICEF Situation Analysis*, (nd), pp. 12,17.

64 UN General Assembly Security Council, *Children and armed conflict: Report of the Secretary-General*, A/68/878-S/2014/339, 15 May 2014, para. 200. For more information on the history of the southern conflict, see, for example: The Asia Foundation, *The Contested Corners of Asia, Subnational Conflict and International Development Assistance: The Case of Southern Thailand*, 2013, accessed 18 July 2015 from: <https://asiafoundation.org/resources/pdfs/SouthernThailandCaseStudyFullReport.pdf>

65 UNICEF Thailand, *Overview: What is child protection?*, accessed 16 July 2015 from: <http://www.unicef.org/thailand/protection.html>

66 Committee on the Rights of the Child, *Consideration of reports submitted by States parties under article 8 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, Concluding observations: Thailand*, CRC/C/OPAC/THA/CO/1, 21 February 2012, paras. 6, 22.

67 Child Soldiers International, *Thailand: Children in South need urgent protection*, accessed 16 July 2015 from: http://www.child-soldiers.org/news_reader.php?id=802; see generally: Child Soldiers International, *Southern Thailand: Ongoing recruitment and use of children by armed groups*, 2014.

68 Permanent Mission of Thailand to the United Nations, *Peace and Security: Children and Armed Conflict*, accessed 4 August 2015 from: <http://www.thaiembassy.org/unmissionnewyork/en/relation/4903/54011-Children-and-Armed-Conflict.html>

According to UNICEF, “capacities in the south for monitoring and effectively addressing issues of basic health, maternal health, child development and growth, and child protection face greater limitations than elsewhere in Thailand.”⁶⁹ UNICEF has also identified specific areas of child protection that need to be addressed in the region, including human trafficking, prostitution and the physical and sexual abuse of children.⁷⁰

CHILD PROTECTION SYSTEM/FRAMWORK

Legislation and policy

Thailand has ratified or acceded to almost all international human rights instruments related to children’s rights, including the *UN Convention on the Rights of the Child* (CRC) and all three of its Optional Protocols,⁷¹ as well as the *UN Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children* (Palermo Protocol). It has not ratified any of the international conventions or protocols related to stateless persons or refugees⁷² and still maintains its reservation to Article 22 of the CRC.⁷³ Thailand has ratified or signed several regional instruments, including the ASEAN Human Rights Declaration, the ASEAN Declaration against Trafficking in Persons, particularly women and children and the ASEAN Treaty on Mutual Legal Assistance in Criminal Matters (see Annex 2 for complete list of ratified treaties).

The Department of Children and Youth under the Ministry of Social Development and Human Security (MSDHS) is responsible for the implementation of the CRC and its Optional Protocols. The Department of Children and Youth was established on 6 March 2015 and was originally known as the Office of Promotion and Protection of Children, Youth, Disabilities, the Elderly and Vulnerable Groups.⁷⁴

When the Thai military took power on 22 May 2014, the 2007 Constitution was dissolved. As of August 2015, Thailand was governed by the Constitution of the Kingdom of Thailand (Interim) Act B.E. 2557 (2014). Drafting of a new constitution by the government has been ongoing and it was announced in March 2015 that Thailand’s 20th constitution will be inaugurated in September 2015.⁷⁵ Thailand’s 2007 Constitution provided children with, *inter alia*, the right to survival; physical, mental and intellectual development;

69 UNICEF, *Child and Young People in Thailand’s Southernmost Provinces*, p. 17.

70 *Ibid.*, p. 49.

71 Optional Protocol on the involvement of children in armed conflict (2000); Optional Protocol on the sale of children, child prostitution and child pornography (2000); Optional Protocol on a communications procedure (2011).

72 *Convention relating to the Status of Stateless Persons* (1954), *Convention on the Reduction of Statelessness* (1961), *Convention relating to the Status of Refugees* (1951), *Protocol relating to the Status of Refugees* (1967).

73 *Convention on the Rights of the Child*, Article 22: “(1) States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties; (2) For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.”

74 ECPAT International, response to questions sent via email to Ms. Kritsana Pimonsaengsuriya, Independent Consultant on child’s rights, child protection and child and youth participation, Bangkok, Thailand, 14 July 2015.

75 See: English, K., “New Thai Constitution enacted by 4 Sept: Govt”, *Thai Visa News*, 12 March 2015, accessed 14 July 2015 from: <http://news.thaivisa.com/thailand/new-thai-constitution-enacted-by-4-sept-govt/38062/>

protection by the State against violence; and the right to receive remedies and proper treatment in cases of sexual violence.⁷⁶ It is unclear what additional provisions, if any, the new constitution will contain regarding child protection.

Thailand has a variety of national laws addressing child protection, including the *Prevention and Suppression of Prostitution Act* (1996), the *Penal Code* (2003), the *Child Protection Act* (2003), the *National Child and Youth Development Promotion Act* (2007) and the *Anti-Trafficking in Persons Act* (2008).

Basic criminal offences relating to the sexual abuse and assault of children are provided under Thailand's *Penal Code* with possible sentences ranging from four years to life imprisonment.⁷⁷ It has been suggested by UNODC that these provisions in the Penal Code related to the sexual abuse of children could be strengthened by criminalising the grooming of children.⁷⁸

Thailand's 2003 *Penal Code* permitted a man to have sexual intercourse with a child under the age of 16 if she was married to him, and to have sexual intercourse with a child of 14 or 15 years of age without punishment if she consented and the court granted them permission to marry.⁷⁹ Reportedly, the Penal Code was amended in 2007 to outlaw marital rape;⁸⁰ however, desk research was unable to locate the amendment to confirm that it repealed any or all of these provisions.

Thailand's *Child Protection Act 2003* (CPA) prohibits discrimination "of an unfair nature" against a child and requires that the best interests of the child be given primary importance in any case.⁸¹ Provisions prohibit abuse and mistreatment of a child, including torture, exploitation and use in a pornographic manner and/or in a way that may be physically or mentally harmful to the child.⁸² As of September 2015, the CPA was in the process of being amended to include, *inter alia*, measures to require all schools and educational institutions to provide assistance in child protection matters, including the identification of students who exhibit academic or behavioural problems, particularly those whose behaviour stems from abuse or maltreatment.⁸³

The CPA mandated the establishment of a National Child Protection Committee with the MSDHS as the Chairperson. The Committee was tasked with, *inter alia*, coordinating with other government agencies and private organisations and developing systems, procedures and providing services in connection with child welfare and protection.⁸⁴ The CPA also mandated the establishment of a Bangkok Metropolis

76 See: *Constitution of the Kingdom of Thailand*, B.E. 2550 (2007). Art. 40(6): children, youths, women and disabled or handicapped persons have the right to proper protection during the judicial process and proper treatment in the case of related sexual violence. Art. 52: children and youth shall have the right to survive and receive physical, mental and intellectual development according to their potentials in a suitable environment. Children, youth, woman and family members shall have the right to be protected by the State against violence and unfair treatment and the right to receive remedy in such case. Children and youth with no guardian shall have the right to receive proper care and education from the State.

77 See: Sections 277, 278 and 279, Penal Code. For specific offences, if the victim dies, there is the possibility of a sentence of death; see: Sections 277 bis, 277 ter and 280.

78 UNODC, *Regional Office for Southeast Asia and the Pacific, Child Sexual Exploitation in Travel and Tourism: An analysis of Domestic Legal Frameworks, Thailand* (Bangkok: UNODC, 2014), p. 20. According to UNODC, "Grooming occurs when child sex offenders—including both those who travel and those who do not—seek to initiate and develop a relationship with a child, using that relationship to build trust, for the purpose of ultimately facilitating the sexual exploitation of that child...Grooming typically occurs through communication services like the internet or mobile phones, which offenders use to communicate with the child. In many cases, the offender will initially present himself as another child or young person, gradually introducing the child to sexual content or imagery, and in some cases inducing the child into producing child pornographic material." *Ibid.*

79 See: Section 277, Penal Code.

80 See: Juaseekoon, S., *Recent Developments of Legal System in Thailand*, ASEAN Law Association, 10th General Assembly, accessed 13 July 2015 from: <http://www.aseanlawassociation.org/10GAdocs/Thailand3.pdf>; "The Criminal Code Amendment Act (No.19), 2007 expands the definition of rape to cover raping of people of all sexes, all types of sexual penetration, and criminalization of marital rape and imposes more severe penalties on offenders who engaged in all forms of rape and sexual abuse. It should be noted the bill gives a broader definition of rape to cover female offenders and homosexual rapists."

81 Article 22, *Child Protection Act*.

82 *Ibid.*, Article 26.

83 Information provided by ECPAT Foundation, Chiang Rai, Thailand, September 2015.

84 Article 8, *Child Protection Act*.

Child Protection Committee (Article 16) and a Provincial Child Protection Committee (Article 17). The Committees' duties included: inspecting "nurseries, remand homes, welfare centres, safety protection centres, development and rehabilitation centres, observation centres, or other places related to social welfare, safety protection and behaviour promotion of the child, public and private, within the Bangkok Metropolis or in the provinces"; determining "guidelines regarding social welfare, safety protection and behaviour promotion of the child in the Bangkok Metropolis or the provinces"; and monitoring, evaluating and inspecting "the implementation of activities relating to child assistance and behaviour promotion in the Bangkok Metropolis and at the provincial level ... and report[ing] the findings to the Committee."⁸⁵

In 2009, it was reported that a child protection system was being developed "in priority provinces for the prevention, monitoring and reporting of children affected by abuse, neglect, exploitation and violence, and enabling appropriate responses where needed."⁸⁶ As of 2011, Provincial Child Protection Committees had reportedly been established in 76 provinces of Thailand.⁸⁷

While the CPA addresses a variety of issues relating to the protection of the rights and welfare of children, it has been criticised as:

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“...an idealized mechanism that does not sufficiently take into account the challenges of implementing its vision in the context of professional realities. The successful implementation of the law depends upon a well-resourced, highly trained cadre of staff and a range of functioning services able to respond to a broadly defined range of vulnerable children. The law does not recognize sufficiently the limited infrastructure in which the model is expected to operate.”⁸⁸

”

Similarly, a study of local government effectiveness in implementing the CPA found that most experienced problems.⁸⁹

Table 3: National Laws Addressing Child Protection

Child protection/welfare law	Yes
Physical abuse	Yes
Sex abuse, commercial sexual exploitation	Yes
Children in conflict with the law	Yes
Child witnesses	Yes
Child labour	Yes
Adoption	Yes

Source: ECPAT International, Plan International, Save the Children, UNICEF and World Vision, *National Child Protection Systems in the East Asia and Pacific Region: A review and analysis of mappings and assessments*, (Bangkok: ECPAT International, 2014), Annex 1, Table II

85 *Ibid.*, Article 20.

86 UNICEF East Asia and Pacific Regional Office, *Child Trafficking in East and South-East Asia: Reversing the Trend* (Bangkok: UNICEF EAPRO, 2009), pp. 54-55.

87 Committee on the Rights of the Child, *Initial reports of States parties on the OPSC: Thailand*, 2011, para. 23.

88 ECPAT International, Plan International, Save the Children, UNICEF and World Vision, *National Child Protection Systems in the East Asia and Pacific Region: A review and analysis of mappings and assessments*, (Bangkok: ECPAT International, 2014), p. 23.

89 UNICEF, *Situation Analysis*, 2011, p. 47; citing to: Report prepared by Sompong Jirtrabab, part of meeting document by Department of local Administration and UNICEF, 2008.

Table 4: Age Limits under National Law

Definition of a child	Less than 18 years ⁹⁰
Marriage age	17 years
All work/hazardous work	15/18 years
Consent to sex	15 years
Minimum age for criminal capacity	10 years ⁹¹
Maximum age juvenile protection	18 years
Armed conflict	-

Source: ECPAT International, Plan International, Save the Children, UNICEF and World Vision, *National Child Protection Systems in the East Asia and Pacific Region: A review and analysis of mappings and assessments*, (Bangkok: ECPAT International, 2014), Annex 1, Table III

Thailand’s *National Strategy and Plan of Action for a World Fit for Children (2007-2016)* is recognised as the country’s long-term agenda for children and youth and focuses on 11 key priorities.⁹² It has been reported that monitoring and evaluation mechanisms were developed to measure the Plan’s progress,⁹³ but it is unclear whether this has been carried out.

The *National Child and Youth Development Promotion Act* of 2007 established the National Commission on the Promotion of Child and Youth Development which is responsible for formulating policies, plans and guidelines concerning children and youth.⁹⁴ In 2011, the National Child and Youth Development Plan (2012-2016) was approved, reportedly “integrating the National Policy and Strategic Plan on Child Development in accordance with the ‘World Fit for Children’ of B.E. 2550-2559 (2007-2016) and Provincial Strategic Plans on Child and Youth-Friendly Cities.” The Plan’s strategies included assisting those children in need of special protection and the improvement of child protection systems.⁹⁵

In March 2011, the National Commission on the Promotion of Child and Youth Development, with support from UNICEF Thailand, formed a Sub-Committee to study, develop and pilot in 10 provinces a Child Protection System for Thailand aimed at increasing the effectiveness of communities through the ‘tambon’ authorities in preventing and responding to child protection issues, including effective and closer coordination of multi-disciplinary teams at the local level.⁹⁶

90 There are exceptions to this definition of a child. For example, Article 4 of the Child Protection Act defines a child as: “a person below 18 years of age, but does not include those who have attained majority through marriage.”

91 In 2012, the Committee on the Rights of the Child expressed its concern that while the age of criminal responsibility was raised from 7 years to 10 years in Thailand, it still remained “below internationally acceptable standards.” Committee on the Rights of the Child, *Concluding observations on the CRC: Thailand*, 2012, para. 79; See: Committee on the Rights of the Child, *General Comment No. 10 (2007): Children’s rights in juvenile justice*, CRC/C/GC/10, 25 April 2007, para. 32, “a minimum age of criminal responsibility below the age of 12 years is considered by the Committee not to be internationally acceptable.”

92 1. Family and children; 2. Physical and psychological health; 3. Safety promotion and prevention of injuries; 4. Children and the impact of HIV and AIDS; 5. Education and children; 6. Children and recreation; 7. Media and children; 8. Culture and religion and children; 9. Child participation; 10. Protection for children in need of special protection measures; 11. Legislation, rules and regulations concerning children. UNICEF, ‘Plus 5’ review of the 2002 Special Session on Children and World Fit for Children Plan of Action: Thailand, http://www.unicef.org/worldfitforchildren/files/Thailand_WFFC5_Report.pdf

93 UNICEF, *Situation Analysis*, 2011, p. 5.

94 Articles 10 and 11, *National Child and Youth Development Promotion Act* B.E. 2550 (2007).

95 See: *The National Child and Youth Development Plan*, B.E. 2555-2559 (2012-2016), http://www.youthpolicy.org/national/Thailand_2012_Youth_Development_Plan.pdf

96 Information provided by UNICEF Thailand Office, August 2015. A tambon is a local governmental unit in Thailand. It is the third administrative subdivision level below district and province.

A *National Plan on the Elimination of the Worst Forms of Child Labour (2015-2020)* has reportedly been drafted, but the content of the Plan is unclear and it is not certain when it will be finalised and approved.⁹⁷ In 2012, the government was also reportedly in the process of drafting a Plan of Action on the protection and development of children and youth in the southern border provinces,⁹⁸ but the status of this Plan could not be confirmed.

While it appears that in recent years, the government has been proactive in creating new laws and policies related to child protection, this child protection framework seems to primarily apply to those who are Thai, which may mean that some of the most vulnerable children in the country are not receiving the protection they need.

Implementation of the child protection system

On one hand, Thailand has been recognised as providing “detailed provisions on the authority for child protection services and the process and procedures for intervening to protect a child.” On the other hand, it has been asserted that Thailand lacks “clear, standardized procedures for a child’s progress through the child protection system” and that there is a “need for more detailed guidance (through regulations, decrees or directives) on the criteria, procedures and minimum standards for locating, assessment, referral, care planning, monitoring and record-keeping.”⁹⁹

In Thailand, 12 divisions of the MSDHS – reporting to five departments – are responsible for child protection. The MSDHS oversees two committees responsible for child protection policy development: the National Child Protection Committee under the Office of the Permanent Secretary and the Subcommittee on the Child Protection System under the Office of Welfare Promotion, Protection and Empowerment of Vulnerable Groups.¹⁰⁰ It has been noted that “this diffusion of responsibility for policy-making, allocating budgets and implementing services across ministries continues to cause unnecessary confusion and, at times, paralysis of the child protection system.”¹⁰¹

Additional criticisms of the child protection structure include a lack of practical experience or knowledge of children’s issues of some members of the National Child Protection Committee and the lack of cooperation and coordination among government ministries responsible for child protection.¹⁰²

In addition to the challenges of coordination and lack of training on child rights, a lack of resources has been cited as a barrier to implementation of the child protection framework. It was reported in 2012 that the MSDHS received 0.4% of the total national budget which was among the lowest of any line ministry. Although it was a 4.6% increase over 2011, it represented a smaller percentage of the total budget allocation than in the previous year.¹⁰³

97 See: http://www.ilo.org/asia/info/public/newsitems/WCMS_229290/lang--en/index.htm

98 Committee on the Rights of the Child, *Concluding observations on the CRC: Thailand*, 2012, para. 84.

99 ECPAT International, Plan International, Save the Children, UNICEF and World Vision, *National Child Protection Systems in the East Asia and Pacific Region*, 2014, pp. 19-20.

100 *Ibid.*, p. 25.

101 *Ibid.*

102 *Ibid.*, p. 26.

103 *Ibid.*, pp. 60-61.

A study in 2014 on child sexual abuse in Thailand reported that:

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“...while researchers found child protection systems in place across all the research locations, respondents expressed that the degree of effectiveness of the structures was hindered by a variety of issues, including: the inadequate training of NGO and social workers; denial of the existence of child abuse and child sexual exploitation by authorities; limited availability of services in more remote locations; the tendency towards extra-judicial settlements and treating child sexual abuse as a civil matter; alleged police and local level corruption; lack of police resources, coordination between departments and units, and knowledge of laws and procedures; logistical challenges to responding to abuse cases (e.g. distance, transportation, human resources); failure to take child sexual abuse seriously and; local customs and beliefs.”¹⁰⁴

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Despite these challenges, the government has taken certain steps to strengthen the child protection system implementation process. Thailand has imposed mandatory reporting obligations on all persons who find a child in need of welfare assistance or safety protection.¹⁰⁵ In July 2015, it was announced that the Department of Children and Youth, along with eight other ministries and Mahidol University, had developed a child protection database which would compile all child-related data and incorporate a standardised registration system. It was reported that “the information collected will be used in policy making and budgeting for child development projects and in dealing with child problems and situations both in Thailand and the ASEAN region.”¹⁰⁶

Government assistance to children

The Department of Social Development and Welfare under the MSDHS operates Children’s Reception Homes in Bangkok and 76 provinces in the country. The Reception Homes reportedly provide direct assistance to women and children, including social welfare services and occupational training, as well as act as information and referral centres to those in need.¹⁰⁷

Thailand’s Ministry of Public Health oversees One-Stop Crisis Centres at both provincial and district level hospitals. The Centres are reportedly made up of multi-disciplinary teams, including police, the Office of the Attorney-General, NGOs, emergency shelters and the MSDHS, to provide coordinated and comprehensive services to victims of violence. The process when dealing with a child in these Centres has been described as follows:

104 World Vision Australia, *Sex, Abuse and Childhood: A study about knowledge, attitudes and practices relating to child sexual abuse, including in travel and tourism, in Cambodia, Lao PDR, Thailand and Vietnam*, 2014, p.11.

105 Article 29, *Child Protection Act*: “Upon finding a child in circumstances which warrant welfare assistance or safety protection as stipulated under Chapters 3 and 4, a person shall provide basic assistance and notify a competent official, administrative official or police officer or person having the duty to protect a child’s safety according to Article 24 without delay.”

106 National News Bureau of Thailand, *Thailand develops single dataset on child protection*, 8 July 2015, accessed 20 July 2015 from: http://thainews.prd.go.th/CenterWeb/NewsEN/NewsDetail?NT01_NewsID=WNSO C5807080010036

107 ECPAT International, Plan International, Save the Children, UNICEF and World Vision, *National Child Protection Systems in the East Asia and Pacific Region*, 2014, p. 30.

“

“When a child...comes into the hospital, usually through the emergency room, general medical staff conduct an evaluation to assess the type of treatment needed and collect information. If abuse is suspected, the case is referred to the Crisis Centre. The child...is provided with immediate medical care as needed, and the Crisis Centre staff investigates to determine whether it is safe for the child to return home. If there is a concern, the staff coordinates with the Children’s Reception Home, district administrators or village headman to follow up on the case.”¹⁰⁸

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While the multidisciplinary nature of these support teams has been praised, it has been reported that the Centres have little contact and provide little support for children once they are discharged from the hospital.¹⁰⁹

Thailand has specialised police units that focus specifically on child victims and that have also established child-friendly interview rooms in major cities throughout the country. Thailand has also reportedly established specialised courts for children which are mandated to address the care and protection of children.¹¹⁰ Despite these achievements, gaps remain in child protection in the criminal justice system, including the inability of children to directly access justice. According to Federica Piovesana, a child protection officer at the Thailand Institute of Justice:

“

“...the Child Protection Act does not provide a mechanism allowing children and their representatives to bring violations to the court. It rather focuses in imposing a duty to report on service providers – like social services. This has three consequences: it limits the child victims opportunities to access justice, the process can entail unnecessary delays, and if no relevant system provider is informed about the case, or no prosecutor takes the case, the case does not appear before a court.”¹¹¹

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Ms. Piovesana also recognised that there is a lack of trust by children of the justice system:

“

“...many surveys show that children and young people do not trust the justice system because they think that it does not meet their expectations. They don’t feel heard, considered, they don’t feel that the system is engaging in child protection and prosecuting and punishing the perpetrator effectively...there is fear of meeting child unfriendly language, treatment, procedures, infrastructures or experiencing violence...and a lack of support, like an adult that the child knows and trusts that can accompany him through the proceeding, but also psychological support, legal counselling and physical recovery.”¹¹²

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108 *Ibid.*

109 *Ibid.*

110 *Ibid.*, p. 31.

111 Interview conducted with Ms. Federica Piovesana by ECPAT International at the Thailand Institute of Justice, Bangkok, 23 March 2015 for ECPAT’s Access to Justice Project.

112 *Ibid.*

Social welfare staff capacity

It has been reported that the majority of child social workers are located at the provincial levels and that, although there are officers at the local levels, they do not deal with child protection issues.¹¹³ According to a 2008 report on the social work profession in Thailand, there were a myriad of challenges facing social welfare service providers, including heavy workloads, multiple responsibilities, limited technical capacity and a lack of understanding of children's rights.¹¹⁴

It was reported in 2014 that some social workers in Thailand referred children in difficult situations to residential homes rather than attempting to return them to their families and reintegrate them into their communities as the social workers had no resources to monitor their safety and security. Due to these challenges, it has been reported that "protection services rarely reach children at the community level."¹¹⁵

Thailand's child protection system appears to be built upon relatively strong and comprehensive legislation and policy addressing many of the needs of vulnerable children. However, a lack of coordination, resources and training has reportedly hindered its effective implementation and left many children vulnerable to harm, including sexual exploitation.

MAJOR FACTORS LEADING TO THE VULNERABILITY OF CHILDREN TO SEXUAL EXPLOITATION

There are a plethora of factors that can lead to children's increased vulnerability to sexual exploitation. The factors that have been identified in Thailand include, *inter alia*:

- Poverty
- "Dysfunctional" families (single-parent households, domestic violence and abuse, children not living with their parents)
- Desire for a better life
- Demand for sex with children
- Lack of education
- Desire to support one's family
- Living/legal situation (street children, children on the move, undocumented child migrants, refugees, stateless children)
- Social inequality
- Lack of health and social services
- Discrimination against ethnic minorities
- Lack of birth certificate and/or lack of citizenship

113 ECPAT International, Plan International, Save the Children, UNICEF and World Vision, *National Child Protection Systems in the East Asia and Pacific Region*, 2014, p. 40.

114 *Ibid.*, p. 47; citing to: Chitradab, S., *Assessing Local Capacity for Developing and Protecting Children and Youths*, (Thailand: Department of Local Administration, Ministry of Interior, UNICEF Thailand and Faculty of Education, Chulalongkorn University, 2007).

115 *Ibid.*, pp. 37-38, 47.

- Traditional gender norms (non-acceptance of LGBT children)
- Culture of silence¹¹⁶

Several of these factors appear to be particularly relevant to the sexual exploitation of children in Thailand.

Economic factors

The Thai government has identified poverty as the principle push factor for many children to enter “willingly” into trafficking and prostitution.¹¹⁷

In 2014, it was reported that social workers in Pattaya acknowledged that a few families encouraged children to sell sexual services as a means to improve the family’s living situation. It has been suggested, however, that “researchers may be overstressing the importance of kinship obligations as an entry point into commercial sexual exploitation, arguing that it is rather a way for girls and their families to rationalise their predicaments, thereby obscuring the more likely reason of economic poverty.”¹¹⁸

In order to find better economic opportunities and increase their economic status, children have reportedly been sent by their parents to work in “high-risk, low-status employment” such as selling goods on the street, domestic work or factory labour. Depending on where these children end up (e.g. streets in popular tourism areas and/or red-light districts), their risk of abuse and exploitation can increase. Parental absence was also linked to a higher risk of sexual exploitation.¹¹⁹

A 2011-2012 study of sexual abuse in Thailand found that the children most vulnerable to sexual abuse were likely those living and working on the street. One NGO manager who worked with street children in Pattaya identified a direct link between street work and commercial sexual exploitation:

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“Street working children are usually between 8 to 13 years of age, mostly not over 14 years. As they get older they often make less money, lose favour with their ‘caretaker’ and become embarrassed engaging in what they perceive are immature activities. They may decide to start selling sex rather than flowers in order to answer their survival needs.”¹²⁰

”

Another study in Thailand found that the average age of children living and working on the street was eight or nine; a study of migrant children living and working on the streets found that the youngest child was a newborn baby and the oldest was 16.¹²¹ Their relatively young age, combined with the requirement for basic necessities such as food and shelter, can expose these children to higher risks of sexual exploitation.

116 See: ECPAT International and the Body Shop, *Stop Sex Trafficking of Children & Young People, Sex Trafficking of Children in Thailand*, 2009; ECPAT International, *Alternative Report following the initial report from Thailand on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography*, 2011, p. 8-9.

117 Emphasis added by author. Committee on the Rights of the Child, *Initial reports of States parties on the OPSC: Thailand*, 2011, para. 152.

118 World Vision Australia, *Sex, Abuse and Childhood*, 2014, p. 50; citing to: Baker, S., *Child prostitution and HIV/AIDS in Thailand: Changing realities for Thai and hill-tribe children*, 2004, unpublished paper.

119 *Ibid.*, pp. 11, 58.

120 *Ibid.*, p. 59.

121 UNICEF East Asia and Pacific Regional Office, *Child Maltreatment: Prevalence, Incidence and Consequences in the East Asia and Pacific Region: A Systematic Review of Research* (Bangkok: UNICEF, 2012), p. 96.

It has been reported that not all street children come from economically disadvantaged backgrounds; according to Sudarat Sereewat, Director of Fight Against Child Exploitation (FACE):

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“It is not just poor children who are victims. There are those that come from wealthier families who have run away due to various factors such as physical and sexual violence and divorce. A major push factor for vulnerable children is the family situation. Some don’t want to stay at home. They run away and are on the street and have no one.”¹²²

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Legal status

The most vulnerable group to general violations of their rights has been identified by Save the Children as children on the move, particularly migrants, refugees, the economically disadvantaged, stateless children and ethnic minorities.¹²³

Undocumented migrant workers have been identified as particularly vulnerable to trafficking and exploitation and many reportedly do not go to the Thai police for help for fear of being arrested and/or deported.¹²⁴ One reason for this vulnerability is due to their lack of legal status and thus a lack of protection under the law. Foreign child victims of trafficking for sexual exploitation have been identified by ECPAT International as more vulnerable than local children, in part due to the fact that they are not able to access government support systems due to their lack of legal status.¹²⁵ According to UNODC:

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“...foreign sex workers are inherently vulnerable, given that both their presence and work status are illegal, and that they are unlikely to speak the local language. They have no official existence, no labour rights and no one to hear their complaints. Under these conditions, exploitation is to be expected.”¹²⁶

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Under Thai immigration law, irregular migrants are subject to arrest, fines and deportation for immigration violations. Despite domestic and international laws to the contrary, victims of trafficking, including underage victims, have reportedly been arrested for prostitution and trafficking.¹²⁷

122 ECPAT International, Response to questions during in-person interview with Ms. Sudarat Sereewat, Director of Fight Against Child Exploitation (FACE), Bangkok, Thailand, 30 July 2015.

123 Save the Children, Thailand Strategic Plan 2014-2015, p. 7.

124 United Nations Inter-Agency Project on Human Trafficking (UNIAP), Strategic Information Response Network (SIREN), Mekong Region Country Datasheets: Human Trafficking 2010, p. 25, accessed 4 July 2015 from: http://www.no-trafficking.org/reports_docs/siren/uniap_2010ht_datasheets.pdf

125 O’Brian, M., Grillo, M., Barbosa, H., Sexual Exploitation of Children and Adolescents in Tourism: A contribution of ECPAT International to the World Congress III against Sexual Exploitation of Children and Adolescents, Rio de Janeiro, Brazil, 25-28 November 2008, p. 10, accessed 17 July 2015 from: http://www.ecpat.net/sites/default/files/Thematic_Paper_CST_ENG.pdf

126 UNODC, *Transnational Organized Crime in East Asia and the Pacific*, 2013, p. 17.

127 Crawford, C.F., “Cultural, Economic and Legal Factors Underlying Trafficking in Thailand and their Impact on Women and Girls from Burma”, *Thailand Journal of Law and Policy*, Vol. 12, Issue 1 (Spring 2009).

In addition to a lack of legal status, child migrants, refugees, stateless children and ethnic minorities also can experience discriminatory and prejudicial cultural attitudes and exploitative working conditions. The combination of these factors has been reported to increase their vulnerability to trafficking and other forms of exploitation, including sexual exploitation.¹²⁸

Another factor linked to the vulnerability of children on the move is:

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“...the loss of the social and community network that normally protects its members. Building social networks in a new place can take time, leaving families and children more vulnerable to abuse and exploitation, particularly where the migrant family is living and working in sub-standard conditions and without legal status. Children in particular can be profoundly impacted by the lack of a supportive framework of family, friends and relatives. Children in some cases lack access to school and networks conducive to their development. Additionally, in contrast to settled inhabitants, newcomers are not always aware of the dangers that exist in their new environment...[i]llegal migrants’ lack of status also often pushes them to engage in informal, unskilled, risky income-earning activities where the risks of sexual exploitation are higher...”¹²⁹

”

In 2009, there were reportedly an estimated two million stateless people in Thailand, including more than 600,000 from indigenous and ethnic minority groups.¹³⁰ This number differs significantly, however, from UNHCR’s 2011 estimation of approximately 500,000 stateless persons in the country.¹³¹ Stateless children often have no identification, cannot obtain legal employment, are denied state benefits and are sometimes prevented from attending school. Due to the limited or absence of protection that comes with lack of citizenship, the stateless population in Thailand, including children from hill tribes in Northern Thailand, have been identified as especially vulnerable to exploitation and trafficking.¹³² According to Katesanee Chantrakul, Project Coordinator for ECPAT Foundation in Chiang Rai,

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“The problem of non-citizenship in some [hill tribe] families affects their opportunity to seek good jobs and to obtain land/property. Many women and girls are forced to go into the cities to work in order to feed and support their families. When young, uneducated tribal women travel to the cities, they are often exploited in the workplace, with many ending up in the sex industry.”¹³³

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According to UNHCR, most of the stateless population live in the north of the country and NGOs have reported that the majority may be eligible for citizenship.¹³⁴

128 *Ibid.*

129 World Vision Australia, *Sex, Abuse and Childhood*, 2014, pp. 62-63.

130 UNICEF, *Child Trafficking in East and South-East Asia*, 2009, p. 53.

131 UNHCR, *2015 UNHCR country operations profile – Thailand*, accessed 10 September 2015 from: <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e489646&submit=GO>

132 UNICEF, *Child Trafficking in East and South-East Asia*, 2009, pp. 36, 53; Vital Voices, *Stateless and vulnerable to human trafficking in Thailand*, (Washington D.C.: Vital Voices Global Partnerships, 2007), pp. 13-14.

133 ECPAT International, response to questions sent via email to Ms. Katesanee Chantrakul, Project Coordinator of ECPAT Foundation, Chiang Rai, Thailand, 16 July 2015.

134 U.S. Department of State, *Thailand 2013 Human Rights Report*, p. 32, accessed 18 July 2015 from: <http://www.state.gov/documents/organization/220446.pdf>

Birth registration has been identified as one way to protect children from increased vulnerability to sexual exploitation. An amendment to the *Civil Registration Act* in 2008 mandated that all children born in Thailand are eligible for birth registration;¹³⁵ however, birth within the country does not automatically confer citizenship.¹³⁶ Hence, even those children discussed above who are born in Thailand may still be at increased risk of sexual exploitation.

Cultural factors

Studies and reports from the late 1990s and early 2000s identified cultural factors as a root cause of trafficking. Specifically, they highlighted the expectation within Thailand that females will provide for and support their parents and families.¹³⁷ It was reported that this sense of duty forced many girls into prostitution.¹³⁸ Doubts were expressed by local NGO workers over this explanation and it is not mentioned in more recent literature; hence, it may no longer be a risk factor- if it ever was.

One factor identified as leading to increased vulnerability of children to exploitation within Thai culture is discrimination against minority groups. For example, it has been reported that people from the hill tribes in Northern Thailand are at an increased risk of job discrimination and exploitation, including boys. It is reportedly common for employers of hill tribe groups to pay lower wages, require longer working hours, and generally provide unequal treatment. This discrimination has, in one study, reportedly led to young males seeking work in the sex industry to make more money.¹³⁹

Consumerism

Another risk factor identified is the desire of children for new and expensive consumer goods. This trend was evidenced by a study conducted in Thailand between 2011-2012 on knowledge, attitudes and practices relating to child sexual abuse. For example, one mother in Pattaya said:

“

“The boys do online gaming and often become addicted to it... One of my child’s friends used to go with an old man to ‘short farang’ [a relatively short encounter of sexual fondling or touching] for him and reportedly said, ‘It’s only for a few minutes, it doesn’t hurt and it’s okay; for which I get a large amount of money.’”¹⁴⁰

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135 UNICEF, *Child Trafficking in East and South-East Asia*, 2009, p. 55; See: *Civil Registration Act* (No. 2), B.E. 2551 (2008).

136 U.S. Department of State, *Thailand 2013 Human Rights Report*, p. 32.

137 Wongboonsin, P. (ed.), *Trafficking for Sexual Exploitation into Southern Thailand*, (Bangkok: Institute of Asian Studies Chulalongkorn University, 2008), p. 55-56; citing to: Archavanitkul, K. et al. (1998). Combating the Trafficking in Children and Their Exploitation in Prostitution and Other Intolerable Forms of Child Labor in Mekong Basin Countries. A Subregional Report Submitted to International Programme of the Elimination of child Labour (IPEC) International Labour Organization (ILC), Bangkok, Thailand, Nakhon Pathom: Institute for Population and Social Research, Mahidol University June; Lau, C., “Child prostitution in Thailand”, *Journal of Child Health Care*, Vol. 12, no. 2, 2008: 144-155; citing to: Buonchalaski, W. and Guest, P., (1998), “Prostitution in Thailand”, in L. Lim (ed.), *The Sex Sector: The Economic and Social Bases of Prostitution in Southeast Asia*, pp. 130-6, Geneva: International Labour Office; Taylor, L.R., “Dangerous Trade-offs: The Behavioral Ecology of Child Labor and Prostitution in Rural Northern Thailand”, *Current Anthropology*, Vol. 46, no. 3 (June 2005): 411-431.

138 ECPAT UK, *Child Sex Tourism in Thailand*.

139 Davis, J., Glotfelty, E., and Miles, G., *Boys for Baht? An exploratory study of the vulnerability of male entertainment workers in Chiang Mai, Thailand*, (Love146 and Urban Light, 2013), p. 10.

140 World Vision Australia, *Sex, Abuse and Childhood*, 2014, p. 47.

NGO workers in Chiang Mai reported that girls in dormitories were vulnerable to sexual exploitation as a result of wanting to uphold a certain lifestyle:

“

“These girls come from remote areas with little nightlife. Suddenly they are living on their own with freedom to dress, go out and behave like their city-based friends. They might find boyfriends in nightclubs. To keep up with this lifestyle they become involved in selling sex.”¹⁴¹

”

In the same study, NGOs and duty bearers in Chiang Mai identified a trend in which girls pressured each other to engage in casual transactional sex. Additionally, a duty bearer in Pattaya said:

“

“During the long annual school vacation from April to May, girls of all ages come to Pattaya to sell sex ... they come to work and save money for the next school semester. At the end of summer vacation, they return to school or university with a full pocket.”¹⁴²

”

This trend toward what some see as “voluntary” involvement in the sex industry has been recognised by local NGOs working on CSEC-related issues. Katesanee Chantrakul, Project Coordinator for ECPAT Foundation in Chiang Rai, stated:

“

“... it is a trend of children, school students voluntarily travelling from their homes to big cities (Bangkok, Chiang Mai, Phuket), to be involved in the sex industry during long periods of school holidays. There are multiple root causes for this, including peer pressure, dysfunctional homes or the desire for money for tuition fees and/or luxury goods.”¹⁴³

”

The desire by children for this kind of lifestyle was confirmed by Kritsana Pimonsaengsuriya, an independent consultant on child rights, protection and participation in Thailand:

141 *Ibid.*, p. 48.

142 *Ibid.*, p. 63.

143 ECPAT International, response to questions sent via email to Ms. Katesanee Chantrakul, Project Coordinator of ECPAT Foundation, Chiang Rai, Thailand, 16 July 2015.

“

“Children may be attracted to/influenced by expensive consumer goods as it can give them a sense of belonging to a certain social status in society. While their parents cannot afford to provide such expensive consumer goods for them, it is also hard for a 15-16 year old child who graduated from the compulsory education (junior high school level) to find a good job and earn well in the job market. Therefore, an invitation from a friend/acquaintance to try out occasional sex services in exchange for money, consumer goods, etc. seems to be a quick and attractive option.”¹⁴⁴

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Identification and analysis of these kinds of individual motivations is important, as it may help in implementing more effective intervention, assistance and recovery programmes for children which reflect their specific experiences.

144 ECPAT International, response to questions sent via email to Ms. Kritsana Pimonsaengsuriya, Independent Consultant on child’s rights, child protection and child and youth participation, Bangkok, Thailand, 14 July 2015.

SECTION II:

INCIDENCE OF THE COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN IN THAILAND

The commercial sexual exploitation of children (CSEC) is defined as “sexual abuse by the adult and remuneration in cash or kind to the child or a third person or persons.”¹⁴⁵ There are four primary and interrelated manifestations of CSEC: child prostitution, child pornography/child sexual abuse materials, trafficking of children for sexual purposes and sexual exploitation of children in travel and tourism. Each of these manifestations exists in Thailand and will be examined in turn.

CHILD PROSTITUTION

Magnitude

Prostitution is illegal in Thailand; however, according to the Committee on the Rights of the Child in 2012, this law is largely ignored and prostitution “is practiced quite openly, with involvement of large numbers of children” and the “corruption and cases of police officers involved in the child sex trade.”¹⁴⁶

The estimated figures of children involved in prostitution – and of prostitution in general – in Thailand vary widely. A 2009 survey found that there were 73,917 “sex workers” in 16,270 commercial sex establishments; however, the Thailand Ministry of Health estimated the range to be from 150,000 to 250,000 in 2010.¹⁴⁷ The Ministry of Public Health provided preliminary estimates of 140,000 “sex workers” in Thailand in 2012, around 10% of who were reportedly male.¹⁴⁸ The scale of the adult prostitution sector can have an impact on the sexual exploitation of children, as it has been asserted that “the vast majority of children involved in prostitution are adolescents who engage in commercial sex within mainstream prostitution sectors.”¹⁴⁹

145 ECPAT International, *Questions & Answers about the Commercial Sexual Exploitation of Children* (Bangkok: ECPAT International, 2008).

146 Committee on the Rights of the Child, *Consideration of reports submitted by States parties under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, Concluding observations: Thailand, CRC/C/OPSC/THA/CO/1*, 21 February 2012, para. 21.

147 UNODC, *Transnational Organized Crime in East Asia and the Pacific*, 2013, p. 17.

148 Ibid., citing to: Preliminary estimates on at risk populations presented at Ministry of Public Health (MoPH) Workshop, Richmond Hotel, Nontaburi, 10 January 2012.

149 ECPAT International, *Analysis of Legal Frameworks Surrounding the Sexual Exploitation of Children*, Journal Series No. 5, (Bangkok: ECPAT International, 2013), p. 7; citing to: O’Connell Davidson, J., *Complexities of the Demand-Side of CSEC*, Paper prepared for the Foro de ONGs de Iberoamerica en el marco de la VI reunion ministerial, San Jose, Costa Rica, 2004.

When it comes to estimating the number of children exploited in prostitution in the country, the numbers appear even less reliable. In 1994, it was reported that an estimated 200,000 - 800,000 children were exploited through prostitution.¹⁵⁰ This statistic of 800,000 children has been repeatedly reported over the years in various publications and reports on the subject of sexual exploitation of children, although with varying degrees of consistency,¹⁵¹ and has been proven to be unreliable and inaccurate.

In 2000, the Office of the National Commission on Women's Affairs indicated that between 22,500 and 40,000 girls under 18 years of age were engaged in commercial sex work.¹⁵² However, official statistics from 2005-2007 show relatively small numbers of children involved in prostitution.

Table 5: Thai Children Involved in Prostitution

Type of involvement	2005	2006	2007
Prostitution	59	60	72
Trafficked for prostitution	136	152	166

Source: Department of Social Development and Welfare, Ministry of Social Development and Human Security¹⁵³

Keeping in mind that not all children exploited in prostitution are identified by the government (and hence are not included in the MSDHS' statistics), these numbers are drastically different from other estimates made around the same time. According to the US State Department's 2008 Human Rights Report, Thai government officials, researchers and NGOs estimated the number of children involved in prostitution to be close to 60,000.¹⁵⁴ It was reported in 2005 that, according to the Children's Rights Protection Center in Thailand, 40% of those involved in prostitution were below 18 years of age.¹⁵⁵ In 2010, Thailand's Health System Research Institute supported the assertion that 40% of all prostitution in Thailand was child related;¹⁵⁶ however, this statistic was not verifiable.

In the past, this large discrepancy in the numbers has been attributed to various factors, including the assertion that the government does not prioritise the problem, as well as the covert nature of the crime which can conceal the extent of the exploitation.¹⁵⁷ The reality is that it may never be possible to determine the exact number of children involved in prostitution in Thailand. However, unreliable and inflated estimates do more harm than good, as they can lead to misguided and uninformed intervention programmes and services for children.

150 Levan, P., "Curtailling Thailand's Child Prostitution Through an International Conscience", *American University International Law Review*, Vol. 9, Issue 3, (1994): 869-870 (Footnote). "Sappasit Kumpraphan, the coordinator of the Children's Rights Protection Centre, and Phaithoon Manchai, member of the Foundation for Children, insist that the 200,000 figure is much too low, estimating that there are 800,000 children ages 12 to 16 exploited by prostitution."

151 See, for example: International Business Times, Top Five Countries with Highest Rates of Child Prostitution, (6 February 2014), accessed on 1 July 2015 from: <http://www.ibtimes.co.uk/top-five-countries-highest-rates-child-prostitution-1435448>. "Child prostitution in Thailand involved 800,000 children under the age of sixteen in 2004." Thrive Rescue Home, *Thailand: International Sex Trafficking Hub*, (5 February 2013), accessed 1 July 2015 from: <http://www.thriverescuehome.org/index.php/about-us/blog/44-thailand-international-sex-trafficking-hub>; citing to: What is the number of child prostitutes in Thailand?, 1999 Jan; 7(2):1-9. "The Center for the Protection of Children's Rights estimated there to be 2 million prostitutes in Thailand in 1996, 800,000 of whom were alleged to be younger than 11 years of age." For estimations of number of sex workers in Thailand from late 1980s to mid 1990s, see also: Wongboonsin, P. et. al., *Trafficking for Sexual Exploitation into Southern Thailand*, Institute of Asian Studies Chulalongkorn University, (2008), p. 50.

152 The Protection Project, *International Child Sex Tourism: Scope of the Problem and Comparative Case Studies* (The Johns Hopkins University: 2007), p. 158; citing to: Tourism Authority of Thailand, *Thailand in the Global Fight against the Commercial Sexual Exploitation of Children*.

153 See: Committee on the Rights of the Child, *Initial reports of States parties on the OPSC: Thailand, 2011*, p. 6.

154 U.S. Department of State, *2008 Human Rights Report: Thailand*, accessed 7 July 2015 from: <http://www.state.gov/j/drl/rls/hrrpt/2008/eap/119058.htm>

155 The Protection Project, *International Child Sex Tourism*, 2007, p. 158; citing to: Urajchata Choachalakorn, Ministry of Tourism and Sports, presentation at the ASEAN Protects Children in Tourism Workshop: a Public Education Partnership: Current Situation on Child Prostitution in Tourism Industry of Thailand, Vientiane, Lao PDR (1 September 2005).

156 See: <http://www.dgator.com/Documents/The%20Observer%20V2%20P20%20Child%20Prostitution%209.26.10.pdf>

157 Levan, P., "Curtailling Thailand's Child Prostitution Through an International Conscience", 1994, (Footnote).

Child victims

There is no one profile of children exploited in prostitution. According to the US Department of State's 2013 Human Rights Report on Thailand, boys and girls, particularly migrant and ethnic minority children, were "coerced or lured into prostitution." The report sites poverty as an important vulnerability factor and reports that there were cases and arrests of parents who were involved in the prostitution of their children.¹⁵⁸ The Tourism Authority of Thailand has been quoted as saying that, in order to support family livelihood strategies, "children from impoverished families are forced to drop out of school in order to help their parents earn a living ... this leads to an ever-ready supply of child labour, a situation that fuels the child sex trade."¹⁵⁹ Other factors cited as contributing to children's involvement in prostitution include: demand for the sexual exploitation of children in travel and tourism, social pressure, family expectations and lack of education and employment opportunities.¹⁶⁰

It is important to keep in mind, however, that even poverty, which is commonly thought of as a – if not the – leading vulnerability factor of children to exploitation through prostitution, is not necessarily or always an aspect of a victim's profile. According to one researcher:

“

“In northern Thailand and with regard to ethnic Thai, at least, not all poor children become child labourers or prostitutes and not all child labourers or prostitutes are from very poor families. Further, many different child welfare outcomes – positive and negative – can be found within one family. It is common for one sibling to be working in the fields alongside the parents, another working in a bar in Bangkok, and perhaps another getting a secondary education.”¹⁶¹

”

The same researcher reported in 2005 that “the northern Thai provinces of Chiang Mai, Phayao, and Chiang Rai are the largest source of Thai women and girls in the sex industry of Bangkok and the richer Asian countries.”¹⁶² A 2007 report on the international sexual exploitation of children in travel and tourism identified Northern Thailand as the region from where the majority of the young Thai girls found in traditional prostitution, through bars, massage parlours, or brothels originate.¹⁶³ More recently, however, it has been asserted that child victims come from all regions of Thailand according to the demand. For example, while not recognised as a “hotspot” for child prostitution, the city of Kanchanaburi reportedly contains places known for their sexually exploitative activities.¹⁶⁴

158 U.S. Department of State, *Thailand 2013 Human Rights Report, Executive Summary*, accessed 1 July 2015 from: <http://www.state.gov/documents/organization/220446.pdf>

159 The Protection Project, *International Child Sex Tourism*, 2007, p. 158.

160 *Ibid.*

161 Taylor, LR., “Dangerous Trade-offs: The Behavioral Ecology of Child Labor and Prostitution in Rural Northern Thailand”, *Current Anthropology*, Vol. 46, no. 3 (June 2005), pp. 411-431.

162 *Ibid.*

163 The Protection Project, *International Child Sex Tourism*, 2007, p. 158; citing to: Urajchata Choachalakorm, Ministry of Tourism and Sports, presentation at the ASEAN Protects Children in Tourism Workshop: a Public Education Partnership: Current Situation on Child Prostitution in Tourism Industry of Thailand, Vientiane, Lao PDR (1 September 2005).

164 ECPAT International and UNICEF Thailand, Roundtable Consultation on a Situational Analysis of CSEC in Thailand through a desk review, 31 August 2015, Bangkok, Thailand.

In 2001, an ILO/IPEC rapid assessment on Trafficking in Children into the Worst Forms of Child Labour in Thailand border regions found that the average age of children interviewed who had been exploited in prostitution was 15 ½ years.¹⁶⁵ A 2004 study investigating trafficking and prostitution in nine countries found that 32% of the 144 children and adults surveyed in Thailand entered prostitution when they were under the age of 18.¹⁶⁶ It was reported in 2007 that the majority of children exploited in prostitution in the country were 16 and 17 years of age. It was also reported that previous estimates that a third of the total number of sex workers in Thailand were under age were probably no longer true (if they ever were), citing a decrease in girls under the age of 18 in the sex industry; the situation of boys in the sex industry was less clear.¹⁶⁷

According to Sudarat Sereewat, Director of Fight Against Child Exploitation (FACE) in Bangkok:

“

“The average age of the girls found in entertainment bars is 16-17. We have identified some as young as 14 but not that many; most are over 15. Children on the street are usually younger and there are more boys involved than girls. In the entertainment places there are lots of local men as they generally prefer girls. The offenders involved with sexual exploitation of street children tend to be Western men who prefer boys. The motivations of these children are different as well. Girls working in entertainment venues may be trying to earn some extra money and are more sophisticated. Street children are trying to survive and find food and a place to stay.”¹⁶⁸

”

Traditionally, it was recognised that a high percentage of girls (boys are rarely included in the studies/analyses) were drawn into prostitution in order to help support their families economically. However, in recent years, another trend has emerged which suggests that many adolescent girls may be entering into prostitution for other reasons, such as to pay school tuition fees.¹⁶⁹ Research also indicates “the presence in Thailand of an emerging population of adolescent girls in prostitution who have no specific financial goals in sight, but who may engage in this activity to be able to afford various luxury goods.”¹⁷⁰

165 Wille, C., *Thailand-Lao People's Democratic Republic and Thailand-Myanmar Border Areas, Trafficking in Children into the Worst Forms of Child Labour: A Rapid Assessment*, (Geneva: ILO/IPEC, 2001). Girls were found in the sex industry at all four research sites along Thailand borders (Nong Khai and Muk Dahan are situated on the Thai-Laotian border and Mae Sai and Mae Sot are located on the Thai-Myanmar border). The average age was 15.5 but some were as young as 13.

166 UNICEF, *Child Maltreatment*, 2012; citing to: Farley, M., Cotton, A., Lynne, J., Zumbek, S., Spiwak, F., Reyes, M.E.....Sezgin, U. (2004), “Prostitution and trafficking in nine countries,” *Journal of Trauma Practice*, 2(3): 33-74.

167 Emmons, K., *Child Protection in Thailand*, (1 February 2007); taken from: archives of Tourism Authority of Thailand News Room, accessed 4 July 2015 from: <http://archive.is/01wEV>

168 ECPAT International, Response to questions during in-person interview with Ms. Sudarat Sereewat, Director of Fight Against Child Exploitation (FACE), Bangkok, Thailand, 30 July 2015.

169 Taylor, LR., “Dangerous Trade-offs, 2005, pp. 411-431.

170 The Protection Project, *International Child Sex Tourism*, 2007, p. 158.

This research was supported by ECPAT International in 2014:

“

“.....as a result of peer pressure, consumerism and increased sexualisation of children in the media, in a number of countries – including Thailand – an alarming number of adolescents are engaging in transactional sex or ‘compensated dating’ to maintain a fashionable lifestyle and access products that they could not otherwise afford. Dating is arranged mostly through the Internet and mobile phones.”¹⁷¹

”

Mr. Prawit Roykaew, a public prosecutor at the Attorney General’s Office in Bangkok, confirms this trend, stating that it is important to differentiate between two groups of young people who engage in the sex industry in Thailand: “the first one is poor people; children who want to earn money. The other group is young people who want to have a luxurious life style, so they engage in the sex business to buy things.”¹⁷² This assessment has been confirmed by civil society representatives working on child rights in Bangkok who have highlighted that these categories make it difficult to define “child prostitution” and require diverse approaches to the children involved.¹⁷³

A similarly reported “non-traditional” form of children involved in prostitution is short-term or long-term “relationships” between young Thai girls and foreigners:

“

“These relationships, most frequently between adolescent Thai girls or younger women, entail a sexual or romantic interaction, but with a financial component in the form of dinners and/or shopping trips, and travel paid for [by] a male, most frequently, [a] foreign citizen...the emergence of such non-traditional forms of prostitution in higher numbers is largely due to improvements in Thailand’s economic status, which have strongly decreased the necessity to enter prostitution for survival among many Thais. Many of the girls involved in these non-traditional relationships, therefore, also do not see themselves as prostitutes.”¹⁷⁴

”

Boy victims

According to World Vision Asia-Pacific, a significant number of boys are involved in commercial sexual exploitation. The notorious lack of data on victims of CSEC applies on an even grander scale when it comes to boy victims, due in part to the social stigma and stereotypes regarding gender norms and masculinity. Research conducted in Pattaya, Thailand, a reportedly well-known city for prostitution and sexual

171 ECPAT International, *The Commercial Sexual Exploitation of Children in East and South-East Asia: Developments, progress, challenges and recommended strategies for civil society* (Bangkok: ECPAT International, 2014).

172 Interview conducted with Mr. Prawit Roykaew by ECPAT International at the Attorney General’s Office, Bangkok, 25 March 2015 for ECPAT’s Access to Justice Project.

173 ECPAT International and UNICEF Thailand, Roundtable Consultation on a Situational Analysis of CSEC in Thailand through a desk review, 31 August 2015, Bangkok, Thailand.

174 The Protection Project, *International Child Sex Tourism*, 2007, p. 158.

exploitation of children in travel and tourism, found that boys were being exploited in prostitution and “could earn as much as US\$ 280 [i]n one night by having sex with foreigners.”¹⁷⁵

In a study conducted in 2013 in the northern city of Chiang Mai, of the 51 young male entertainment workers who were interviewed, three admitted to being under the age of 18. More than one in five, or 21% of respondents, reported entering into sex work before the age of 18. Thirty three percent of respondents reported that boys enter sex work below the age of 18; within the freelance sector, it was 75%. From this data, researchers determined that many boys in the region enter into prostitution in their early teens.¹⁷⁶

Nearly all respondents were found to be members of various ethnic minority groups from Thailand and Myanmar. The study also identified boy refugees as a particularly vulnerable group to this kind of exploitation, as this population is not protected under Thai law.¹⁷⁷

All respondents in the study who reported being under the age of 18 were working as “freelancers” within bars.¹⁷⁸ This is significant as it relates to children and vulnerability factors, as it was also reported that there were “seemingly higher instances of ‘survival sex’, or instances in which sexual services might be exchanged for basic needs,” observed among freelancers working in bars.¹⁷⁹ A common push factor for all respondents was a feeling of obligation to support their families; 70% of respondents reported sending their earnings back to their families.¹⁸⁰

The study also identified an online resource, *Gay in Chaing Mai*, which is marketed to gay tourists and provides information on locations where freelancers and host boys can be found for sex, specifically referencing ethnicity: “The guys here (a main district catering to the gay community) are almost all from the same Shan (Burmese ethnic minority) group and are friends with the guys working in the host bars.” The article also specifically highlighted that many of them were underage.¹⁸¹

The study reported that the warning shown below can be found on the *Gay in Chiang Mai* website:

AT YOUR OWN RISK - the boys that hang around the Night Bazaar area are freelancers; it might seem cheaper than going to a go-go bar or Karaoke but you have no recourse if things go wrong and they often do not have ID. Some of the guys here are not as old as they claim - make sure they have valid ID and are over 18 before leaving with anyone. Also gang fights, problems with drugs and assaults on foreigners have been reported here. Please take care.



Although the warning acknowledges the existence of underage prostitution of boys, as one researcher put it, “the buyer of sex is seen to be far more vulnerable than the sex worker.”¹⁸²

175 Bjork, J. and Chalk K., *10 things you need to know about human trafficking* (World Vision Asia Pacific, 2009).

176 Davis, J., Glotfelty, E., and Miles, G., *Boys for Baht?*, 2013.

177 *Ibid.*, p. 13.

178 In the study, freelance bars were defined as “open bars at which young males who are not employed by the bar will join clients at their tables. These males will often offer their company – and sometimes a shoulder rub or other services at the bar and may be taken home for sex or other services.”

179 *Ibid.*, p. 32.

180 *Ibid.*, p. 24.

181 *Ibid.*, p. 11.

182 *Ibid.*, p. 13; citing to: Grieger, M., “Challenging Conventional Wisdom: Sex Work, Exploitation, and Labor Among Young Akha Men in Thailand”, *George Washington University, MA Asian Studies Master’s Thesis*, 2012.

Locations of work

In a 2001 ILO/IPEC Rapid Assessment on Trafficking in Children, researchers encountered the sexual exploitation of girls in the four locations studied.¹⁸³ The children involved in prostitution had reportedly worked in Bangkok, Phuket and Prathumthani.¹⁸⁴ According to ECPAT International, there are cities and areas of Thailand that are traditionally notorious for child prostitution such as Pattaya, Patong in Phuket and the northern city of Chiang Mai, where children from the hill tribe populations are particularly vulnerable.¹⁸⁵ Within many of these cities and regions, it has been reported that the exploitation of children in prostitution through sex trafficking “has become increasingly clandestine, occurring in massage parlours, bars, karaoke lounges, hotels and private residences.”¹⁸⁶

Demand

Although it is illegal, prostitution seems to be an accepted part of Thai society. It has been reported that over three-quarters of men in Thailand have visited a prostitute before the age of 18; an estimated 75% - 90% of men have visited a prostitute at least once; and an estimated 50% of men regularly visit prostitutes.¹⁸⁷ As a result:

“

“The sex industry, which includes brothel prostitution, go-go bars, karaokes, discos, massage parlours, barber shops, beauty parlours, call girls, beer bars, escort agencies, and many others, combines to form a multi-million dollar industry with [as reported in 2005] an annual turnover nearly double the annual Thai government budget.”¹⁸⁸

”

Much of the attention and emphasis in the literature reviewed on demand for children in prostitution in Thailand is placed on foreign men. In the 2013 study conducted in Chiang Mai on male entertainment workers, respondents perceived about half of their “clients” to be foreign, although this perception varied greatly depending upon the area of Chiang Mai where data was gathered.¹⁸⁹ Other evidence suggests that the majority of CSEC offenders in Thailand are either domestic or from the “region”¹⁹⁰ (see sections on trafficking of children for sexual purposes and the sexual exploitation of children in travel and tourism for more information).

183 Nong Khai and Muk Dahan, situated on the Thai-Laotian border, and Mae Sai and Mae Sot, located on the Thai-Myanmar border.

184 Wille, C., *Trafficking in Children into the Worst Forms of Child Labour*, 2001.

185 ECPAT International, *Global Monitoring status of action against commercial sexual exploitation of children: Thailand*, 2nd Edition (Bangkok: ECPAT International, 2011).

186 U.S. Department of State, *Trafficking in Persons Report 2014*, available at: <http://www.state.gov/documents/organization/226849.pdf>

187 See: Compassion, *Child Prostitution Fact Sheet*; ProCon.org, *Percentage of Men (by Country) Who Paid for Sex at Least Once: The Johns Chart*, 2011, accessed 3 July 2015 from: <http://prostitution.procon.org/view.resource.php?resourceID=004119>; Crawford, CF., “Cultural, Economic and Legal Factors Underlying Trafficking in Thailand and their Impact on Women and Girls from Burma”, *Thailand Journal of Law and Policy*, Spring Issue 1, Vol. 12, (2009). When attempting to track down the source of these figures, it appears that they may stem from studies or research conducted in the early 1990s and therefore may not necessarily be representative of the situation in 2015.

188 Crawford, CF., “Cultural, Economic and Legal Factors Underlying Trafficking in Thailand and their Impact on Women and Girls from Burma”, *Thailand Journal of Law and Policy*, Spring Issue 1, Vol. 12, (2009).

189 Davis, J., Glotfelty, E., and Miles, G., *Boys for Baht?*, 2013.

190 When the term “region” is used in the literature, it is rarely defined. In some reports, it was identified as “Asia.”

At the domestic level, one factor identified as playing a role in the exploitation of children, including child prostitution, involves traditional gender roles/expectations. According to Kritsana Pimonsaengsuriya, an independent consultant on child rights, protection and participation in Thailand:

“

“A local construction of gender in Thai society has helped maintain the existence of ... sexual activity with children in society to a certain extent. Thai middle-age men are often praised for their masculinity, power and wealth that are shown when they are able to engage (and maintain) a sexual relationship(s) with a young girl(s), even when it is outside their marriage. Such circumstances have become a commonality and been tolerated in Thai society to a certain extent.”¹⁹¹

”

Police Corruption Inquiry

In its 2014 Trafficking in Persons Country Report, the Thai government responded to accusations that officials in the country exploit trafficked children involved in prostitution. The government stated that no officers were found to be “customers” of trafficked children exploited through prostitution in 2013. It did, however, provide a related case example:

“On 2 August 2010, a team consisting of representatives from the Royal Thai Police, the Department of Special Investigation, and Alliance Anti Traffic (an NGO) rescued trafficked victims from a karaoke bar and arrested eight culprits. The Court sentenced the karaoke bar owner to 126 years imprisonment because the acts were committed against many victims and each count is thoroughly considered by the court, but Thai law limits the carrying out of the sentence to a maximum of 50 years. The other seven culprits, who were all Thai nationals, each received 25 year sentences. During the investigation, there were allegations that a police officer with the rank of a commander superintendent and another police officer with the rank of deputy superintendent were customers of the karaoke bar. The allegation led to legal prosecution and the officers were immediately discharged from the Royal Thai Police. However, further investigation could not find enough evidence to substantiate the indictment of these two officers.”¹⁹²

This assertion by the government that there were no cases identified of officials exploiting children in prostitution appears to be contradicted by a public prosecutor in the Attorney General’s Office. When asked why a victim of CSEC would not be willing to testify in court, Mr. Roykaew identified mistrust of the police as one reason, “because during the time they [the victims] were selling sex in the establishment, some police were going there to receive bribes, or even use the services.”¹⁹³ It has also been reported that law enforcement do not have a monopoly on corruption in Thailand when it comes to dealing with CSEC cases; social workers, prosecutors, judges and the media have all been identified as having corrupt elements.¹⁹⁴

191 ECPAT International, response to questions sent via email to Ms. Kritsana Pimonsaengsuriya, Independent Consultant on child’s rights, child protection and child and youth participation, Bangkok, Thailand, 14 July 2015.

192 Thailand Ministry of Foreign Affairs, *Trafficking in Persons 2014 Country Report*, p. 62.

193 Interview conducted with Mr. Prawit Roykaew by ECPAT International at the Attorney General’s Office, Bangkok, 25 March 2015 for ECPAT’s Access to Justice Project.

194 ECPAT International and UNICEF Thailand, Roundtable Consultation on a Situational Analysis of CSEC in Thailand through a desk review, 31 August 2015, Bangkok, Thailand.

Recruitment mechanisms

As of 2013, there continued to be reports of parents who forced or coerced their children into prostitution in Thailand.¹⁹⁵ However, this assertion has been challenged, for example, in 2005 by Karen Smith, Director of the New Life Center (NLC) in Thailand:¹⁹⁶

“

“In over 15 years at the NLC, there have only been a few cases of tribal girls who were sold by their family, and that was because of abject poverty, not for wanting to purchase consumer goods...instead of always talking about people in Thailand selling their children we should be asking: Why is there a demand for sex trafficking?”¹⁹⁷

”

This sentiment is echoed by David Feingold, the former head of UNESCO’s regional anti-trafficking project, who has stated that cases of families selling their children into prostitution are rare.¹⁹⁸ Additionally, Kritsana Pimonsaengsuriya, an independent consultant on child’s rights, protection and participation in Thailand reported that:

“

“...it [the selling of children by family members] is still happening, but it is not as prevalent as before. In the past years, I have heard cases of girls who were deceived and ‘sold’ into human trafficking for sexual purposes by their (pretended-to-be) boyfriends, their friends (who are also girls) or by acquaintances.”¹⁹⁹

”

Local and international child prostitution rings have also been identified in various countries in the region, including Thailand;²⁰⁰ however, this does not appear to be one of the most common types of recruitment.

In the “Boys for Baht” 2013 study in Chiang Mai, a large majority of respondents reported that they had been introduced to sex work by friends and a smaller percentage admitted that they had involved themselves in the work. The researchers reported that:

195 See: U.S. Department of State, *Thailand 2013 Human Rights Report, Executive Summary*; see also: The Protection Project, *International Child Sex Tourism*, 2007, p. 158. “Some girls may even be sold into prostitution by parents and relatives.”

196 New Life Center is a Thai NGO working with tribal girls in and at risk of situations of exploitation, including labour and sex exploitation.

197 Crawford, CF., “Cultural, Economic and Legal Factors Underlying Trafficking in Thailand and their Impact on Women and Girls from Burma”, 2009.

198 Fenn, M., “Thailand’s Sex Trafficking Figures Suspect?” *Asia Sentinel*, (5 January 2015), accessed on 1 July 2015 from: <http://www.asiasentinel.com/society/thailand-sex-trafficking-figures/>; see also: Baker, S., *The changing situation of child prostitution in Northern Thailand: A study of Changwat Chiang Rai*, (ECPAT International, 2000).

199 ECPAT International, response to questions sent via email to Ms. Kritsana Pimonsaengsuriya, Independent Consultant on child’s rights, child protection and child and youth participation, Bangkok, Thailand, 14 July 2015.

200 ECPAT International, *The Commercial Sexual Exploitation of Children in East and South-East Asia*, 2014.

“

“The commercial male sex scene in Chiang Mai does not present the traditional images of trafficking that are so often perpetuated by media and other interest groups...none of the respondents in the current study were explicitly forced into the sex industry by an individual or group. The high percentages of respondents reporting being introduced into the industry by a friend and those who report self-introduction into the industry support this trend.”²⁰¹

”

The researchers point out, however, that this does not eliminate exploitation among this population:

“

“While there seems to be a certain amount of agency in entering the industry for those interviewed in this study, this does not rule out the existence of males who are directly forced into sex work in Chiang Mai. It is important to point out that the current study is limited only to those establishments that were willing to grant access to field researchers...of particular concern is the denial of access to the show bars, as the majority of boys working in this sector are of Burmese and Shan (Thai-Yai) origin...this population is particularly at risk for exploitation due to refugee or illegal immigrant status.”²⁰²

”

Key legal frameworks and policies²⁰³

Article 34 of the *Convention on the Rights of the Child* (CRC) requires States Parties to “protect the child from all forms of sexual exploitation and sexual abuse” and to take all appropriate measures to prevent “the exploitative use of children in prostitution or other unlawful sexual practices.”²⁰⁴ Article 2(b) of the *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography* (OPSC) defines child prostitution as “the use of a child in sexual activities for remuneration or any other form of consideration” and requires that each State Party criminalise in its national law the “offering, obtaining, procuring or providing a child for child prostitution.”²⁰⁵

Thai legislation addressing child prostitution appears to fulfil its obligations under international law. Thailand’s *Prevention and Suppression of Prostitution Act* (1996) is the country’s principle legislation addressing children exploited through prostitution and defines prostitution as “the acceptance of sexual intercourse, the acceptance of any other act, or the commission of any other act for sexual gratification of another person in a promiscuous manner for remuneration or any other benefit.”²⁰⁶ The Act specifically identifies child prostitution as an aggravated offence, providing for harsher penalties depending on the age of the child, and the conduct constitutes an offence regardless of whether the child consents.²⁰⁷

201 Davis, J., Glotfelty, E., and Miles, G., *Boys for Baht?*, 2013, p. 36.

202 *Ibid.*, p. 37.

203 A detailed description of key legal provisions related to CSEC in Thailand is available in Annex 3.

204 Article 34(b), *Convention on the Rights of the Child* (1989).

205 Article 3(1)(b), *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography* (2000).

206 Section 4, *Prevention and Suppression of Prostitution Act*, B.E. 2539 (1996).

207 *Ibid.*, Section 8.

The Act also criminalises child trafficking for the purpose of prostitution, prohibiting the procuring, seducing or taking away of another person to commit the act of prostitution, regardless of consent and whether the actions are committed inside or outside the country.²⁰⁸ Owning, supervising or managing a prostitution business or establishment or controlling a prostitute in an establishment is criminalised and aggravated offences carry heavier penalties if the prostitution business or establishment contains children.²⁰⁹ The Act criminalises a person detaining or confining another or by any other means depriving them of liberty, causing bodily harm, or threatening them in order to compel them into prostitution.²¹⁰ It is also an offence to advertise, induce or introduce to the public – through documents, printed material or any other means – or to solicit prostitution (of oneself or of another person).²¹¹

Although these legal provisions are comprehensive, the *Prevention and Suppression of Prostitution Act* does not exempt child victims of prostitution from penalties under the law.²¹² Article 8 of the OPSC recognises children as victims of sexual exploitation – including child prostitution – and requires States parties to treat them as such.²¹³ Sections 5, 6 and 7 of the Act criminalise those who advertise, offer, solicit, introduce oneself to, follow or importune another person, as well as those who congregate with another person in a prostitution establishment for the benefit of prostitution of that person or another.²¹⁴ Section 34 of the Act does provide an exception to these provisions if the “offender” is not over 18 years of age, but only if the court determines that he or she should not be punished. As a result, it is possible that children exploited through prostitution can be prosecuted as offenders, instead of treated as victims.

The *Prevention and Suppression of Prostitution Act* also does not appear to criminalise ancillary acts (such as complicity or participation).²¹⁵

208 *Ibid.*, Section 9.

209 *Ibid.*, Section 11.

210 *Ibid.*, Section 12.

211 *Ibid.*, Section 7.

212 See: UNICEF, *Legal Protection from Violence: Analysis of domestic laws related to violence against children in ASEAN member States* (Bangkok: UNICEF EAPRO, 2015).

213 Article 8, OPSC: 1. States Parties shall adopt appropriate measures to protect the rights and interests of child victims of the practices prohibited under the present Protocol at all stages of the criminal justice process, in particular by: (a) Recognizing the vulnerability of child victims and adapting procedures to recognize their special needs, including their special needs as witnesses; (b) Informing child victims of their rights, their role and the scope, timing and progress of the proceedings and of the disposition of their cases; (c) Allowing the views, needs and concerns of child victims to be presented and considered in proceedings where their personal interests are affected, in a manner consistent with the procedural rules of national law; (d) Providing appropriate support services to child victims throughout the legal process; (e) Protecting, as appropriate, the privacy and identity of child victims and taking measures in accordance with national law to avoid the inappropriate dissemination of information that could lead to the identification of child victims; (f) Providing, in appropriate cases, for the safety of child victims, as well as that of their families and witnesses on their behalf, from intimidation and retaliation; (g) Avoiding unnecessary delay in the disposition of cases and the execution of orders or decrees granting compensation to child victims. 2. States Parties shall ensure that uncertainty as to the actual age of the victim shall not prevent the initiation of criminal investigations, including investigations aimed at establishing the age of the victim. 3. States Parties shall ensure that, in the treatment by the criminal justice system of children who are victims of the offences described in the present Protocol, the best interest of the child shall be a primary consideration. 4. States Parties shall take measures to ensure appropriate training, in particular legal and psychological training, for the persons who work with victims of the offences prohibited under the present Protocol. 5. States Parties shall, in appropriate cases, adopt measures in order to protect the safety and integrity of those persons and/or organizations involved in the prevention and/or protection and rehabilitation of victims of such offences. 6. Nothing in the present article shall be construed to be prejudicial to or inconsistent with the rights of the accused to a fair and impartial trial.

214 Sections 5, 6, 7, *Prevention and Suppression of Prostitution Act*.

215 See: UNODC, *Child Sexual Exploitation in Travel and Tourism*, 2014, p. 19.

SEXUAL EXPLOITATION OF CHILDREN ONLINE

Magnitude

Although much of the literature and discussion surrounding the sexual exploitation of children in Thailand focuses on trafficking for sexual purposes or the sexual exploitation of children in travel and tourism, child pornography (also referred to as child sexual abuse materials) is increasingly being highlighted by the media and – most recently – addressed through legislation.

As access to the Internet increases, more children are exposed to the risks of sexual exploitation online. In 2013, the percentage of Internet users in Thailand reached 28.94% (compared to 3.7% in 2000); the number of mobile telephone subscriptions amounted to 93,849,000 (compared with 3,056,000 in 2000), and fixed (wired) - broadband subscriptions were 4,926,000 (compared with 0 in 2000).²¹⁶ In 2013, 22.7% of households had Internet access and by the end of 2012, Thailand had 17,721,480 Facebook subscribers.²¹⁷ As of June 2014, there were 20,100,000 Internet users in Thailand.²¹⁸

Table 6: Information and Communications Technology Statistics

Internet users (%) (2013)	28.94%
Mobile telephone subscriptions (2013)	93,849,000
Fixed (wired) broadband subscriptions (2013)	4,926,000
Households with Internet access (%) (2013)	22.7%
Facebook subscribers (2012)	17,721,480
Internet users (June 2014)	20,100,000

It was reported in 2006 that the Internet Watch Foundation ranked Thailand fifth on the list of “Top Five Hosts” of child abuse websites.²¹⁹ According to a report on child sexual abuse images by the Canadian Centre for Child Protection in 2009, Thailand was identified as a host country of child sexual abuse images, ranking 6th out of the top 15 image host countries and 14th out of the top 15 website host countries. The Centre also reported that 8.8% of all child pornography websites in Thailand were commercial.²²⁰ This identification of Thailand as a country containing large amounts of online pornographic material involving children has continued in more recent years, as it was reported in Thailand’s Initial Report to the Committee on the Rights of the Child on the OPSC in 2011 that “Thailand is widely recognized, both by local and foreign markets, as a production and distribution source of child pornographic materials.”²²¹

216 ITU, *Statistics, Time Series by Country*, accessed 27 May 2015 from: <http://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx>

217 The World Bank and International Centre for Missing & Exploited Children, *Protecting Children from Cybercrime: Legislative Responses in Asia to Fight Child Pornography, Online Grooming and Cyberbullying* (Washington, D.C.: International Bank for Reconstruction and Development/The World Bank, 2015), p. 69; citing to: Country Profile, ITU and Internet Usage in Asia, Facebook Subscribers, Internet World Stats.

218 Internet World Stats, *Internet Users in Asia*, accessed 27 May 2015 from: <http://www.internetworldstats.com/stats3.htm>

219 Inter Press Service News Agency, *RIGHTS-ASIA: ‘Internet Pushing Real Time Porn’*, 19 December 2006, accessed 10 September 2015 from: <http://www.ipsnews.net/2006/12/rights-asia-internet-pushing-real-time-porn/>

220 Canadian Centre for Child Protection, *Child Sexual Abuse Images: An Analysis of Websites by cybertip!ca* (Winnipeg: Canadian Centre for Child Protection, 2009), pp. 44, 61.

221 Committee on the Rights of the Child, *Initial reports of States parties on the OPSC: Thailand*, 2011, para. 16.

A 2005 - 2006 Child Watch project report indicated that approximately 9% of primary school-age children, 22% of lower secondary school-age children and 26% of higher secondary school-age children had watched pornographic websites; even higher percentages of children reportedly watched pornographic cartoons and VCDs/DVDs.²²²

According to the Department of Special Investigation under the Ministry of Justice, between 2000 and 2010, Internet users in Thailand grew more than 660%, rising from 3.5 million in 2001 to 24 million in 2010. It was reported in 2011 by then Deputy Director-General of the Department of Special Investigation that in 2010, 23 million young people in Thailand spent three hours a day using the Internet; of those, 91% had “experiences with pornography.”²²³

According to the Pavena Foundation for Children and Women, it received 4533 complaints of child abuse and sexual assault in 2009, 522 of which involved rape or sexual assault, the highest numbers of the decade. Foundation President Pavena Hongsakul stated that “most victims of sexual assault and rapes were between 12 and 15 years old and many of the crimes resulted from youngsters being lured ... by people they ‘met’ online.”²²⁴

The Department of Special Investigation reported that in 2007 – when a child exploitation Internet tracking system was implemented – 15,000 pornographic and “improper” sex-related websites were blocked.²²⁵ It was not reported how many of these websites contained images of children and the term “improper” was not defined.

Statistics on the number of children exploited through child pornography are difficult to find. In 2011, the Deputy Director-General of the Department of Special Investigation was still using figures from 2007, reporting that there were 250 websites showing nude video clips of teenagers in Thailand.²²⁶ According to ThaiHotline, there were 161 reports of child abuse materials in 2012, 80 in 2013, 528 in 2014 and 321 identified from January 1 – August 31, 2015.²²⁷ Although identifying the scope of the problem is difficult, newspapers in 2010 reported the sale of child pornography on the streets of Bangkok.²²⁸

Child victims

There is very little information available about the profiles of child victims of sexual exploitation online in Thailand. Investigations conducted by the Department of Special Investigation under the Ministry of Justice identified children living and/or working on the street as particularly vulnerable to sexual exploitation through child pornography.²²⁹

222 UNICEF, *Situation Analysis*, 2011, p. 15.

223 It is not clear from the presentation by the Deputy Director-General what the term “experiences with pornography” means. Information taken from a presentation given by Pol. Col. Naras Savestanan, Ph.D., Deputy Director-General, Department of Special Investigation, Ministry of Justice, Thailand, Thailand’s Response to Online Child Sexual Abuse and Exploitation: Its Progress and Challenges, The Commission on Crime Prevention and Criminal Justice: 20th CCPCJ, 12 April 2011, Vienna, Austria.

224 AsiaOne News, *Child abuse and sex assault reports keep rising: Pavena* (26 January 2010), accessed 3 July 2015 from: <http://news.asiaone.com/News/AsiaOne+News/Crime/Story/A1Story20100126-194544.html>

225 Information taken from a presentation given by Pol. Col. Naras Savestanan, Ph.D., Deputy Director-General, Department of Special Investigation, Ministry of Justice, Thailand, Thailand’s Response to Online Child Sexual Abuse and Exploitation: Its Progress and Challenges, The Commission on Crime Prevention and Criminal Justice: 20th CCPCJ, 12 April 2011, Vienna, Austria.

226 *Ibid.*

227 ECPAT International, response to questions sent via email to Mr. Krisda Tuprung, ThaiHotline Project Manager, Bangkok, Thailand, 18 September 2015.

228 See: Bangkok Post, *Child porn on streets stirs outrage*, 3 October 2010, accessed 2 July 2015 from: http://stonesoup68.newsvine.com/_news/2010/10/03/5221397-bangkok-post-child-porn-on-streets-stirs-outrage-thailand

229 Global Alliance against Child Sexual Abuse Online: Thailand, accessed 2 July 2015 from: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/organized-crime-and-human-trafficking/global-alliance-against-child-abuse/docs/commitments/ga_commitment_-_thailand_en.pdf

It is common when researching the various manifestations of sexual exploitation of children to discover overlap among them; for example, the link between the exploitation of children through prostitution and child sexual abuse materials. In the “Boys for Baht” study in Chiang Mai, male entertainment workers – some of whom were under 18 years of age – were asked if they had ever been filmed or photographed for pornographic purposes. Twenty-nine percent of respondents indicated that they had. The majority of these respondents worked in show bars, where 83% stated that they had been filmed for pornographic purposes²³⁰ (see the section below on “offenders” for further examples of overlap among manifestations).

Offenders

One manner in which the sexual exploitation of children online has been identified within the country is through cases of the sexual exploitation of children in travel and tourism.

Cases of Sexual Exploitation of Children Online

“An Australian diplomat, Robert Scoble, age 55, was arrested in Thailand in 2004 with large amounts of child pornography. In March 2004, he was accused of running a child sex trafficking ring behind the façade of one of Southeast Asia’s largest gay tourism agencies, which was alleged to be a front for child sex tourism and for bringing foreign pedophiles to Thailand ... [h]e was cleared of child pornography distribution charges, [as] possession of child pornography is not illegal in Thailand. However, he was fined and received a suspended sentence on lesser charges.”²³¹

“American Eric Franklin Rosser, aged 49, was arrested by Thai authorities in Bangkok on August 21, 2001. He was charged with numerous offenses including the production of a videotape allegedly depicting him having sex with an 11-year-old Thai girl. He has been previously indicted in the United States in 2000 on child pornography offenses committed in the United States and was placed on the Federal Bureau of Investigation’s (FBI’s) Most Wanted List. Following his arrest in Thailand, he was extradited to the U.S., where he pleaded guilty as charged and was sentenced to 16 years in prison.”²³²

According to an ECPAT International study published in 2010, out of the 16 cases of arrests of foreign perpetrators in 2009 in Thailand, 57% were found to have child sexual abuse materials that were mostly self-produced.²³³ It should be noted that, of the small amount of information available on offenders, the majority seems to focus on foreign perpetrators; it appears that very little is known about domestic offenders.

230 Davis, J., Glotfelty, E., and Miles, G., *Boys for Baht?*, 2013, p. 26.

231 The Protection Project, *International Child Sex Tourism*, 2007, p. 165.

232 *Ibid.*

233 ECPAT International, *The Use of Information and Communication Technologies in Connection with Cases of Child Sex Tourism in East and Southeast Asia* (Bangkok: ECPAT International, 2010), p. 50. “In 2009, ECPAT International recorded the arrests of 16 foreign nationals from the UK (5), the USA (3), Sweden (3), Australia (1), Germany (1), Italy (1), Kuwait (1) and Switzerland (1). From this group, all the Americans, three Britons, two Swedes, and the Australian were found in possession of child-pornographic material and recording equipment.” *Ibid.*

Key legal frameworks and policies

Child pornography is defined in Article 2(c) of the OPSC as “any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.” Article 3(1)(c) states that each State shall ensure that, as a minimum, “producing, distributing, disseminating, importing, exporting, offering, selling, or possessing for the above purposes child pornography” is fully covered under its national law.

One major gap within Thailand’s legislation addressing the sexual exploitation of children was with regard to the sexual exploitation of children online. This changed with the passing of the new amendment to the *Penal Code* of Thailand in May 2015. Thailand will – upon the law’s enactment in December 2015 – criminalise child pornography, including its mere possession, and impose harsher penalties for offenders, as well as provide a definition of the offence.

When the amendment to the *Penal Code* comes into force, the definition of child pornography will be included under Section 1(17) and will be defined as:

“

“...materials or matter that are understood as or depict sexual acts of a child or with a child who is not over the age of 18, through images, stories or in a manner that can be understood as pornographic, whether in the form of documents, drawings, illustrations, printed matter, pictures, advertised images, symbols, photographs, movies, audio tapes, video tapes, or any other similar manner. This definition shall include various materials and matter listed previously that can be stored in computer systems or other electronic equipment that can show understandable results.”²³⁴

”

This definition appears to be in accordance with the OPSC, although it is unclear how the term “pornographic” is defined.

Under Section 287/1, the mere possession of pornography will be criminalised:

“

“Whoever possesses child pornography for the sexual benefit of oneself or of another person; the offender shall be punished with imprisonment of not over 5 years or fined not over 100,000 baht or both. If the offender in Paragraph 1 forwards the child pornography to another person, the offender shall be punished with imprisonment of not over 7 years or fined 140,000 baht or both.”²³⁵

”

234 UNODC, *Working Paper, Child Sex Offences Series 1: Child Pornography: Amendments to the Criminal Code of Thailand*, (Bangkok: UNODC Regional Office for Southeast Asia and the Pacific, 2015), p. 15, Unofficial translation, available at: https://www.unodc.org/documents/southeastasiaandpacific/Publications/2015/childhood/2015_06_02_UNODC-TH_Criminal_Code_Amendments.pdf

235 *Ibid.*

This provision goes beyond the requirements of the OPSC and is in accordance with the Council of Europe’s *Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse* and the Council of Europe’s *Convention on Cybercrime*.²³⁶

The criminalisation of accessing child sexual abuse materials is not explicitly included in this section.²³⁷ The provision also does not appear to criminalise virtual child pornography or online grooming.²³⁸ The criminalisation of these actions is not required by the OPSC; however, all are criminalised under either the Council of Europe’s *Convention on Cybercrime* or *Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse*. While Thailand has not ratified either of these Conventions, these provisions represent important protection for children against pornography and exploitation online.

Under Section 287/2 of the amended law:

“

“Whoever (1) for the purpose of trade or by trade or for distribution or public exhibition, makes, produces, imports into or causes to be imported into the Kingdom, exports or causes to be exported from the Kingdom, takes or causes to be taken, or disseminates by any means any child pornography; 2) trades, participates or engages in the trade of child pornography and then distributes child pornography or exhibits child pornography to the public, or hires out child pornography; (3) for the purpose of disseminating or trading of child pornography, advertises or propagates by any means that there is a person who commits an act which amounts to an offence under this section, or advertises or propagates how or from whom child pornography may be obtained shall be liable to imprisonment from 3 years to 10 years or a fine from 60,000 baht to 200,000 baht or both.”²³⁹

”

This provision appears to cover all of the actions provided for under the OPSC; namely, the producing, distributing, disseminating, importing, exporting, offering or selling of child pornography.

Prior to the amendment of the *Penal Code*, child pornography was not specifically prohibited under Thai law. The *Penal Code* criminalised the production, distribution, dissemination, export, import, offering and possession (only for or by trade, distribution or exhibition) of any “obscene” thing.²⁴⁰ Article 287 of the *Penal Code* prohibited whoever (1) for public distribution makes, produces, possesses, brings or causes to be brought, sends or causes to be sent, takes away or causes to be taken away, or circulates by any means whatever, any document, drawing, print, painting, printed matter, picture, poster, symbol, photograph, cinematograph film, noise tape, picture tape or any other thing which is obscene; (2) trades, distributes,

236 Council of Europe, *Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse*, Treaty Series – No. 201, Lanzarote, 25.X.2007, Article 20(1)(e): “Each Party shall take the necessary legislative or other measures to ensure that the following intentional conduct, when committed without right, is criminalised: possessing child pornography”; Council of Europe, *Convention on Cybercrime*, Budapest, 23.XI.2001, Article 9(1)(e): Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and without right, the following conduct: possessing child pornography in a computer system or on a computer-data storage medium.”

237 Knowingly obtaining access to child pornography using ICTs is an offence under Article 20(1)(f) of the Council of Europe’s *Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse*.

238 See Article 9(2) of the *Convention on Cybercrime*: “...the term ‘child pornography’ shall include pornographic material that visually depicts: (a) a minor engaged in sexually explicit conduct; (b) a person appearing to be a minor engaged in sexually explicit conduct; (c) realistic images representing a minor engaged in sexually explicit conduct.” and Article 21 of the *Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse*: “Each Party shall take the necessary legislative or other measures to ensure that the following intentional conduct is criminalised: (a) recruiting a child into participating in pornographic performances or causing a child to participate in such performances; (b) coercing a child into participating in pornographic performances or profiting from or otherwise exploiting a child for such purposes; (c) knowingly attending pornographic performances involving the participation of children.”

239 UNODC, *Working Paper, Child Pornography*, 2015, p. 15.

240 Section 287, *Penal Code*, B.E. 2499 (1956), as amended in 2003.

exhibits or hires such material; and (3) propagates or spreads the news that there is a person committing any of these offences or may facilitate obscene materials. The meaning of “obscene” was not defined and hence it was not clear what types of materials were prohibited under this provision.

Other legislation addressing child sexual abuse materials was equally vague,²⁴¹ in large part due to the fact that no law provided a definition of pornography or obscene materials. The *Anti-Trafficking in Persons Act* (2008) prohibits the trafficking of children for their exploitation, which includes the “production or distribution of pornographic materials;” however, as with other legislation, no definition of “pornographic materials” is provided.²⁴²

The *Child Protection Act* (2003) and the *Computer Crime Act* (2007) do make reference to information and communication technologies (ICTs) in relation to crimes against children. The CPA criminalises the advertisement or dissemination through the media, or other information technology, information on a child with the intent to cause damage to any interests of the child.²⁴³ The *Computer Crime Act* sanctions inputting into a computer system accessible to the public photographs of another person that are developed, edited, added or altered in any way to affect the reputation of the person or expose them to shame.²⁴⁴

According to the *Computer Crime Act*, in order for images to be removed from the Internet, a competent official must file a court petition and obtain approval from a judicial authority. The request should identify reasonable grounds for believing that a person has committed or is about to commit an offence under the Act, reasons for exercising this power, the manner of the offence, details of the devices used in committing the offence and of the offender, to the extent possible. In determining the request, the court should proceed in an urgent manner.²⁴⁵ It has been reported, however, that this process can take months resulting in websites and other platforms remaining online and enabling perpetrators to continue to download and disseminate sexual abuse materials.²⁴⁶

Thailand endorsed the definition of child pornography in the OPSC in its Ministerial Resolution of 23 November 2005;²⁴⁷ however, this Resolution did not have the status of law.²⁴⁸ The Resolution also provided a definition for online child pornography.²⁴⁹ The definition did not take into account the standards set out by the Council of Europe’s *Convention on Cybercrime* on child sexual abuse materials specifically committed through ICTs, in particular, pornographic material that visually depicts “a person appearing to be a minor” and “realistic images representing a minor engaged in sexually explicit conduct.”²⁵⁰

As noted by the United Nations Office of Drugs and Crime (UNODC), “[t]he law relating to child pornography could be further strengthened through measures that ensure the law keeps pace with technological developments.”²⁵¹ For example, Thailand does not criminalise all the standards established by the Council

241 Article 26(9), *Child Protection Act* (2003): prohibiting any act by which a child is forced, threatened, used, induced, instigated, encouraged or allowed to perform or act in a pornographic manner; Section 14(4), *Computer Crime Act* (2007): criminalising the inputting of any “obscene” computer data that into a computer system that is publicly accessible.

242 Sections 4, 6, 52, *Anti-Trafficking in Persons Act*, adopted on 30 January B.E. 2551 (2008), accessed 28 May 2015 from: [http://www.baliprocess.net/files/Thailand/1.%20trafficking_in_persons_act_b.e%202551%20\(eng.\).pdf](http://www.baliprocess.net/files/Thailand/1.%20trafficking_in_persons_act_b.e%202551%20(eng.).pdf)

243 Article 27, *Child Protection Act*.

244 Article 16, *Computer Crime Act*.

245 *Ibid.*, Article 19.

246 ECPAT International, response to questions sent via email to Mr. Krisda Tuprung, ThaiHotline Project Manager, Bangkok, Thailand, 16 September 2015.

247 Ministry of Foreign Affairs, *Human Rights, Measures in preventing and combating online child pornography*, accessed 28 May 2015 from: <http://www.mfa.go.th/humanrights/implementation-of-un-resolutions/126-measures-in-preventing-and-combating-online-child-pornography>

248 Committee on the Rights of the Child, *Concluding observations on the OPSC: Thailand*, 2012, para. 9.

249 Online child pornography means any computer traffic data representing a child engaged in actual or stimulated sexual activities or any representation of the sexual parts of a child for sexual purposes.

250 Article 9, Council of Europe, *Cybercrime Convention*, CETS N° 185, accessed 19 May 2015 from: <http://conventions.coe.int/Treaty/EN/Treaties/Html/185.htm>

251 UNODC, *Child Sexual Exploitation in Travel and Tourism*, 2014, p. 21.

of Europe to protect children against sexual exploitation online, namely: virtual child pornography, images of persons appearing to be children, knowingly accessing/viewing child pornography and the online grooming of children.²⁵²

Thailand's *Penal Code* regulates extraterritorial jurisdiction,²⁵³ however, it does not include child pornography amid the offences allowing for the exercise of extraterritorial jurisdiction. The *Computer Crime Act* recognises extraterritorial jurisdiction of Thailand over its offenses involving pornography if certain conditions are met.²⁵⁴ Thai law does not impose mandatory reporting obligations on companies, organisations or individuals that discover evidence of child pornography as part of their work; for example, Internet Service Providers (ISPs).²⁵⁵ Section 15 of the *Computer Crime Act* does address the liability of ISPs who intentionally support or consent to importing computer data of a pornographic nature to a computer system accessible to the public and subjects them to the same penalties as those imposed on the offender.²⁵⁶

Key support services

Thailand has several specialised units dealing with cybercrime, including online sexual abuse. The Technology Crime Suppression Division (TCSO) of the Royal Thai Police and the Ministry of Information and Communication Technology's Cyber-Security Operation Center (CSOC) monitor the presence of illegal material online, including those considered pornographic or obscene.²⁵⁷ As of 2011, the CSOC is the public body in charge of suppressing inappropriate content online by monitoring social media. The CSOC, an upgrading of the Internet Security Operation Center, refers suspicious information to the police's TCSO to make arrests.²⁵⁸

Between October 2012 and September 2013, the TCSO received 611 reports of computer-related crimes resulting in 146 investigations. Pornography was one of the most common offences reported, after *lèse majesté* (88% of the total websites blocked).²⁵⁹

In its report to the Committee on the Rights of the Child on the OPSC in 2011, Thailand reported the establishment of the Obscene and Pornographic Materials Elimination Center (under the Ministry of Information and Communication Technology) which was charged with various duties including: arresting and prosecuting offenders, coordinating with ISPs and ensuring that websites containing pornographic materials are removed.²⁶⁰

252 Council of Europe, *Cybercrime Convention*, CETS N° 185, Article 9: the term child pornography shall include pornographic material that visually depicts: (a) a minor engaged in sexually explicit conduct; (b) a person appearing to be a minor engaged in sexually explicit conduct; (c) realistic images representing a minor engaged in sexually explicit conduct; Council of Europe, *Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse*, accessed 19 May 2015 from: <http://conventions.coe.int/Treaty/EN/treaties/Html/201.htm>, Article 20(f): each Party shall take the necessary legislative or other measures to ensure that the following intentional conduct, when committed without right, is criminalised: (f) knowingly obtaining access, through information and communication technologies, to child pornography; Article 23: Each Party shall take the necessary legislative or other measures to criminalise the intentional proposal, through information and communication technologies, of an adult to meet a child who has not reached the age below which it is prohibited to engage in sexual activities with a child (decided by each Party) for the purpose of engaging in sexual activities with a child who, according to the relevant provisions of national law, has not reached the legal age for sexual activities or producing child pornography, where this proposal has been followed by material acts leading to such a meeting.

253 Sections 7-9, *Penal Code*.

254 Section 17, *Computer Crime Act* (2007).

255 See UNICEF, *Legal Protection from Violence*, 2015, p. 149.

256 Section 15, *Computer Crime Act*.

257 Freedom House, "Thailand, Freedom on the Net, 2014", accessed 28 May 2015 from: <https://freedomhouse.org/report/freedom-net/2014/thailand>

258 Prachatai, *MICT: More cyber offenders to be arrested soon* (3 December 2011), accessed 28 May 2015 from: <http://www.prachatai.com/english/node/2930>

259 U.S. Department of State, *Thailand 2013 Human Rights Report, Executive Summary*, p.24; Section 112 of the *Penal Code* (also known as the *lèse majesté* law) states: "Whoever defames, insults or threatens the King, the Queen, the Heir-apparent or the Regent, shall be punished with imprisonment of three to fifteen years."

260 Committee on the Rights of the *Initial reports of States parties on the OPSC: Thailand*, 2011, para. 131.

The Global Alliance against child sexual abuse online has reported the existence of multiple hotlines in Thailand addressing online child sexual abuse materials:

- e-Cyber Crime Internet hotline, staffed by the Royal Thai Police;
- Hotline established under the Ministry of Information and Communication Technology;
- Hotline run by the Ministry of Culture.²⁶¹

The e-Cyber Crime Internet hotline reportedly receives complaints related to sexual harassment and online scams, violent content, financial related crimes and false content. The Ministry of Culture hotline receives calls related to cases against social order, including both online and in real life (e.g. people can report any Internet cafe that provides sexual or violent games for children).²⁶²

The Ministry of ICT established a hotline to receive complaints about possible illegal or harmful websites on the Internet and operates the “Cyber Boy Scout” programme to train school children to monitor the web for “inappropriate online content,” especially lèse majesté.²⁶³

ThaiHotline is run by the Internet Foundation for the Development of Thailand and serves as a channel to report illegal or harmful content online, including child pornography.²⁶⁴ ThaiHotline is reportedly the only hotline that cooperates with INHOPE (International Association of Internet Hotlines) on the specific issue of child pornography on the Internet and receives support from INHOPE Foundation. According to Mr. Krisda Tuprung, ThaiHotline Project Manager:

“

“One of the reasons that INHOPE wants to cooperate with us is that ThaiHotline is a private NGO, therefore, no government policies influence notice and take down procedures... ThaiHotline will always make child abuse materials on the Internet our priority and we will have no government policies that influence the working of the hotline.”²⁶⁵

”

Childline Thailand Foundation runs a nationwide 24-hour telephone helpline known as “SaiDek 1387,” which provides assistance to children who have been abused and exploited.²⁶⁶ Reports can be made to this helpline of any urgent situation or suspicion that children have been abused by adults and is not limited to online content. The helpline reportedly receives 150,000 calls a year.²⁶⁷ It has been suggested, however, that more effort and resources are needed to make the general public and children aware of this helpline and that more organisations with well trained and qualified staff to work with children – either governmental or within NGOs – should operate such helplines.²⁶⁸

261 Global Alliance against Child Sexual Abuse Online: Thailand, accessed 2 July 2015 from: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/organized-crime-and-human-trafficking/global-alliance-against-child-abuse/docs/commitments/ga_commitment_-_thailand_en.pdf

262 ECPAT International, response to questions sent via email to Mr. Krisda Tuprung, ThaiHotline Project Manager, Bangkok, Thailand, 23 July 2015.

263 Freedom House, *Thailand, Freedom on the Net*, 2014, p. 772, accessed 28 May 2015 from: https://freedomhouse.org/sites/default/files/FOTN_2014_Full_Report_compressedv2_0.pdf

264 See: <http://report.thaihotline.org/>

265 ECPAT International, response to questions sent via email to Mr. Krisda Tuprung, ThaiHotline Project Manager, Bangkok, Thailand, 23 July 2015.

266 See: <http://childlinethailand.org/call-center/>

267 See: <http://childlinethailand.org/call-center/>

268 ECPAT International, response to questions sent via email to Ms. Kritsana Pimonsaengsuriya, Independent Consultant on child’s rights, child protection and child and youth participation, Bangkok, Thailand, 14 July 2015.

The Department of Special Investigations (DSI), under the Ministry of Justice, is the law enforcement agency in charge of investigating transnational crime, while the police deal with offences related to peace and order. The DSI operates on the basis of a data collection and technology database²⁶⁹ and it can refer cases to the Office of the Attorney General.²⁷⁰ According to the DSI, main challenges in fighting the sexual exploitation of children online include: the anonymity of offenders, the lack of expertise of law enforcement officers and the lack of cooperation of certain embassies that re-issue passports to replace those held during investigations.²⁷¹

TRAFFICKING OF CHILDREN FOR SEXUAL PURPOSES

Magnitude

In 2012, the Committee on the Rights of the Child expressed its concern for the increased trafficking of children for sexual exploitation from neighbouring countries into Thailand, which the Committee cited as supporting the sexual exploitation of children in travel and tourism in the country. The Committee also specifically acknowledged the domestic trafficking of disadvantaged children, undocumented migrants and ethnic minorities.²⁷²

In comparison to the other principle manifestations of CSEC in Thailand, information and statistics on human trafficking are the most prevalent. However, much of this information is not disaggregated by age, gender or type of exploitation and, if it is, it is not usually done in a way that allows for any comparative analysis as the disaggregation is done separately for different categories of victims. The statistics that are available – primarily from the Thai government and Royal Thai Police – provide evidence to support the idea that children are still a significant portion of those identified as victims of trafficking for sexual purposes. It is unclear from the literature if this is because trafficking for sexual purposes is the dominant form of trafficking or if there is an underreporting/lack of focus on other forms, such as labour trafficking.

In 2008, the Immigration Bureau Chief of Police estimated that there were approximately 300 trafficking victims identified in Thailand each year. Statistics reported from 2003-2008 identified approximately 130 people from Thailand's hill tribes rescued from trafficking situations.²⁷³

In 2010, The Anti-Human Trafficking Division of the Royal Thai Police reported that of the 122 victims of trafficking identified (a decrease from 145 identified in 2009), 73 were victims of trafficking for sexual exploitation.²⁷⁴ There was no disaggregation of this statistic by age or gender of the victims. According to UNODC, 73% of the trafficking victims identified in 2011 in Thailand were trafficked for sexual exploitation

269 Thailand, *Humantrafficking.org*, accessed 29 May 2015 from: <http://www.humantrafficking.org/organizations/213>

270 The Securities and Exchange Commission, *Enforcement*, accessed 29 May 2015 from: <http://www.sec.or.th/EN/Enforcement/Pages/CriminalSanction.aspx>

271 Pol. Col. Naras Savestanan, Ph.D., Deputy Director –General, Department of Special Investigation, Ministry of Justice, Thailand, 2011.

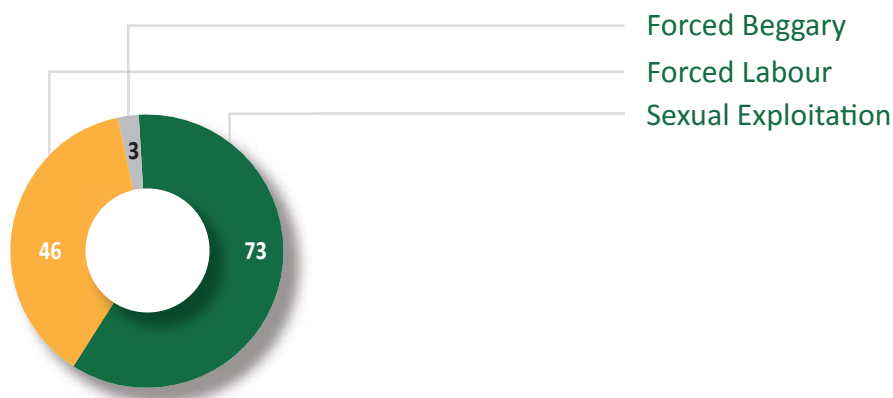
272 Committee on the Rights of the Child, *Concluding Observations on the CRC: Thailand*, 2012, para. 76.

273 ECPAT International and the Body Shop, *Stop Sex Trafficking of Children & Young People: Sex Trafficking of Children in Thailand*, 2009.

274 UN Human Rights Council, *Report of the Special Rapporteur on trafficking in persons, especially women and children, Joy Ngozi Ezeilo, Addendum, Mission to Thailand*, A/HRC/20/18/Add.2, 2 May 2012, para. 35; UNODC, *Country Profiles: South Asia, East Asia and The Pacific*, accessed on 4 July 2015 from: https://www.unodc.org/documents/data-and-analysis/glotip/Country_Profiles_South_Asia_East_Asia_and_Pacific.pdf

(25% for forced labour).²⁷⁵ In 2012, 594 human trafficking victims were identified by the Thai government (an increase from 279 in 2011); of those, 324 were Thai and 270 were foreign migrants, primarily from Cambodia, Laos and Myanmar.²⁷⁶

Chart 1: Number of victims of trafficking detected by the police by form of exploitation , 2010



Source: The Royal Thai Police and the Department of Special Investigation, cited in: UNODC, *Country Profiles: South Asia, East Asia and The Pacific*

From 2010-2013, IOM conducted an observational longitudinal study of men, women and youth (10 years or older) who were receiving post-trafficking services in Cambodia, Thailand and Vietnam. Nine countries were reported as destination locations for trafficking.²⁷⁷ Of the 1102 total respondents, the largest number was exploited in Thailand (40.7%) and the majority of children were also exploited in Thailand (73.9%). Nearly all of the study participants who were Thai nationals were trafficked within Thailand (88.5%).²⁷⁸ Youth respondents (10-17 years old) were commonly trafficked for sexual exploitation (58.4%) and from Thailand, they were trafficked mainly into sex work (79.3%). Among those under 18 years of age, the majority were exploited in sex work (51.9%); 29.1% of 10-14 year olds and 57.8% of 15-17 year olds.²⁷⁹ While the IOM study did not focus solely on trafficking in Thailand or Thai victims, the fact that the majority of child respondents were exploited in Thailand and that the majority of children were trafficked for sexual purposes, may support a conclusion that there is a high number of children trafficked for sexual purposes in Thailand, compared to its neighbouring countries.

Thailand's Ministry of Foreign Affairs (MFA) reported in its Trafficking in Persons 2014 Country Report that, of the 595 victims of human trafficking identified in 2014, 222 cases involved sexual exploitation, consisting primarily of girl victims from Laos and Thailand.²⁸⁰

These statistics provide a limited assessment of the overall trafficking situation in the country, as they related only to those victims identified by the government or other organisations. The 2014 Thailand Trafficking in Persons Country Report addressed the changing environment/nature of prostitution in the country, which

275 UNODC, *Global Report on Trafficking in Persons* (Vienna: UNODC, 2012), p. 71.

276 U.S. Department of State, *Trafficking in Persons Report 2013: Thailand*, available at: <http://www.state.gov/documents/organization/210742.pdf>

277 Cambodia, China, Indonesia, Malaysia, Mauritius, Russia, South Africa, Thailand and Vietnam.

278 IOM, *Health and Human Trafficking in the Greater Mekong Subregion: Findings from a survey of men, women and children in Thailand, Cambodia and Vietnam*, (2014), p. 31.

279 *Ibid.*, p. 33.

280 Thailand Ministry of Foreign Affairs, *Trafficking in Persons 2014 Country Report*, pp. 39-40.

may play a role in discouraging increased identification of trafficking victims. The report stated that “venues which provide commercial sexual services have become more sophisticated, being disguised as legitimate entertainment providers, such as karaoke bars, spas and massage parlours. The sexual services would not be conducted directly on these premises, but a customer could pay for, and receive, such services outside the venues.”²⁸¹ This is supported by the 2014 US Trafficking in Persons (TIP) Report, which claimed that the trafficking of children for sexual purposes “has become increasingly clandestine, occurring in massage parlours, bars, karaoke lounges, hotels and private residences.”²⁸²

A 2013 UNODC report, while recognising that sexual exploitation of children in travel and tourism is a problem in Thailand, asserted that “the main problem driving trafficking of women and girls ... is rooted in high domestic demand for commercial sex.”²⁸³ Statistics have been cited, similar to those referenced in the above section on child prostitution, that provide evidence of a societal acceptance of prostitution. For example, a study of men in Northeastern Thailand showed that 43% of single men and 50% of married men reported purchasing sex and, of those who had, 70% reported that their first sexual experience was with a prostitute.²⁸⁴ However, the study referenced by UNODC was carried out in 1997; hence, these statistics may not necessarily support the assertion that domestic demand for sex remains a driving force in the trafficking of girls in 2015.

In its 2014 TIP Report, the US Department of State downgraded Thailand to a Tier 3 country;²⁸⁵ this ranking was upheld in the 2015 TIP Report.²⁸⁶ One reason cited for this downgrade and lack of progress in the fight against trafficking was police corruption. This corruption appears to have a direct relation to the trafficking of children for sexual purposes. The 2015 TIP Report asserted that there were cases of officials in the country protecting brothels and commercial sex venues, as well as sexually exploiting child trafficking victims.²⁸⁷ It was reported in 2014 that 33 local police officers were “disciplined” for their protection of a brothel that housed child victims of trafficking for sexual purposes.²⁸⁸ In previous TIP Reports it was consistently highlighted that police officials were directly involved in and facilitated human trafficking.²⁸⁹

One emerging trend reported by local NGOs in relation to trafficking of children for sexual purposes was an increase in the use of social media to identify and recruit children into trafficking for sexual purposes.²⁹⁰

281 *Ibid.*, p. 40.

282 U.S. Department of State, *Trafficking in Persons Report 2014: Thailand*.

283 UNODC, *Transnational Organized Crime in East Asia and the Pacific*, 2013, p. 18.

284 *Ibid.*

285 This downgrade was assigned after two consecutive waivers from a required downgrade to Tier 3. According to the U.S. Department of State, a Tier 3 country is one whose government does not fully comply with the Trafficking Victims Protection Act’s (TVPA) minimum standards and is not making significant efforts to do so. “Pursuant to the TVPA, governments of countries on Tier 3 may be subject to certain restrictions on bilateral assistance, whereby the U.S. government may withhold or withdraw non-humanitarian, nontrade-related foreign assistance. In addition, certain countries on Tier 3 may not receive funding for government employees’ participation in educational and cultural exchange programs. Consistent with the TVPA, governments subject to restrictions would also face U.S. opposition to assistance (except for humanitarian, trade-related, and certain development-related assistance) from international financial institutions, such as the International Monetary Fund and the World Bank.” See: U.S. Department of State, *Definitions and Methodology, Trafficking in Persons Report 2014*.

286 See: U.S. Department of State, *Trafficking in Persons Report 2015: Thailand*, available at: <http://www.state.gov/documents/organization/243562.pdf>

287 *Ibid.*

288 U.S. Department of State, *Trafficking in Persons Report 2014: Thailand*; it is unclear in this situation what “discipline” means and what happened to the officers or the children involved.

289 U.S. Department of State, *Trafficking in Persons Report 2011: Thailand*, available at: <http://www.state.gov/j/tip/rls/tiprpt/2011/164233.htm> and U.S. Department of State, *Trafficking in Persons Report 2012: Thailand*, available at: <http://www.state.gov/documents/organization/192598.pdf>

290 Department of State, *Trafficking in Persons Report 2015: Thailand*; U.S. Department of State, *Trafficking in Persons Report 2014: Thailand*.

“Underage Sex Trade : The Laotian Victim Case”

“The Anti-Trafficking in Person Division of the Royal Thai Police expanded their investigation from a case in 2013, in which three human trafficking victims were rescued from a brothel in Chonburi Province...[this led the police] to uncover a trafficking syndicate that was engaged in sexual exploitation of underage females from Laos. In March 2014, in cooperation with officers from Kredtrakarn Protection and Occupation Development Center, they gained valuable information from five underage females from Laos who fell victim to a trafficking syndicate and who are now under the care of the Kredtrakarn Center. Further investigation shed light [on] the operation of this syndicate in various provinces, namely Chachoengsao, Song Khla, Kanchanaburi, Supanburi, Narathiwat, and Nongkhai. Subsequently, four members of the syndicate were arrested and eight more victims were successfully rescued in Chachoengsao province; whereas in Song Khla province, the police arrested one trafficker and rescued five victims.”²⁹¹

Child victims

In 2007 it was reported that the number of Thai children identified and receiving services as victims of trafficking decreased, with more children from Cambodia, Laos and Myanmar identified in recent years.²⁹² This assertion was confirmed, at least in part, by the Thai government, acknowledging in 2006 an increased number of foreign children trafficked into Thailand for sexual exploitation.²⁹³

A 2007 UNDP study in Thailand estimated that one in ten “female sex workers” (10.4%) indicated that they met the criteria for sex trafficking defined by the study.²⁹⁴ Of the total number of “sex workers” involved in the study (815), 9.4% were 17 years or younger at their age of entry into the work and 30.6% had a current age of 14 to 23 years. Of those trafficked (85), 89.4% were 17 years or younger at their age of entry into the work and 60% had a current age of 14 to 23 years. Of the non-trafficked workers, (730), none were 17 years or younger at the age of entry and 27.1% had a current age of 14 to 23 years.²⁹⁵

291 Thailand Ministry of Foreign Affairs, *Trafficking in Persons 2014 Country Report*, p. 52.

292 Emmons, K., *Child Protection in Thailand*, 2007: taken from: archives of Tourism Authority of Thailand News Room.

293 ECPAT International, *Alternative Report following the initial report from Thailand on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography*, 2011; citing to: *Thailand's Country Paper on Prevention and Suppression of Human Trafficking*, Ministry of Social Development and Human Security, National Operation Centre on Prevention and Suppression of Human Trafficking (NOCHT), presented in the Workshop on Civil Society and Government Collaboration to Combat Trafficking in Persons in the Greater Mekong Sub-Region, 22-24 May 2006, Bangkok, Thailand, organised by Vital Voices Global Partnership.

294 A victim of sex trafficking in the study was defined as one who “began sex work under the age of 18 years or entered via mechanisms of force, fraud or deception.” UNDP Regional Centre in Colombo, *Sex Trafficking and STI/HIV in Southeast Asia: Connections between Sexual Exploitation, Violence and Sexual Risk* (Colombo: UNDP, 2009), p.3.

295 UNDP Regional Centre in Colombo, *Sex Trafficking and STI/HIV in Southeast Asia*, 2009, p.24.

Table 7: Characteristics of “female sex workers” in 2007 UNDP Study

	Total Sample (815)	Trafficked (85)	Non-trafficked (730)
Age at entry			
17 years or under	9.4%	89.4%	0%
18 to 21 years	26.8%	3.5%	29.5%
22 years or older	63.7%	7.1%	70.4%
Current Age			
14 to 23 years	30.6%	60.0%	27.1%
24 to 30 years	36.3%	21.2%	38.1%
31 or older	33.1%	18.8%	34.8%

Source: UNDP Regional Centre in Colombo, *Sex Trafficking and STI/HIV in Southeast Asia: Connections between Sexual Exploitation, Violence and Sexual Risk*, (Colombo: UNDP, 2009), p.24

Foreign migrants, members of ethnic minorities and stateless persons have been identified as the populations most at risk of being trafficked in Thailand. The 2014 US TIP Report declared that the majority of trafficking victims – conservative estimates were in the tens of thousands – “are migrants from neighbouring countries forced, coerced or defrauded into labour or exploited in the sex trade.”²⁹⁶ Girls from Laos, Myanmar, Thailand and Vietnam have been identified as common victims of trafficking for sexual purposes.²⁹⁷ In 2009, ECPAT International identified girls from the hill tribes in Northern and Northeastern Thailand, around 12 to 16 years of age, as the most trafficked population domestically.²⁹⁸ The 2014 US TIP Report supported this assertion, identifying hill tribe populations in Northern Thailand as particularly vulnerable to trafficking due to their lack of legal status.²⁹⁹

According to the government in 2014, the majority of foreign victims from Cambodia, Laos and Myanmar were tricked by traffickers into thinking they were travelling to Thailand for employment opportunities. The government identified victims from Laos as primarily trafficked for sexual exploitation. Most of the Thai victims were originally from Northern and Northeastern Thailand and the majority of them were reportedly trafficked for sexual exploitation in Chonburi, Samut Prakan, Samut Sakon provinces and Bangkok.³⁰⁰ According to the Special Rapporteur on Trafficking in Persons in 2012, the majority of trafficked persons identified within the country were women and girls trafficked into commercial sex venues.³⁰¹

While many child trafficking victims are reportedly tricked or forced into sexual exploitation during and/or after they are trafficked, there is evidence to suggest that this is not the only – or perhaps even the most common – form of trafficking in the country. According to Mr. Prawit Roykaew, a public prosecutor at the Attorney General’s Office in Bangkok, most young people who are engaged in the sex industry in the country do it by choice/of their own free will, especially those coming from Cambodia, Laos and Myanmar, in order to earn money to send home to their families. Mr. Roykaew stated:

296 U.S. Department of State, *Trafficking in Persons Report 2014: Thailand*.

297 *Ibid.*

298 ECPAT International and the Body Shop, *Stop Sex Trafficking of Children & Young People: Sex Trafficking of Children in Thailand, 2009*; citing to: Coalition against Trafficking in Women Asia Pacific, *Trafficking in Women and Prostitution in the Asia Pacific* cited in Factbook – Thailand, accessed 19 March 2009 from: <http://www.catwinternational.org/factbook/Thailand.php>

299 U.S. Department of State, *Trafficking in Persons Report 2014: Thailand*.

300 Thailand Ministry of Foreign Affairs, *Trafficking in Persons 2014 Country Report*, p. 39.

301 UN Human Rights Council, Report of the Special Rapporteur on trafficking in persons: Mission to Thailand, 2012, para. 35.

“

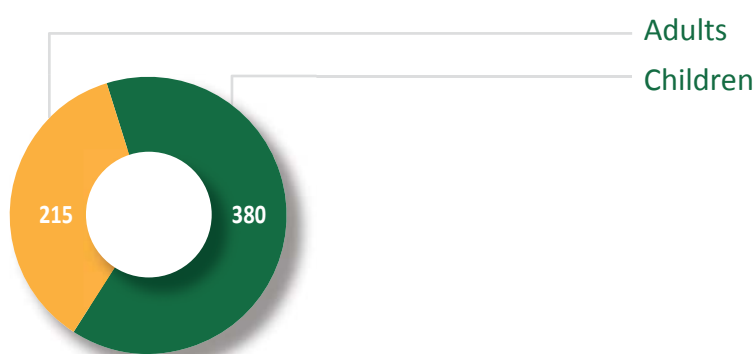
I am not the person who rescues them. I come after the rescue and when the child is already at the shelter. I go there and interview them. And they ask me “why [did] you rescue me?” because they need money to send home. So this is the first big problem, because they don’t want our help, they do not cooperate; they don’t feel they are victims. If we repatriate back home, they will come back in one month with more people, friends. So this second time they come as traffickers. They are both victims and offenders.³⁰²

”

This observation was affirmed by local civil society representatives as an issue that is becoming more and more common among CSEC victims. It was reported that, in recent years, victims are cooperating less and less with the government and NGOs because many of them need the money they are making through the exploitation and believe that it is better to be a victim with money than be in a shelter home with no money. It has been observed that they do not want to go through the system because they cannot send money home, so they do not want to be identified as victims.³⁰³

In 2014, a total of 595 victims of human trafficking were identified in Thailand. Of these victims, 46% were Thai and 54% were foreigners; 215 were male and 380 were female. These victims included 274 Thais, 108 Laotians, 83 Burmese, 29 Cambodians, and 101 of other nationalities. These victims included 380 children: 73 male and 307 female. The majority of sexually exploited victims were Thai.³⁰⁴

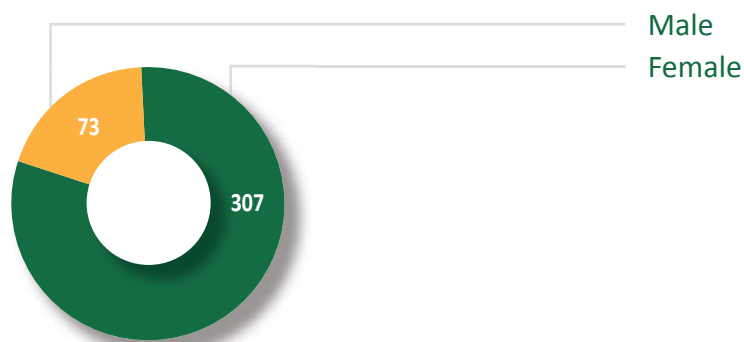
Chart 2: Victims of Human Trafficking 2014



Source: Thailand’s Trafficking in Persons 2014 Country Report

302 Interview conducted with Mr. Prawit Roykaew by ECPAT International at the Attorney General’s Office, Bangkok, 25 March 2015 for ECPAT’s Access to Justice Project.
 303 ECPAT International and UNICEF Thailand, Roundtable Consultation on a Situational Analysis of CSEC in Thailand through a desk review, 31 August 2015, Bangkok, Thailand.
 304 Thailand Ministry of Foreign Affairs, Trafficking in Persons 2014 Country Report, pp. 19, 39.

Chart 3: Child Victims of Human Trafficking 2014



Source: *Thailand's Trafficking in Persons 2014 Country Report*

Table 8: Trafficking Victim Identification Statistics: A Comparison between 2013 and 2014

Year	Age		Nationality					Total
	Below 18	18 and above	Thailand	Burmese	Cambodia	Laos	Others	
2013	757	263	657	141	89	114	19	1020
2014	380	215	274	83	29	108	101	595

Source: *Thailand's Trafficking in Persons 2014 Country Report*

Offenders

Traffickers of children domestically and across Thailand's borders have been identified as both nationals and foreigners, male and female. Reportedly, "the majority of trafficking cases are facilitated by individual and local level networks of friends and family members of victims, and former victims themselves."³⁰⁵ As a result of these connections between victims and traffickers, it has been reported that it is common for trafficking cases to begin as voluntary migration.³⁰⁶

305 United Nations Inter-Agency Project on Human Trafficking (UNIAP), Strategic Information Response Network (SIREN), *Mekong Region Country Datasheets: Human Trafficking*, 2010, p. 27, accessed 4 July 2015 from: http://www.no-trafficking.org/reports_docs/siren/uniap_2010ht_datasheets.pdf

306 *Ibid.* It should be noted that this source cites to another for this information: 'SIREN GMS – 04 The State of Counter – Trafficking: A Tool for Donors', United Nations Inter-Agency Project on Human Trafficking, p.5 (February 2008). It is not clear, however, if this source validates the assertion.

According to UNODC,

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“Most traffickers control migrant sex workers through debt bondage accumulated from the cost of smuggling them into Thailand. Some brothel owners buy these debts and then use them to exploit the victim. To the initial sum, inflated costs may be added for the feeding, housing, and upkeep of the victim, extending the period of debt servitude.”³⁰⁷

”

In a 2011 study of trafficking from Myanmar to Thailand, data was collected pertaining to recruiters/ procurers of trafficking victims. Of the 100 sampled, at least 65 were females of different ethnicities (Palaung, Shan, Chinese, Burman and Kachin) and included police officers, government workers and even one nun.³⁰⁸ It has also been reported that traffickers in Thailand tend to be Thai women whereas male traffickers tend to be foreigners. Another trend identified is the presence of a woman located in the home villages where the victims are from who will handle the “supply” of the girls to the receiving country or location where a man (many times the woman’s husband) will manage the exploitation of the girls when they arrive.³⁰⁹ In 2013, UNODC reported that cases of parents knowingly permitting their children to be trafficked for sexual exploitation were rare in the Greater Mekong Sub-Region.³¹⁰

Monks as Traffickers of Children for Sexual Purposes

In 2015, a Thai monk known as “Pra Chai” pled guilty to the charges of human trafficking and exploitation of minors (teenage boys). He was the sixth Buddhist monk to be convicted since 2014 for sex crimes involved in what was discovered to be a “trafficking ring.” The monk was sentenced to 124 years in prison, but will only serve 50, the maximum prison time allotted for these crimes by law in Thailand.³¹¹

Trafficking routes

Thailand has been identified as a trafficking hub for the sexual exploitation of women and children in the Greater Mekong Sub-Region, although reports suggest that this form of trafficking has been significantly reduced in recent years.³¹²

Trafficking routes in and out of Thailand have been identified in various regions. In the north, it was reported in 2005 that human trafficking routes converged in Phayao province. These trafficking routes originated in South-western China with one passing through Shan State in Myanmar into Thailand and the other passing through Northwestern Laos. This area was sometimes referred to as the “Golden Triangle.”³¹³

307 UNODC, *Transnational Organized Crime in East Asia and the Pacific*, 2013, p. 20.

308 *Ibid.*, p. 21, citing to: Palaung Women’s Organization, *Stolen Lives, Human trafficking from Palaung areas of Burma to China*, (Thailand: Palaung Women’s Organization, 2011).

309 ECPAT International and UNICEF Thailand, *Roundtable Consultation on a Situational Analysis of CSEC in Thailand through a desk review*, 31 August 2015, Bangkok, Thailand.

310 UNODC, *Transnational Organized Crime in East Asia and the Pacific*, 2013, p. 21.

311 International Justice Mission, *Trafficking ring run by Thai monk crumbles with leader behind bars*, (2 June 2015), accessed 7 July 2015 from: <https://www.ijm.org/articles/trafficking-ring-run-thai-monk-crumbles-leader-behind-bars>

312 UN Human Rights Council, *Report of the Special Rapporteur on trafficking in persons: Mission to Thailand*, 2012, para. 13.

313 Taylor, L.R., “Dangerous Trade-offs, 2005, pp. 411-431.

According to a 2004 study on trafficking in Thailand, the Mae Sai border in Chiang Rai was a common entrance point for Burmese women and children trafficked for the purpose of prostitution.³¹⁴ The MFA has also identified Nong Khai Province in the Northeast as a region where human trafficking for the purpose of prostitution is prevalent.³¹⁵

A 2007 study on trafficking for sexual exploitation into Southern Thailand by the Institute of Asian Studies at Chulalongkorn University in Bangkok suggested that trafficking for sexual exploitation in the region occurred along six routes:

- *“A flight-land-water-land transport route from Yangon in Myanmar;*
- *A land-water-land transport route from Mawlamyine;*
- *A land-transport route from northern Thailand;*
- *A land-transport route from north-eastern Thailand;*
- *A land-transport route from China to connect the land-transport route from northern Thailand neighbouring;*
- *A flight route from China.”*³¹⁶

The same study indicated that agents or brokers were the most common traffickers along these routes. Many were identified as “experienced sex workers” while others were identified as friends or relatives of the victims or their families.³¹⁷

Ubonratchathani, Mukdaharn province and Songkla province have also been identified by organisations working in anti-trafficking in the region as transit and destination areas for human trafficking.³¹⁸

Thailand as a transit country

Thailand has been identified as a transit country for victims from Bangladesh, China, Myanmar, North Korea, Pakistan and Vietnam, who are subjected to sex trafficking in Indonesia, Malaysia, Russia, Singapore, South Korea, the United States and Western Europe.³¹⁹

Thailand as a destination country

Victims, including child victims of commercial sexual exploitation, are reportedly trafficked into Thailand primarily from Cambodia, Laos, Myanmar and Vietnam.³²⁰ Children from China, Russia and Uzbekistan have also been identified in Thailand as victims of trafficking for commercial sexual exploitation.³²¹ Because most migrant victims of trafficking in Thailand are from Cambodia, Laos and Myanmar, the principle human trafficking routes are reportedly along the borders between Thailand and these countries:

314 ECPAT International and the Body Shop, *Stop Sex Trafficking of Children & Young People, Sex Trafficking of Children in Thailand*, citing to: Chantavanich, Supang. Research on women and children lured into Thailand (translated title). Paper presented at the Chiang Rai Workshop on Human Trafficking. 13-14 May 2004. Bangkok: Office of the Permanent Secretary of the Prime Minister’s office, the Ministry of Social Development and Human Security, and the Royal Thai Police.

315 Thailand Ministry of Foreign Affairs, *Thailand’s Progress Report on Anti-Human Trafficking Efforts, 31 March 2015*, p. 73.

316 Wongboonsin, P. (ed.), *Trafficking for Sexual Exploitation into Southern Thailand* (Bangkok: Institute of Asian Studies Chulalongkorn University, 2008), p. 75.

317 *Ibid.*

318 Alliance Anti-Traffic and Save the Children, *Protection of Trafficking Victims in Thailand: A look at best practices in protecting migrant and trafficked children*, accessed 18 July 2015 from: <http://aatthai.org/wp-content/uploads/2013/09/Protection-of-Trafficking-Victims-in-Thailand-final.pdf>

319 U.S. Department of State, *Trafficking in Persons Report 2014: Thailand*.

320 UN Human Rights Council, *Report of the Special Rapporteur on trafficking in persons: Mission to Thailand*, 2012, para. 7; UNODC, *Global Report on Trafficking in Persons*, 2012, p. 72; U.S. Department of Labor, *2013 Findings on the Worst Forms of Child Labor*, p. 776.

321 Strategic Information Response Network, *Mekong Region Country Datasheets on Human Trafficking*, 2010, p. 24.

- “Migrants from Myanmar enter Thailand through Ranong Province, Mae Sot checkpoint in Tak Province, Sangkhlaburi district in Kanchanaburi Province, Mae Hong Son, and Chiang Mai;
- Migrants from Laos enter Thailand through Phiboonmangsa-harn district in Ubon Ratchathani Province, Mukdahan and Nong Khai Province;
- Migrants from Cambodia enter Thailand through Aranyaprathet in Srakaew Province, Surin and Trat Province.”³²²

UNODC has reported that the border crossing at Tachilek in Myanmar to Mai Sai in Thailand is one route for women and girls from Myanmar to be trafficked for sexual exploitation in Thailand.³²³ News stories in 2010 and 2011 in Thailand reported Burmese women and girls being trafficking to brothels in Ranong province, bordering Southern Myanmar, while others were reportedly sent to Phuket.³²⁴

In the government’s 2014 country report on human trafficking, trafficking routes were provided for the victims identified in 2014:

- “Victims from Myanmar often travelled from Kengtung, Hpa-An, Yangon, Myawaddi, Bago, Dawei, Myeik, Kawthaung, Myitkyina, Lashio, Mandalay, Taunggyi, and Mawlamyine through Thai borders in Chiangrai, Chiangmai, Mae Hong Son, Tak or Kanchanaburi provinces;
- Victims from Laos often travelled from the provinces of Savannakhet, Champasak, Saignabouli, Salavan, Vientiane, and Khammouan through Thai borders in Ubon Ratchathani, Nongkhai, Mukdahan, and Loei provinces;
- Victims from Cambodia often travelled from Kandal, Koh Kong, Battambang, Siem Reap, Kampong Cham, Poipet, Sala Krau, Bantey Meanchey, Phnom Penh, and Oddar Meanchey through Thai borders in Surin, Sakaew and Trad provinces.”³²⁵

Cities like Pattaya and Chiang Mai continue to be identified as hotspots for human trafficking.³²⁶

Thailand as a sending country

Thai nationals are trafficked to countries all around the world, including: Australia, Bahrain, China, Germany, Israel, Japan, South Africa and the United States.³²⁷ In 2009, it was reported that most Thai victims of trafficking for sexual purposes who were repatriated to Thailand were trafficked to Bahrain and Malaysia.³²⁸ It was also reported in 2009 that women and children from Thailand were trafficked to countries in the Middle East such as Saudi Arabia and the United Arab Emirates to be brides or exploited in prostitution.³²⁹ However, this assertion cited to a source from 2002 and hence it is unclear whether this is still a concern in Thailand.

322 Strategic Information Response Network, *Mekong Region Country Datasheets on Human Trafficking*, 2010, p. 24, citing to: *The Process of Entering Human Trafficking in Samutsakhon*, Bangkok, Labour Rights Promotion Network (2007).

323 UNODC, *Transnational Organized Crime in East Asia and the Pacific*, 2013, p. 20, citing to: Busza, J., “Sex Work and Migration: The Dangers of Oversimplification- A Case Study of Vietnamese Women in Cambodia”, *Health & Human Rights*, Vol. 7, no. 2, 2004.

324 ECPAT International, *Global Monitoring status of action against commercial sexual exploitation of children, Thailand*, 2011, p. 10.

325 Thailand Ministry of Foreign Affairs, *Trafficking in Persons 2014 Country Report*, p. 39.

326 Thailand Ministry of Foreign Affairs, *Thailand’s Progress Report on Anti-Human Trafficking Efforts*, 2015, p. 9.

327 See: U.S. Department of State, *Trafficking in Persons Report 2014: Thailand*; UNODC, *Global Report on Trafficking in Persons*, 2012; UN Human Rights Council, *Report of the Special Rapporteur on trafficking in persons: Mission to Thailand*, 2012. See also: United Nations Inter-Agency Project on Human Trafficking (UNIAP), Strategic Information Response Network (SIREN), *Mekong Region Country Datasheets: Human Trafficking 2010*: Thai citizens are trafficked internationally to Australia, Bahrain, Brunei, Canada, Germany, Indonesia, Israel, Japan, Korea, Kuwait, Libya, Malaysia, Maldives, Qatar, Saudi Arabia, Singapore, South Africa, South Korea, Taiwan, Timor Leste, the UAE, the USA and Vietnam.

328 U.S. Department of State, *Trafficking in Persons Report 2009*, accessed 7 July 2015 from: <http://www.state.gov/j/tip/rls/tiprpt/2009/123139.htm>

329 See: ECPAT International and the Body Shop, *Stop Sex Trafficking of Children & Young People: Sex Trafficking of Children in Thailand*, 2009, citing to: Miko, F.T. and Park, G., *Trafficking in women and children: the U.S. and international response*, CRS Report for Congress, updated 18 March 2002, accessed 7 July 2015 from: <http://fpc.state.gov/documents/organization/9107.pdf>

Domestic trafficking

The Special Rapporteur on Trafficking in Persons reported in 2012 that large numbers of women and children from hill tribes in Northern and Northeastern Thailand “are lured to urban areas of Thailand with the promise of a well-paid job and forced into prostitution.”³³⁰ The Thai government has also recognised the north and northeastern regions of the country as the source for many victims of trafficking for sexual exploitation and has identified their destinations primarily as: Chonburi, Samut Prakarn, Samut Sakorn Provinces and Bangkok.³³¹

Key legal frameworks and policies

Article 3(a) of the Palermo Protocol provides the international standard for the definition of trafficking in persons:

Action: *the recruitment, transportation, transfer, harbouring or receipt of persons*

Means: *by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person*

Purpose: *for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.*³³²

When a child is recruited, transported, transferred, harboured or received for the purpose of exploitation this constitutes human trafficking even in the absence of the means referred to above.³³³ With this provision, international law recognises that a child is unable to give informed consent to be trafficked.

Thailand’s *Anti-Trafficking in Persons Act* (2008) criminalises the procuring, buying, selling, vending, bringing from or sending to, detaining or confining, harbouring, or receiving a child for the purpose of exploitation.³³⁴ This provision appears to meet the international definition of trafficking in persons, including the idea that no means are necessary for the trafficking of a child. The trafficking of a child is also treated as an aggravated offence in the Act, assigning harsher penalties depending on the age of the child.³³⁵

Thailand’s *Anti-Trafficking Act* is a comprehensive piece of legislation, covering many aspects of the offence, including assistance and protection to victims³³⁶ and the application of extraterritorial jurisdiction to the offence of child trafficking.³³⁷

330 UN Human Rights Council, *Report of the Special Rapporteur on trafficking in persons: Mission to Thailand*, 2012, para. 13; see also: ECPAT International, *Global Monitoring status of action against commercial sexual exploitation of children, Thailand*, 2011 p. 10, citing to Coalition against Trafficking in Women Asia Pacific, *Trafficking in Women and Prostitution in the Asia Pacific* cited in *Factbook – Thailand*.

331 Thailand Ministry of Foreign Affairs, *Trafficking in Persons 2014 Country Report*, p. 39.

332 *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime* (2000).

333 Article 3(c), *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime*.

334 Section 6(2), *Anti-Trafficking in Persons Act*, B.E. 2551 (2008). Section 4 defines exploitation as “seeking benefits from the prostitution, production or distribution of pornographic materials, other forms of sexual exploitation, slavery, causing another person to be a beggar, forced labour or service, coerced removal of organs for the purpose of trade, or any other similar practices resulting in forced extortion, regardless of such person’s consent.”

335 *Ibid.*, Section 52.

336 *Ibid.*, see Chapter 4.

337 *Ibid.*, Section 11.

A wide range of ancillary offences are punishable under the Act as well, including:

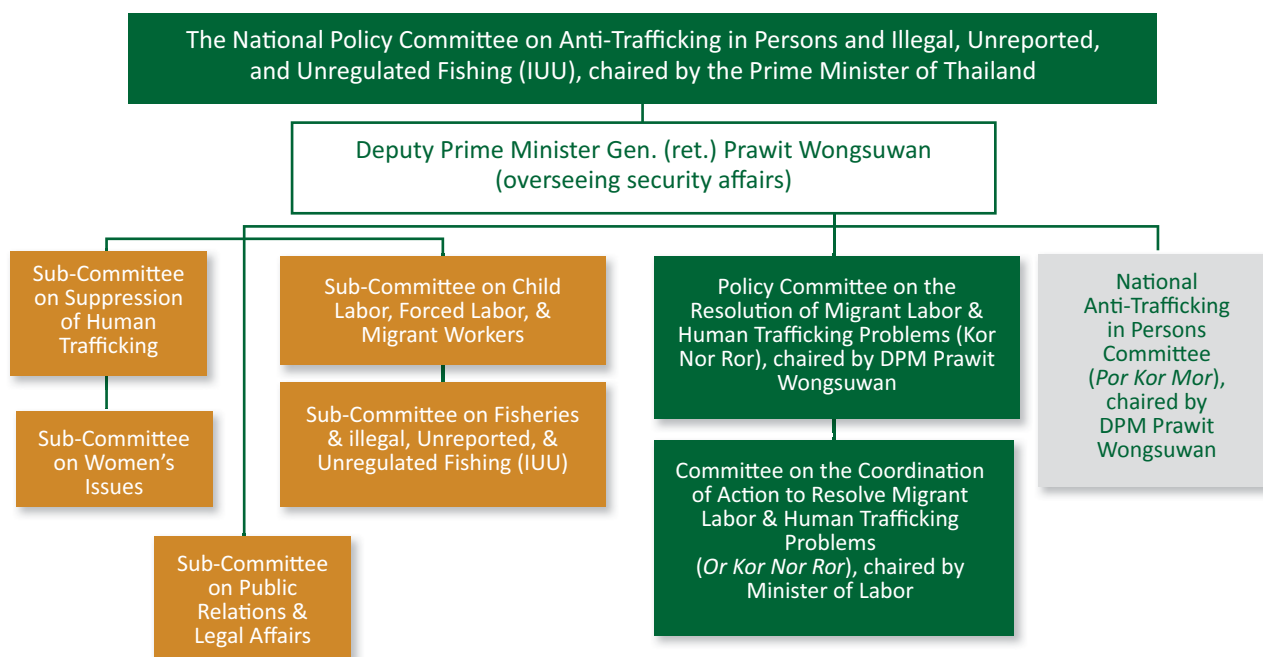
- supporting the commission of an offence;
- aiding by contributing property or procuring a meeting place for the offender;
- assisting the primary offender to avoid arrest;
- taking a benefit to assist the primary offender to avoid punishment; and
- inducing, suggesting or contacting a person to participate in the commission of an offence.³³⁸

Preparation and conspiracy to commit an offence are also punishable.³³⁹

Thailand’s *Penal Code* also criminalises conduct relevant to child trafficking for sexual purposes, stating that it is an offence to procure, lure, or traffic a child for an indecent sexual act or for sexual gratification of another person.³⁴⁰ This offence is punishable in Thailand regardless of where the offence occurred or the nationality of the offender.³⁴¹ *The Prevention and Suppression of Prostitution Act* also criminalises the procuring, seducing or taking away of any person for the purpose of prostitution.³⁴²

Since its downgrade by the US TIP report to a Tier 3 country in 2014, the government has established new committees and subcommittees to address trafficking and has involved additional ministries in this work.³⁴³ Thailand’s updated national system and structure on human trafficking as of March 2015 can be seen in the graphic below.³⁴⁴

Chart 4: National System and Structure on Human Trafficking



338 *Ibid.*, Section 7.

339 *Ibid.*, Sections 8 and 9.

340 Section 282, *Penal Code*.

341 Section 7(2 bis), *Penal Code*.

342 Section 9, *Prevention and Suppression of Prostitution Act* (1996).

343 U.S. Department of State, *Trafficking in Persons Report 2015: Thailand*.

344 See: Thailand Ministry of Foreign Affairs, *Thailand’s Progress Report on Anti-Human Trafficking Efforts, 2015*, p. 12.

In May 2010, the government approved the second National Policy Strategy and Measures for the Prevention and Suppression of Trafficking in Persons 2011-2016. The Policy's five primary target areas are: prevention, prosecution, protection and assistance, development of policy mechanisms and development and effective administration of information. While the Special Rapporteur on Trafficking in Persons praised the Policy in her 2012 mission report as a positive initiative, she also pointed out that "it lacks specific performance indicators and timelines, which will make effective monitoring and reporting very difficult."³⁴⁵

In 2004, Thailand signed the ASEAN Declaration against Trafficking in Persons, Particularly Women and Children³⁴⁶ and is one of six States of the Greater Mekong Sub-Region participating in the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT).³⁴⁷ Thailand has also signed four memoranda of understanding (MoUs) on human trafficking with Cambodia, Laos, Myanmar and Vietnam. According to the Special Rapporteur on Trafficking in Persons:

“

“All memorandums provide for the protection of victims of trafficking, victims’ right to seek compensation, bilateral cooperation in the investigation and prosecution of traffickers, the return and reintegration of victims of trafficking, and the prevention of trafficking. Pursuant to these bilateral agreements, specific plans of action and operational procedures have been developed; for example, the Lao People’s Democratic Republic and Thailand have endorsed a bilateral plan of action and set of guidelines on procedures of victim return and victim rehabilitation, especially for women and children. While these memorandums, plans of actions and guidelines are certainly important steps, implementation remains weak.”³⁴⁸

”

It was reported in 2014 that the government planned to negotiate and conclude additional MoUs with: Brunei Darussalam, China, India, Malaysia and United Arab Emirates.³⁴⁹

MoUs on guidelines for government agencies and NGOs engaged in addressing the trafficking of women and children have been established, including, in 2008, seven domestic MoUs on Common Guidelines of Practices for Agencies Concerned with Cases of Human Trafficking, covering 75 provinces. These guidelines reportedly addressed the prevention, protection, prosecution, repatriation and reintegration aspects involved in the managing of trafficking cases.³⁵⁰

On 26 March 2015, the National Legislative Assembly voted to amend the *Anti-Human Trafficking Act*:³⁵¹

345 UN Human Rights Council, *Report of the Special Rapporteur on trafficking in persons: Mission to Thailand*, 2012, para. 24.

346 See: <http://www.asean.org/communities/asean-political-security-community/item/asean-declaration-against-trafficking-in-persons-particularly-women-and-children-3>

347 See: <http://www.no-trafficking.org/commit.html>

348 UN Human Rights Council, *Report of the Special Rapporteur on trafficking in persons: Mission to Thailand*, 2012, para. 68.

349 Thailand Ministry of Foreign Affairs, *Trafficking in Persons 2014 Country Report*, p. 121.

350 ECPAT International, *Global Monitoring status of action against commercial sexual exploitation of children, Thailand*, 2011, p. 17.

351 As of the writing of this report, the amendment still had to be signed by the King and published in the Royal Gazette to come into effect.

“

“... the new amendments to the Anti-Trafficking Act remove civil liability for reporting suspected human trafficking offences or arresting suspects in order to ensure that fear of reprisal is never a barrier to an effective legal response. The purpose of the amendments is thus to increase the effectiveness of the law in preventing and suppressing human trafficking by protecting authorities and those who report on trafficking crimes with legal immunity and protection from civil and criminal liabilities.”³⁵²

”

The government has asserted the reason for these amendments was due to its realisation that “the fear of some officials and citizens of being sued for making wrongful accusations and/or arrests has been a barrier in effectively enforcing anti-trafficking law.”³⁵³

The National Council for Peace and Order issued Announcement no. 68/2557 on 17 June 2014 “mandating immediate prevention and suppression of human trafficking and resolving migrant worker problem[s].” The directive reportedly mandates the punishment of officials who “neglect (thereby allowing corruption) or are complicit in unlawful profiteering from human trafficking, illegal migrant workers, child labour, prostitution and illegal smuggling of migrant workers.”³⁵⁴

On 19 December 2014, the Recommendation of the President of the Supreme Court on Guidelines for Case Management under the *Anti-Trafficking in Person Act* came into effect. With this, the Court of Justice and the Office of the Judiciary can “accelerate all unfinished and newly filed human trafficking cases in proceedings.”³⁵⁵ Under this Recommendation, all human trafficking cases should be completed within six months.³⁵⁶

Investigations, prosecutions and convictions

The following statistics on investigations, prosecutions and convictions provide a general idea of the police and judicial systems’ responses to trafficking in the country. There is limited available data by type of exploitation as shown in the charts below; however, most is not disaggregated by age or gender.

Chart 5: Number of cases of trafficking investigated by form of exploitation, 2008-2011



Source: The Royal Thai Police and the Department of Special Investigation, as cited in: UNODC, *Country Profiles: South Asia, East Asia and The Pacific*

352 Thailand Ministry of Foreign Affairs, *Thailand’s Progress Report on Anti-Human Trafficking Efforts, 2015*, p. 11.

353 *Ibid.*

354 Thailand Ministry of Foreign Affairs, *Trafficking in Persons 2014 Country Report*, p. 58.

355 *Ibid.*, p. 151.

356 Thailand Ministry of Foreign Affairs, *Thailand’s Progress Report on Anti-Human Trafficking Efforts, 2015*, p. 14.

Table 9: Investigations, Prosecutions and Convictions of Trafficking, 2011-2015

Year	Investigations	Prosecutions	Convictions
2011	83	67	12
2012	305	27	10 ³⁵⁷
2013	674	483 ³⁵⁸	225 ³⁵⁹
2014	280	115	104
2015	280	155	151

Source: U.S. Department of State, *Trafficking in Persons Reports 2013, 2014 and 2015: Thailand* and Thailand Ministry of Foreign Affairs, *Trafficking in Persons 2014 Country Report*

Table 10: Cases under Investigation, 2010-2014

Year	Cases	Exploitation Type		
		Sex	Labour	Begging
2010	81	65	12	4
2011	97	74	19	4
2012	306	226	44	36
2013	674 ³⁶⁰	520	80	74
2014	280	222	47	11

Source: Thailand Ministry of Foreign Affairs, *Trafficking in Persons 2014 Country Report*³⁶¹

Table 11: Prosecutions, 2010-2014

Year	Cases	Defendants	Exploitation Type					
			Sex		Labour		Begging	
			cases	defendants	cases	defendants	cases	defendants
2010	57	126	42	85	14	40	1	1
2011	59	128	45	89	10	30	4	9
2012	56	93	46	72	9	20	1	1
2013	386	483	298	374	37	53	51	56
2014	115	155	102	128	7	21	6	6

Source: Thailand Ministry of Foreign Affairs, *Trafficking in Persons 2014 Country Report*³⁶²

Table 12: Convictions (Final Decisions), 2010-2014

Sentences (jail term)	Defendants convicted				
	Year 2010	Year 2011	Year 2012	Year 2013	Year 2014
Less than 6 months	4	-	3	18	5
6 months – less than 12 months	0	-	-	18	4
1 year – less than 2 years	2	5	2	23	6
2 years – less than 3 years	13	12	-	35	18
3 years – less than 5 years	13	9	12	77	40
5 years – less than 7 years	9	12	14	30	11
7 years – less than 10 years	5	4	4	12	9
10 years – less than 15 years	-	3	12	3	10
15 years – less than 20 years	-	4	-	1	-
20 years – less than 30 years	-	2	-	9	1
30 years and over	-	4	2	4	-
Total	46	55	49	225	104

Source: Thailand Ministry of Foreign Affairs, *Trafficking in Persons 2014 Country Report*³⁶³

357 Sentences reportedly ranged from three to 19 years.

358 374 of these prosecutions were reportedly for sex trafficking.

359 Sentences reportedly ranged from one to seven years: 29 received sentences greater than seven years and 31 received sentences of less than one year.

360 These cases reportedly involved 1,020 trafficking victims, including 757 victims under the age of 18. United States Department of Labor, 2013 *Findings on the Worst Forms of Child Labor*, p. 779, citing to: U.S. Embassy-Bangkok, reporting 14 March 2014.

361 It should be noted that there are discrepancies between some of these numbers and those listed in the previous chart on *Investigations, Prosecutions and Convictions of Trafficking, 2011-2013*.

362 *Ibid.*

363 *Ibid.*

Of the 374 defendants in 280 human trafficking cases in 2014, the majority were Thai (319), while the rest included 10 Laotians, 34 Burmese, six Cambodians and five of other nationalities.³⁶⁴

According to the MFA, from 1 January to 13 February 2015, the Royal Thai Police prosecuted 18 human trafficking cases involving 21 defendants, 16 of which were categorised as involving prostitution.³⁶⁵ It was unclear how many – if any – involved children.

In 2014, eight officials were arrested for their involvement in human trafficking: four police officers, one navy officer, two local-level officials and one social and human development officer. In that same year there were five active prosecutions of public officials.³⁶⁶

On 9 April 2015, the MSDHS, the Royal Thai Police, the Department of Special Investigation and the Office of the Attorney General signed a MoU on a National Anti-Trafficking in Persons Database.³⁶⁷ The database will reportedly include information on human trafficking victims and investigations of human trafficking offenders as well as on prosecution of defendants.³⁶⁸

According to the MFA, legal aid services are provided to trafficking victims. After they are identified, the government has reported that trafficking victims are:

“

“... always accompanied by a social worker, psychologist, lawyer and caretaker when visiting the crime scenes, police station and the court, to ensure that the victim feels safe and confident to cooperate in criminal justice procedure[s]. During the trial, the child victim will testify in a separate room, in the presence of a psychologist, social worker and other person as requested by the victim, to avoid the direct confrontation with perpetrators in the court.”³⁶⁹

”

The MFA also reported that the criminal justice system provides special protection measures for child victims and witnesses,³⁷⁰ including child-friendly investigation procedures and specific services and facilities for child victims in shelter homes which take into consideration age and gender, and include child-friendly recovery services and reintegration.³⁷¹

Challenges remain, however, regarding the protection of child victims in the criminal justice system. These challenges reportedly include: judges declining to allow a child to testify through video recording,³⁷² requiring the presence of the child victim during the court case for cross-examination³⁷³ and police officials not using child interrogation rooms on a regular basis, even when they exist, due to the fact that – according to some – it “is complicated and time consuming.”³⁷⁴

364 Thailand Ministry of Foreign Affairs, *Thailand's Progress Report on Anti-Human Trafficking Efforts, 2015*, p. 62.

365 *Ibid.*, p. 37.

366 *Ibid.*, p. 2.

367 See: Department of Special Investigation, accessed 23 September 2015 from: <http://www.dsi.go.th/view.aspx?tid=T0000827>; Public Affairs Division Thai Police, accessed 23 September 2015 from: <http://saranitet.police.go.th/Mission-1005.html>

368 Thailand Ministry of Foreign Affairs, *Thailand's Progress Report on Anti-Human Trafficking Efforts, 2015*, pp. 28-29.

369 Thailand Ministry of Foreign Affairs, *Trafficking in Persons 2014 Country Report*, p. 74.

370 See: *Criminal Procedural Code*, Section 124/1, Section 133(2), Section 133(3) and Section 172(4).

371 Thailand Ministry of Foreign Affairs, *Trafficking in Persons 2014 Country Report*, p. 152; see: Chapter 5, Section 42, *Anti-Trafficking in Persons Act*.

372 The judge is given the power to determine the appropriateness of this mechanism according to Section 172 ter of the *Criminal Procedure Code Amendment Act*, B.E. 2542 (1999).

373 U.S. Department of State, *2012 Human Rights Report: Thailand*, accessed 21 July 2015 from: <http://www.state.gov/j/drl/rls/hrrpt/2012/eap/204241.htm>

374 See: Patane Giulia, *The Protection of Child Victims of Commercial Sexual Exploitation within the Thai Criminal Justice System* (Bangkok: Mahidol University, 2014), p. 54.

Remedies and compensation

Trafficking victims have the right to compensation under the law, including criminal and civil compensation, as well as from the Anti-Trafficking in Persons Fund provided for in Chapter 5 of the *Anti-Trafficking in Persons Act*.³⁷⁵ In addition to compensation, victims are entitled to receive funds from the Anti-Trafficking Fund to pay for food, shelter, medical treatment, the costs of repatriation and other assistance provided under the Act.³⁷⁶

In 2013, it was reported that the Thai government provided about 145,000 USD from the Anti-Trafficking in Persons Fund to victims, allocating it among 525 victims, including paying for the repatriation of 335 foreign victims. Seventy five victims reportedly benefited from the government's general crime victim compensation scheme which disbursed approximately 65,000 USD. The government filed petitions on behalf of 68 victims and requested a total of around 580,000 USD in civil compensation; however, there was no disbursement of this money during the year.³⁷⁷ In 2014, the Sub-Committee of the Anti-Trafficking in Persons Fund reportedly approved 3,748,031.57 baht (117,125 USD) as financial aid for 463 victims.³⁷⁸

Taking into consideration the figures cited above, it has been reported that victims rarely receive adequate compensation. According to the Special Rapporteur on Trafficking in Persons in 2012, the majority of identified trafficking victims "opt not to seek compensation, given the expected delays and the small likelihood of success."³⁷⁹ The Special Rapporteur went on to say that "concerns have been voiced that trafficked persons forced into prostitution are often not properly informed of their right to compensation, as prostitution is illegal and they thus are considered to be undeserving victims."³⁸⁰

According to Mr. Prawit Roykaew, a public prosecutor at the Attorney General's Office in Bangkok:

“

"I never found anybody receiving money from the civil compensation because nobody enforces the judgment for them. For the civil compensation, once the victim wins the case, they have to go to the department of execution under the Ministry of Justice to ask the officer to find the asset of the offender to get the money, but it's a very long process, even Thai people don't understand the process."³⁸¹

”

According to Mr. Roykaew, even when compensation is awarded from the Anti-Human Trafficking Fund, the amount is usually relatively small and the process is long.

Implementation and enforcement

Based on the strength of the legislation addressing trafficking and the seemingly disproportionate number of prosecutions and convictions of offenders and awards of compensation for victims compared to the estimated magnitude of the problem, it has been asserted that, "the central obstacle in combating child trafficking in Thailand is the lack of an effective and sustainable enforcement regime. Accordingly, the problem in Thailand rests not with the law but with the proper enforcement of existing international and domestic laws designed to inhibit and prosecute child trafficking offences."³⁸²

³⁷⁵ Thailand Ministry of Foreign Affairs, *Trafficking in Persons 2014 Country Report*, p. 76.

³⁷⁶ Section 44, *Anti-Trafficking in Persons Act*: Money and property of the Fund shall be used for the following purposes: (1) providing assistance to the trafficked person under Section 33; (2) providing safety protection of the trafficked person under Section 36; (3) providing assistance to the trafficking person in a foreign country to return to the Kingdom or domicile under Section 39; (4) preventing and suppressing of trafficking in persons according to the regulations prescribed by the CMP Committee; (5) managing the Fund.

³⁷⁷ U.S. Department of State, *Trafficking in Persons Report 2014: Thailand*.

³⁷⁸ Thailand Ministry of Foreign Affairs, *Trafficking in Persons 2014 Country Report*, p. 76.

³⁷⁹ UN Human Rights Council, *Report of the Special Rapporteur on trafficking in persons: Mission to Thailand*, 2012, para. 57.

³⁸⁰ *Ibid.*, para. 61.

³⁸¹ Interview conducted with Mr. Prawit Roykaew by ECPAT International at the Attorney General's Office, Bangkok, 25 March 2015 for ECPAT's Access to Justice Project.

³⁸² Pink, R.M., "Child Trafficking in Thailand: Prevention and Prosecution Challenges," *Asian Affairs: An American Review*, Vol. 40, no. 4, 2013: 163-174.

According to Mr. Roykaew, some of the main barriers to implementation of the law include lack of knowledge about trafficking, police corruption and victim identification:

“

“We have been criticized...for our process of investigation, because our police inquiry have little knowledge of trafficking and tend to charge victims under the immigration law, and deport them without doing investigation. In some cases the owner of the entertainment business will just take the victims again or pay the bribe to police to take them back. Trafficking can bring a lot of profits, so they can pay lots of money to police officers. This is the problem. We had a lot of allegations but none of the cases have been conducted because of involvement of police. The process of victim identification is one of the big problems...because most of law enforcement don’t want to identify the case as a human trafficking case because they don’t want to get involved in the process.”³⁸³

”

It has been reported that misidentification of trafficked persons as irregular migrants is common. This misidentification has often resulted in the arrest, detainment and deportation of victims.³⁸⁴ Similar findings have been reported following police raids on commercial sex venues, where victims have been treated as offenders – in contradiction to Section 41 of the *Anti-Trafficking in Persons Act* – due to inadequate victim identification procedures.³⁸⁵

Key support services

According to the *Anti-Trafficking in Persons Act* (2008), it is the responsibility of the MSDHS to provide assistance and protection to victims of trafficking and ensure access to their basic needs, medical treatment, physical and mental recovery, education, training, legal aid, repatriation/reintegration and legal action to acquire compensation. This assistance should address the special needs of each victim based on his or her sex, age, nationality, race and culture. Relevant authorities must ensure that victims are informed of their rights, including their rights to access to justice and compensation.³⁸⁶

In its report to the Committee on the Rights of the Child in 2011, Thailand provided limited statistics on services provided to trafficking victims from 2005-2007.

Table 13: Assisted Non-Thai Victims of Trafficking 2005-2007

Country	2005	2006	2007	Total
Myanmar	64	180	87	331
Laos	226	272	277	775
Cambodia	193	115	62	370
Vietnam	4	4	4	12
China	4	1	0	5
Total	491	572	430	1493

Source: Department of Social Development and Welfare, Ministry of Social Development and Human Security³⁸⁷

383 Interview conducted with Mr. Prawit Roykaew by ECPAT International at the Attorney General’s Office, Bangkok, 25 March 2015 for ECPAT’s Access to Justice Project.

384 UN Human Rights Council, Report of the Special Rapporteur on trafficking in persons: Mission to Thailand, 2012, para. 32.

385 U.S. Department of State, *Trafficking in Persons Report 2014: Thailand*.

386 Section 33, *Anti-Trafficking in Persons Act*.

387 Taken from: Committee on the Rights of the Child, *Initial reports of States parties on the OPSC: Thailand*, 2011, p. 6.

Table 14: Assisted Thai Victims of Trafficking Abroad 2005-2007

Thai Victims	2005	2006	2007	Total
Assisted children and women	207	147	262	616

Source: Department of Social Development and Welfare, Ministry of Social Development and Human Security³⁸⁸

In 2013, it was reported that the government provided services to 744 trafficking victims and the MSDHS reportedly assisted 681 victims at the nine regional trafficking government shelters; a reported increase from 526 victims assisted in 2012.³⁸⁹ Although more than three-quarters of identified trafficking victims in 2013 were children, it was reported that the government did not offer specialised services for child victims of trafficking for sexual purposes.³⁹⁰ It was also reported that “forced repatriation of those unwilling to testify against their traffickers resulted in many being re-trafficked;”³⁹¹ however, no evidence was provided to back up this claim.

The Thai government has designated five shelters for male victims and four shelters for female victims of trafficking. There are also reportedly child and family shelters in 76 provinces in the country.³⁹²

The government has reported that 11 NGOs and international organisations are regularly involved with the victim identification process³⁹³ and that the MSDHS has approved 17 NGOs to act as service providers for victims.³⁹⁴

It was reported that, in 2014, the MSDHS and various NGOs provided assistance to 595 trafficking victims; of these, 303 were placed in MSDHS’ nine shelters. Among the 303 victims in MSDHS’s facilities, there were 67 Thai victims and 236 foreign victims including 75 Myanmar nationals, 65 Bangladeshis, 52 Laotians, 13 Cambodians, 23 Rohingyas, seven Indians and one Uzbek. There were reportedly 138 child victims placed in these shelters: 88 between 15 to 17 years of age, and 50 who were 15 years of age or younger. One hundred eighty eight victims were identified as being trafficked for labour, 108 for sexual exploitation and seven for forced begging. MSDHS also provided assistance to 72 Thai victims who were trafficked abroad for labour and sexual exploitation, 58.3% of whom were female.³⁹⁵

388 *Ibid.*

389 U.S. Department of State, *Trafficking in Persons Report 2014: Thailand*. There appears to be a discrepancy with this number, as in the U.S. Department of State’s *Trafficking in Persons Report 2013*, it was reported that MSDHS provided assistance to 271 victims at government shelters (a decrease from 392 in 2011).

390 U.S. Department of State, *Trafficking in Persons Report 2014: Thailand*.

391 U.S. Department of State, *Trafficking in Persons Report 2013: Thailand*.

392 Thailand Ministry of Foreign Affairs, *Trafficking in Persons 2014 Country Report*, p. 44.

393 Jesuit Foundation Prison Ministry (JFPM); The Office of Immigration Doctors; United Nations High Commissioner for Refugees (UNHCR); International Organization for Migration (IOM); Marryknoll Thailand (MT); Catholic Office for Emergency Relief and Refugees (COERR); Grace Baptist Visiting Group (CVG); Alliance Anti Traffic (AAT); Foundation for Women (FFW); Living Water Center (LWC); Evangelical Church of Bangkok.

394 The Foundation for Human Rights and Development, the Foundation for Child Development, Raks Thai Foundation, Foundation of Child Protection Development, Hotline Center Foundation, World Vision (Thailand), Mirror Foundation, Duang Prateep Foundation, Center for Promotion and Development of Women’s rights, the Labour Right Promotion Network Foundation (LPN), Siam-Care Foundation, Fisheries Association of Thailand Foundation, Thai- Myanmar Fellowship Foundation, Foundation for Women, Female-to-life Group, Local Community Development Foundation, Night Life Foundation. Thailand Ministry of Foreign Affairs, *Trafficking in Persons 2014 Country Report*, pp. 65, 69.

395 Thailand Ministry of Foreign Affairs, *Trafficking in Persons 2014 Country Report*, pp. 70-72.

Table 15: Number of victims in MSDHS shelters segregated by nationality, age and gender (2013-2014)

Number of victims placed in shelters														
Nationality	Year 2013							Year 2014						
	Less than 15 years		15 -18 years		18 years and over		Total	Less than 15 years		15-18 years		18 years and over		Total
	M	F	M	F	M	F		M	F	M	F	M	F	
Thai	9	90	19	165	18	4	305	5	22	5	24	10	1	67
Cambodian	22	18	8	7	10	6	71	4	1	-	6	2	-	13
Laotian	2	18	1	69	2	13	105	2	6	-	22	-	22	52
Myanmar	19	8	27	36	75	22	187	5	5	11	4	48	2	75
Chinese	-	-	-	1	-	-	1	-	-	-	-	-	-	-
Uzbek	-	-	-	-	-	2	2	-	-	-	-	-	1	1
Indian	-	-	-	-	7	-	7	-	-	-	-	7	-	7
Rohingya	-	-	-	-	-	-	-	-	-	3	-	20	-	23
Bangladeshi	-	-	-	-	-	-	-	-	-	13	-	52	-	65
Unknown	-	-	-	-	-	3	3	-	-	-	-	-	-	-
Total	186		332		163		681	50		88		165		303

Source: Thailand Ministry of Foreign Affairs, *Trafficking in Persons 2014 Country Report*, p. 71

Table 16: Number of victims in MSDHS shelters segregated by forms of exploitation (2013-2014)

Number of victims placed in shelters								
Nationality	Year 2013				Year 2014			
	Labour	Sex	Begging	Total	Labour	Sex	Begging	Total
Thai	66	210	29	305	15	51	1	67
Cambodian	29	6	36	71	2	7	4	13
Laotian	20	85	0	105	5	47	-	52
Myanmar	106	60	21	187	71	2	2	75
Chinese	-	1	-	1	-	-	-	-
Uzbek	-	2	-	2	-	1	-	1
Indian	7	-	-	7	7	-	-	7
Rohingya	-	-	-	-	23	-	-	23
Bangladeshi	-	-	-	-	65	-	-	65
Unknown	3	-	-	3	-	-	-	-
Total	231	364	86	681	188	108	7	303

Source: Thailand Ministry of Foreign Affairs, *Trafficking in Persons 2014 Country Report*, p. 72

In January – February 2015,³⁹⁶ 105 victims were assisted by MSDHS and 100 of these victims were placed in MSDHS' nine shelters.

³⁹⁶ Thailand's Progress Report on Anti-Human Trafficking Efforts, 2015, cites this year as 2014 (p. 46). However, this appears to be a mistake, as on the same page, the report states that in addition to the 303 victims placed in MSDHS shelters in 2014, MSDHS assisted 105 victims up to February 2015. "This brings the total number of identified victims from the year 2014 plus January – February 2015 to 408."

Table 17: Nationalities, ages and forms of exploitation of victims assisted in MSDHS shelters, January-February 2015

The nationalities of these victims were categorised as follows:

Nationality	Total number of victims
Thai	33
Burmese	3
Laotians	28
Cambodians	5
Bangladeshi	16
Rohingyas	15

The age ranges of the victims who entered into MSDHS' shelters included:

Age of victims	Total number of victims
18 years and over	40
15 – 17 years	25
Under 15 years	35

These victims experienced the following types of exploitation:

Type of exploitation	Total number of victims
Sexual exploitation	49
Forced labour or services	48
Forced begging	3

Source: *Thailand's Progress Report on Anti-Human Trafficking Efforts, 31 March 2015, p. 116*

On 18 July 2014, the National Council for Peace and Order instructed every province to create a Fair Justice Center or “Damrongdhama Centre” to receive complaints from the public. It has been reported recently that the Centres have been playing a larger part in combating human trafficking.³⁹⁷ It was reported in 2014 that the Royal Thai Police established “Centres for the Protection of Children, Women, Family and Anti-Human Trafficking.” The role of the Centres is to collect data on trafficking prosecutions, follow up on cases and expedite investigations.³⁹⁸

Thailand has signed bilateral agreements with neighbouring countries, including Cambodia, Laos, Myanmar and Vietnam, to ensure the safe return and reintegration of trafficking victims. In 2014, 397 victims were repatriated (paid for by the Anti-Trafficking in Persons Fund) and Thai police and social workers reportedly accompanied the victims back to their home countries.³⁹⁹

The Committee on the Rights of the Child has voiced its concerns regarding certain aspects of the government's assistance measures to trafficking victims. In 2012, it reported that “during the process of repatriation, child victims of trafficking are often held for very long periods of time against their will, which results in their providing false testimonies to the police in order to attain permission to leave shelters and return to their home countries.”⁴⁰⁰ An article in the Bangkok Post in 2014 examined the conditions at the government-run Kredtrakarn Protection and Occupational Development Centre in Nonthaburi province which last year was home to 300 women and girls (160 from Thailand and 140 from Cambodia, Laos, Myanmar and Vietnam) who were exploited in the sex industry. It was reported that sometimes these women and girls are held for years and that many are kept in the shelters against their will. The article also

397 Thailand Ministry of Foreign Affairs, *Thailand's Progress Report on Anti-Human Trafficking Efforts, 2015*, p. 4.

398 Thailand Ministry of Foreign Affairs, *Trafficking in Persons 2014 Country Report*, p. 43.

399 *Ibid.*, p. 77.

400 Committee on the Rights of the Child, *Concluding observations on the OPSC: Thailand, 2012*, para. 31.

reported that few specialised services were provided to these victims.⁴⁰¹ It has been asserted, however, that Thailand’s support services, although not perfect, are more advanced than in neighbouring countries.⁴⁰²

According to Pusa Srivilas, an independent consultant for the CRC Coalition Thailand and FACE:

“

“The shelters are consistently trying to improve their services and INGOs are helping with this as well. The shelters work with psychiatrists at local hospitals and have regular meetings with them to care for victims and some have early childhood centres. My concern is that the work load of the care givers is too heavy and they have little support so the consistency of the care standard can vary. Also, when law enforcement is involved, it is another story...the response to victims and their care is more complicated.”⁴⁰³

”

The MSDHS developed the 24 hour (since October 2014) hotline 1300, operated by the Centre for Social Assistance (One Stop Crisis Centre - OSCC) to provide assistance to, inter alia, child trafficking victims. Of the 3485 reported cases to the hotline in 2014, 123 related to human trafficking. It is unclear how many – if any – of these involved child victims. From October 2012 to February 2015, the Anti-Human Trafficking Division of the Royal Thai Police Hotline (1191) received 6893 calls,⁴⁰⁴ but there is no additional information related to statistics of types of cases or victim/offender profiles. It was reported in 2014 that the Ministry of Labour established hotlines for migrant workers to file complaints or ask for assistance (1694), including a hotline run by the Office of Employment’s Department of Labour Protection and Welfare (1546).⁴⁰⁵ According to the Ministry of Labour, hotline 1694 has translation services available in English, Burmese and Khmer and hotline 1546 has services in English and Burmese.⁴⁰⁶

Chart 6: Human trafficking and related offences hotlines



Source: Thailand Ministry of Foreign Affairs, *Thailand’s Progress Report on Anti-Human Trafficking Efforts*, 31 March 2015, p. 40

401 Bangkok Post, “When the rescue causes harm”, (11/05/2014), accessed 7 July 2015 from: <http://bangkokpost.com/lite/topstories/409127/when-the-rescue-causes-harm>

402 ECPAT International and UNICEF Thailand, Roundtable Consultation on a Situational Analysis of CSEC in Thailand through a desk review, 31 August 2015, Bangkok, Thailand.

403 ECPAT International, Response to questions via Skype to Ms. Pusa Srivilas, independent consultant for the CRC Coalition Thailand and FACE, Bangkok, Thailand, 31 July 2015.

404 Thailand Ministry of Foreign Affairs, *Thailand’s Progress Report on Anti-Human Trafficking Efforts*, 2015, p. 41.

405 National News Bureau of Thailand, *Interpreter Service Hotline for migrant workers now available*, 27 August 2014, accessed 22 July 2015 from: http://thainews.prd.go.th/centerweb/newsen/NewsDetail?NT01_NewsID=WNOHT5708270010004

406 *Ibid.*

A number of the support services provided to child victims of trafficking for sexual purposes come from INGOs and NGOs in the country. For example, in an interview with Ms. Boom Bean, a social worker and Director of The Hug NGO in Chiang Mai, she described the work of the Child Advocacy Centre:

“

“So The purpose of the Centre is to develop excellence and improve the lives of abused children in the upper northern regions of Thailand and organise joint venture taskforces between government and non-governmental organisations. The objective is to eliminate duplicate work by different professionals; to provide a safe place for child victim’s interviews; to provide rapid honest and successful investigation of offenders both national and international; to provide assurance of therapeutic care, and special education services for children who cannot continue in the normal educational system; to promote service capacity building and anti-trafficking work among Thai volunteers. Our mission statement is to improve the life of trafficking victims in the north of Thailand and increase investigation through an organised joint venture task force. We want to focus more on the law enforcement side to improve the investigation effort. But we want the therapy and restoration to start from the very first day. We want it all in one place. Also, we started developing process and procedure for a cyber-forensic lab – connected to cyber crimes like pornography.”⁴⁰⁷

”

SEXUAL EXPLOITATION OF CHILDREN IN TRAVEL AND TOURISM

Definition

The sexual exploitation of children in travel and tourism (SECTT) – or what some refer to as “child sex tourism” – is defined as:

“

“...the sexual exploitation of children by a person or persons who travel from their home district, home geographical region, or home country in order to have sexual contact with children. Child sex tourists can be domestic travellers or they can be international tourists. [SECTT] often involves the use of accommodation, transportation and other tourism-related services that facilitate contact with children and enable the perpetrator to remain fairly inconspicuous in the surrounding population and environment.”⁴⁰⁸

”

407 Interview conducted with Ms. Boom Bean by ECPAT International at the Child Advocacy Centre in Chiang Mai, 18 March 2015 for ECPAT’s Access to Justice Project.

408 ECPAT International, *Combating Child Sex Tourism: Questions & Answers* (Bangkok: ECPAT International, 2008), accessed 8 July 2015 from: http://ecpat.net/sites/default/files/cst_faq_eng.pdf; this definition is currently under review by ECPAT International as part of its Interagency Semantics Project.

The sexual exploitation of children in travel and tourism is commonly inter-related with the other three manifestations of CSEC; hence, it is comprised of many of the same characteristics (similar victims, offenders, locations) as child prostitution, child pornography and trafficking of children for sexual purposes.

Magnitude

Thailand has long been a popular tourist destination for travellers from all over the world. In 2013, 26,735,583 tourists and travellers visited the country which was a 19.6% increase over 22,353,903 international tourists in 2012.⁴⁰⁹ Bangkok was the most visited city in the world in 2013 and the second most visited city in 2014.⁴¹⁰

China, India, Japan, Laos, Malaysia, Russia and South Korea contributed more than one million visitor arrivals each in 2013. Regionally, East Asia contributes the largest amount of tourists/travellers to Thailand, followed by Europe, South Asia and the Americas.⁴¹¹ Tourism is a vital part of Thailand's economy, accounting for 9% of Thailand's GDP in 2013.⁴¹² This was an increase of 27.5% from 2012; the largest increase of any country worldwide.⁴¹³

As travel and tourism increase, so does the risk to children of sexual exploitation by travelling sex offenders. Thailand has been associated with SECTT and travelling sex offenders for many years, due in part to media reports and work by NGOs to bring attention to the issue.⁴¹⁴

Various reasons have been given as to why travelling child sex offenders are attracted to Thailand and to the region, including "opportunism, rationalisation of behaviour as 'helping' a child or family economically, and a perceived or real situation of impunity."⁴¹⁵

ECPAT International reported in 2011 that Thailand remained a major destination country for travelling child sex offenders; however, it also reported a decline in SECTT in recent years.⁴¹⁶ It was suggested that these offenders were choosing to travel to other countries in the region (Bangladesh, Cambodia, Laos, Vietnam), in part due to Thailand's economic growth and its increased focus on tracking child sex offenders.⁴¹⁷

A 2009 study on the sexual exploitation of children in Thailand, Cambodia and Myanmar, including in travel and tourism, supported this idea:

409 Tourism Authority of Thailand Newsroom, *Thailand welcomed 26.7 million visitor arrivals in 2013, exceeding target*, (14 January 2014), accessed 8 July 2015 from: <http://www.tatnews.org/thailand-welcomed-26-7-million-visitor-arrivals-in-2013-exceeding-target/>

410 Quan, K., "And the World's No. 1 Tourist Destination Is...", *Time*, (1 June 2013), accessed 8 July 2015 from: <http://newsfeed.time.com/2013/06/01/bangkok-claims-the-worlds-no-1-tourist-destination-title/>; citing to: *MasterCard Global Destination Cities Index*, see: http://insights.mastercard.com/wp-content/uploads/2013/05/MasterCard_GDCI_Final.pdf and http://newsroom.mastercard.com/wp-content/uploads/2014/07/Mastercard_GDCI_2014_Letter_Final_70814.pdf

411 See: *Statistical Yearbook Thailand 2013*, accessed 10 September 2015 from: http://web.nso.go.th/en/pub/e_book/YEARBOOK_2013/index.html#/710/zoomed

412 World Travel & Tourism Council, *Travel & Tourism, Economic Impact 2014: Thailand*, accessed 8 July 2015 from: <http://www.wttc.org/-/media/files/reports/economic%20impact%20research/country%20reports/thailand2014.pdf>

413 World Vision Australia, *Sex, Abuse and Childhood*, 2014, p. 30.

414 Save the Children Denmark, *Sex Offenders Without Borders: An investigation into the sexual abuse and exploitation of children in Thailand, Cambodia and Burma in relation to travel and tourism*, 2009, p. 7.

415 World Vision Australia, *Sex, Abuse and Childhood*, 2014, p. 20.

416 ECPAT International, *Alternative Report to the Committee on the Rights of the Child*, 2011; see also: The Protection Project, *International Child Sex Tourism*, 2007, p. 158.

417 ECPAT International, *Alternative Report to the Committee on the Rights of the Child*, 2011; see also: Save the Children Denmark, *Sex Offenders Without Borders*, 2009, p. 22. "Countries such as Brazil and Thailand have increased their vigilance and child protection systems which has meant that , travelling sex offenders are now targeting others countries such as Ecuador, Cambodia and Indonesia."

“

“A decade ago visitors to Thailand would be confronted with posters and leaflets warning against sexual exploitation of Thai children. Today, Thailand is not perceived as being in the same situation as it was a decade ago in terms of child sexual exploitation. Development agencies and donors have turned their attention to nearby impoverished countries where the problem is now perceived as being more acute than in Thailand; Cambodia and Vietnam are two of the ASEAN countries that receive more aid and attention.”⁴¹⁸

”

In her 2012 thematic study on the protection of children from sexual exploitation in travel and tourism, the Special Rapporteur on the sale of children, child prostitution and child pornography indicated that there had been an increase in child sex offenders travelling to Cambodia and Vietnam as a result of Thailand’s increased efforts to fight SECTT.⁴¹⁹ According to the Committee on the Rights of the Child in 2012, these efforts included, “restricting entry into the country for persons with suspicious behaviours or motives and providing training for provincial tourism agencies and members of the private tourism sector.”⁴²⁰

It was reported that the government denied entry to 79 known foreign sex offenders in 2013,⁴²¹ and in 2014 the Immigration Bureau included 82 foreigners on a “blacklist” for those with criminal records for sexual exploitation, including child sexual abuse, denied entry to 98 such foreigners and revoked permission to stay of 12.⁴²² Even with these measures, however, the Committee on the Rights of the Child remained concerned at the “lack of adequate legislative and administrative procedures and social policies to prevent child sex tourism and protect children from becoming victims.”⁴²³ It should be noted that these measures focus only on foreign offenders; hence, it is unclear what efforts are being made to address the sexual exploitation of children by travellers and tourists who are Thai citizens.

In addition to the government’s official response, universal mandatory education and increased economic development have also been cited as factors that have assisted in the decrease of SECTT.⁴²⁴

Alternatively, it has been suggested that this perceived decrease in SECTT is due not necessarily to fewer offenders in the country, but because the environment/nature of the offence is changing. It has been reported that SECTT, similar to child prostitution as discussed in the above section, is moving away from more formal establishments and is instead taking place increasingly on the streets.⁴²⁵ It has also been observed that SECTT is moving out of large cities and into more remote and isolated areas,⁴²⁶ as these areas tend to be less monitored by officials and police.

418 Save the Children Denmark, *Sex Offenders Without Borders*, 2009, p. 43.

419 Human Rights Council, *Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Najat Maalla M’jid*, A/HRC/22/54, 24 December 2012, para. 24.

420 Committee on the Rights of the Child, *Concluding observations on the OPSC: Thailand*, 2012, para. 23.

421 U.S. Department of State, *Trafficking in Persons Report 2014: Thailand*.

422 Thailand Ministry of Foreign Affairs, *Trafficking in Persons 2014 Country Report*, p. 15.

423 Committee on the Rights of the Child, *Concluding observations on the OPSC: Thailand*, 2012, para. 23.

424 World Vision Australia, *Sex, Abuse and Childhood*, 2014, p. 30, citing to: Baker, S., *Child Labour and Child Prostitution in Thailand: Changing Realities*, 2007.

425 The Protection Project, *International Child Sex Tourism*, 2007, p. 158.

426 World Vision Australia, *Sex, Abuse and Childhood*, 2014, p. 19; see also: The Protection Project, *International Child Sex Tourism*, 2007, p. 159.

Significantly, with the establishment of the ASEAN Economic Community in 2015,⁴²⁷ there is a prediction that there will be freer movement of tourists in the region. As a result, it has been suggested that the investigation and prosecution of travelling child sex offenders will become more challenging.⁴²⁸

Child victims

Statistics provided for victims of travelling child sex offenders showed that eight children were identified in 2007 and eight were identified in 2008. The majority were male children and youth between 12 and 20 years of age.⁴²⁹

Table 18: Age and gender of victims of travelling child sex offenders 2007-2008

Age Group	2007		2008	
	Number of males	Number of females	Number of males	Number of females
Under 5 years	-	-	-	-
6-11 years	-	-	-	-
12-15 years	3	-	5	1
15-20 years	5	-	2	-
Total	8	-	7	1

Source: Child Wise Australia, *Travelling Child-Sex Offenders in South East Asia: A Regional Review, 2007/2008*, p. 25

The profile of victims of SECTT reportedly includes a large percentage of boys, including street children. A civil society representative from Pattaya reported in 2015 that there are approximately 200 street children in Pattaya each year; of those, 90% are reportedly victims of CSEC between the ages of 12-17 years, the majority of whom are boys.⁴³⁰

“Thai police arrest man for procuring boys for suspected American paedophile”

In January 2015, Thai police, in coordination with the FBI, arrested 23-year-old Ayo Ahcho from the Akha hill tribe and charged him with human trafficking, after discovering he had procured more than 100 boys over the past three years for an American man in Northern Thailand. The American, 61-year-old Thomas Gary, who had been travelling to and from Thailand for the past 20 years, was arrested and charged with the sexual abuse of minors. It was reported that the boy victims were from 13-17 years of age and that Ahcho usually found “vulnerable children and orphans from the streets or from video game Internet cafes in Chiang Mai.”⁴³¹

See “Child Prostitution” section above for additional information on victims.

427 The ASEAN leaders adopted the ASEAN Economic Blueprint at the 13th ASEAN Summit on 20 November 2007 in Singapore to serve as a plan guiding the establishment of the ASEAN Economic Community 2015. The goal of the Economic Community is to attain regional economic integration by 2015. Key characteristics are: (a) a single market and production base, (b) a highly competitive economic region, (c) a region of equitable economic development, and (d) a region fully integrated into the global economy. See: <http://www.asean.org/communities/asean-economic-community>

428 Dr. Kittipong Kittayarak, Permanent Secretary for Justice in UNODC, Regional Office for Southeast Asia and the Pacific, Project Childhood, *Child Sexual Exploitation in Travel and Tourism*, 2014, p. 3.

429 Child Wise Australia, *Travelling Child-Sex Offenders in South East Asia: A Regional Review, 2007/2008*, p. 25.

430 ECPAT International, Roundtable Discussion on CSEC in Pattaya, 22 April 2015, Pattaya, Thailand.

431 Thomson Reuters Foundation, Thai police arrest man for procuring boys for suspected American pedophile, (9 January 2015), accessed 7 July 2015 from: <http://www.reuters.com/article/2015/01/09/us-thailand-paedophile-idUSKBNOKI16420150109>

Offenders

According to ECPAT International, travelling child sex offenders “may be married or single, male or female (though the majority are male), foreign or local, wealthy or budget tourists and from a high socio-economic or a disadvantaged background.”⁴³² There is reportedly a common misrepresentation of travelling child sex offenders as paedophiles.⁴³³ According to ECPAT, while paedophiles do make up a percentage of these offenders, as do preferential offenders,⁴³⁴ the majority are situational travelling sex offenders.⁴³⁵

In 2013, UNODC reported that almost twice as many men visited Thailand as women in recent years.⁴³⁶ In the Greater Mekong Sub-Region, travelling international child sex offenders have been identified as, inter alia, men from Australia, the European Union and the United States; some travel for business and others stay on a more long-term basis working in development or as teachers.⁴³⁷ However, over half of male tourists in East Asia reportedly come from the same region and, according to studies, these men travel primarily from China, Japan, Malaysia, Singapore and South Korea. It was also reported that there are sex establishments in Thailand that cater almost exclusively to male tourists and travellers from East Asia.⁴³⁸ Other research supports this assertion that a significant proportion of travelling child sex offenders in the region – and in Thailand – are of Asian origin.⁴³⁹

This finding is not necessarily reflected in the official statistics of arrests and convictions.⁴⁴⁰ For example, in 2012 the Special Rapporteur on the sale of children, child prostitution and child pornography reported that Australians were the largest group of travelling sex offenders prosecuted in Thailand (31% of the total).⁴⁴¹ Additionally, a representative from the NGO FACE (Fight Against Child Exploitation) in Thailand stated in 2009 that the majority of identified travelling sex offenders in Thailand came from Finland, France, Germany, Norway, Sweden and the UK.⁴⁴²

432 ECPAT International, *Combating Child Sex Tourism: Questions & Answers*.

433 Paedophilia manifests itself as “an exclusive sexual inclination for pre-pubescent children. Usually considered as someone suffering from a clinical disorder, the paedophile may not show any preference for the gender of children and may not view sexual contact with children as harmful.” *Ibid.*

434 Preferential child sex tourists display “an active sexual preference for children. [They] may still have the capacity to experience sexual attraction for adults but will actively seek out minors for sexual contact. The preferential child sex tourist will generally search for pubescent or adolescent children.” *Ibid.*

435 “The situational child sex offender abuses children by way of experimentation or through the anonymity and impunity afforded by being a tourist. He or she does not have an exclusive sexual inclination for children. Often, the situational offender is an indiscriminate sex tourist who is presented with the opportunity to interact sexually with a person under 18 and takes it.” *Ibid.*

436 UNODC, *Transnational Organized Crime in East Asia and the Pacific*, 2013, p. 18.

437 *Ibid.*, p. 19.

438 UNODC, *Transnational Organized Crime in East Asia and the Pacific*, 2013, p. 18; citing to: Le Roux 2010. Pierre Le Roux, “A Lethal Funnel: Prostitution and Trafficking in Women for Sexual Exploitation in Southeast Asia (Thailand, Malaysia, Singapore)”, in Pierre Le Roux and others (Editors), *The Trade in Human Beings for Sex in Southeast Asia*, White Lotus Press, Thailand, 2010.

439 See: UNODC, *Transnational Organized Crime in East Asia and the Pacific*, 2013, p. 19: According to UNICEF, the majority of sex tourists in East Asia are regional tourists; World Vision Australia, *Sex, Abuse and Childhood*, 2014, p. 18: “Some research suggests that a significant proportion of travelling child sex offenders in the Greater Mekong Sub region are of Asian origin”; Save the Children Denmark, *Sex Offenders Without Borders*, 2009, p. 16. Also citing to: Elanor Brown (2007): *The ties that bind. Migration and Trafficking of Women and Girls for Sexual Exploitation in Cambodia*. Brown, L 2001, Estes, R, J & Weiner N, A 2002, Davidson, Julia O’ Connell 2005: According to a 2009 report studying SECTT in the region, the majority of sexual exploitation in Thailand – among other countries in the region – is committed by men from local communities and travelling sex offenders from other parts of Asia.

440 World Vision Australia, *Sex, Abuse and Childhood*, 2014, p. 18.

441 Human Rights Council, *Report of the Special Rapporteur on the sale of children, child prostitution and child pornography*, 2012, para. 23.

442 Save the Children Denmark, *Sex Offenders Without Borders*, 2009, p. 45.

There are various factors that may explain this inconsistency:

“

“It has been suggested that the higher number of arrests of Caucasian Western men, as opposed to Asian perpetrators, may be linked to the fact that Western offenders tend to seek out children on the street while Asian offenders do so through more discreet networks. Also, Western men are more noticeable in Asian cities, in general, and therefore those that offend are more easily caught.”⁴⁴³

”

According to ECPAT International, “Thai police are largely concentrating on foreigners travelling to Thailand to seek out sex with children, which is masking the reality of an even larger population of local people seeking sexual services.”⁴⁴⁴ One reason for this focus on foreigners may be that local demand seems to receive “a higher level of social tolerance due to a variety of contributing factors, including local constructions of gender norms.”⁴⁴⁵

“Canadian John Wrenshall sentenced on child pornography charges”

In January 2011, it was reported that John Wrenshall, a Canadian citizen, was sentenced in the United States to 300 months in prison for inviting foreign men to his home in Thailand in order to sexually abuse young boys. Starting in January 2000, Wrenshall admittedly “arranged trips to his home during which U.S. citizens and others paid him to engage in anal sex, oral sex, and other sexual acts with Thai boys, some as young as four years old.” These men videotaped and photographed their abuse as well.⁴⁴⁶

Research suggests that travelling child sex offenders worldwide are primarily male; the estimated ratio of female to male sex offenders reportedly being 1:10.⁴⁴⁷ A 2014 study by World Vision Australia highlights that one possible explanation for this may have to do with:

“

“...the social tendency to dismiss the negative impact of a sexual relationship between a young boy and adult woman. People who would report a sexual relationship between a male adult and a female or male child may not report such a relationship between a female adult and a male child.”⁴⁴⁸

”

443 World Vision Australia, *Sex, Abuse and Childhood*, 2014, p. 18.

444 ECPAT International, *Alternative Report to the Committee on the Rights of the Child*, 2011.

445 *Ibid.*

446 U.S. Immigration and Customs Enforcement, News Releases, Child Exploitation: Canadian John Wrenshall sentenced on child porn charges, 31 January 2011, accessed 3 July 2015 from: <http://www.ice.gov/news/releases/canadian-john-wrenshall-sentenced-child-porn-charges>

447 World Vision Australia, *Sex, Abuse and Childhood*, 2014, p. 18.

448 *Ibid.*, citing to: Action Pour Les Enfants (February 2014), *Investigating Travelling Child Sex Offenders: An analysis of the trends and challenges in the field of child sexual abuse and exploitation in Cambodia*.

It has been reported that females tend to be identified more as accomplices in the sexual exploitation of children in travel and tourism, procuring a child for the offender. It has been suggested that “this role is often undertaken by women due to their relative ease of gaining a child’s trust in comparison to men.”⁴⁴⁹

Alleged travelling child sex offenders identified in Thailand from 2007 – 2008 were mainly 50-59 years of age and above.

Table 19: Age of alleged travelling child-sex offenders

		<18 years	18-29 years	30-39 years	40-49 years	50-59 years	60+	Total
2007	Number					7	1	8
	%					87%	13%	100%
2008	Number				2	3	3	8
	%				26%	37%	37%	100%

Source: Child Wise Australia, *Travelling Child-Sex Offenders in South East Asia: A Regional Review, 2007/2008*, p. 24

Another mechanism used by travelling child sex offenders in Thailand to more easily access children:

“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 in language schools or informal Thai schools where all that is required is being a native speaker and having a degree of any kind. In 2006 and 2007, a series of high-profile arrests of foreign teachers occurred in Bangkok, including John Mark Karr, a suspect in the murder of Jon Benet Ramsey in the USA. Karr had recently been hired to teach at an international school in Bangkok. The following year, two more arrests of foreign teachers for child pornography prompted announcements that police may begin conducting background checks on foreign teachers.”⁴⁵⁰

In July 2015, a directive by the Ministry of Education was reportedly sent to every educational institution in the country requiring them to conduct background checks on foreigners applying for work as teachers to prevent convicted paedophiles from being hired. The directive was allegedly made after the British Embassy received a report that a British national with a record of child sexual abuse in the UK had applied for a teaching job in Thailand.⁴⁵¹

Although organised crime is reportedly involved in the sexual exploitation of children in Thailand, specifically involving very young children,⁴⁵² according to ECPAT International, most sexual exploitation is carried out by individual offenders making contact with teenagers in bars or other informal settings.⁴⁵³ The most common facilitators of SECTT in Thailand are reportedly taxi and tuk-tuk drivers:

449 *Ibid.*

450 ECPAT International, *The Commercial Sexual Exploitation of Children in East and South-East Asia*, 2014, p. 23.

451 Bangkok Post, *Schools told to screen foreign applications for paedophilia*, (6 July 2015), accessed 8 July 2015 from: <http://www.bangkokpost.com/news/general/614268/schools-told-to-screen-foreign-applicants-for-paedophilia>

452 The Protection Project, *International Child Sex Tourism*, 2007, pp. 157-158, citing to: Interview with Dr. Walter Skrobaneck, Regional Coordinator, Terre des Hommes Germany, Bangkok, Thailand (December 14, 2005); interview with Ms. Carmen Madriñan, Executive Director, and with Mr. Luc Ferran, Programme Officer for Combating Child Sex Tourism, ECPAT International, Bangkok, Thailand (14 December 2005).

453 Save the Children Denmark, *Sex Offenders Without Borders*, 2009, p. 42, citing to: ECPAT International.

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“...who are also often ready to provide a male visitor with the glossy brochures...and who work on a commission basis with various nightclubs, massage parlours, and karaoke bars, where girls might be available to provide sexual services. These drivers will insist on taking a potential client to a specific location, where the driver will then receive a commission for bringing the client.”⁴⁵⁴

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Hotspots

Although there is evidence to suggest that travelling child sex offenders may be seeking out neighbouring countries of Thailand or smaller, more remote locations to exploit children, there are certain cities/areas of the country still known for the sexual exploitation of children in travel and tourism. In 2007, Pattaya, Phuket and Chiang Mai were reported to be popular cities for SECTT, with Pattaya cited as the most well-known area catering to travelling child sex offenders.⁴⁵⁵

Pattaya

It has been reported that the commercial sex industry is a “key entertainment feature of Pattaya”⁴⁵⁶ and the city has been identified as “the main hub for sexual exploitation in Thailand.”⁴⁵⁷ A study by World Vision from 2011-2012 on child sexual abuse, including SECTT, reported that sex workers in Pattaya were scared to talk to researchers, perhaps due in part to claims that city gangs controlled the sex industry in the city.⁴⁵⁸ A similar study in 2009 revealed that Thai and Russian organised crime was involved in the sexual exploitation of children in Pattaya.⁴⁵⁹

In 2009, it was observed that the majority of tourists visiting Pattaya were men travelling on their own from different parts of the world. As a result, many of the bars and clubs in the city reportedly catered to them. Although it was observed that these establishments did not openly advertise the sexual exploitation of children, a 2009 study by Save the Children Denmark confirmed that Pattaya “is a central meeting place for travelling sex offenders wanting to sexually exploit children in Thailand.”⁴⁶⁰ Massage parlours, beauty salons and karaoke bars were all identified as locations where children were sexually exploited. There have also been numerous arrests of travelling child sex offenders in the city.⁴⁶¹

According to a news article in July 2015, there is an effort underway by the Thai government to “rebrand” Thai tourism and Pattaya was chosen as one of five cities that will be involved in this project.⁴⁶² The Ministry of Tourism and Sports shared its intention to transform the city into a sports and family destination. Thailand’s Tourism and Sports Minister stated that “Pattaya had already changed public perceptions that it is merely a night time entertainment venue.”⁴⁶³

454 The Protection Project, *International Child Sex Tourism*, 2007, p. 157.

455 *Ibid.*, pp. 159-160.

456 World Vision Australia, *Sex, Abuse and Childhood*, 2014, p. 31.

457 Save the Children Denmark, *Sex Offenders Without Borders*, 2009, p. 35.

458 World Vision Australia, *Sex, Abuse and Childhood*, 2014, p. 31.

459 Save the Children Denmark, *Sex Offenders Without Borders*, 2009, p. 41.

460 Save the Children Denmark, *Sex Offenders Without Borders*, 2009, pp. 35-36.

461 World Vision Australia, *Sex, Abuse and Childhood*, 2014, p. 31.

462 The other cities are Bangkok, Koh Phangan, Nan and Phuket.

463 Pattaya Today, *Rebranding Pattaya Tourism*, 16 July 2015, accessed 23 July 2015 from: <http://pattayatoday.net/news/latest-edition/rebranding-pattaya-tourism/>

Phuket

In the same 2009 study on SECTT, although the research team reported that it did not observe as many locations associated with the sex industry in Phuket as it did in Pattaya, it still found evidence to suggest the sexual exploitation of children.

Interviews with salon workers suggested that young girls were found in discotheques and that budget hotels and guesthouses allowed these girls to stay overnight with their guests; manicure and hair salons were reportedly being used to sexually exploit children. It was also reported that “the trade in children appears to be controlled by powerful local and foreign businessmen, which in turn are being protected by the local Thai criminal gangs.”⁴⁶⁴

Phuket was identified as one of the five cities mentioned above that the Thai government has chosen to help “rebrand” Thai tourism. It was reported that the city will specialise in premium cruises, conventions and exhibitions.⁴⁶⁵

Outside of these larger cities, other locations have been identified that are attracting an increasing amount of travelling child sex offenders. According to Mr. Prawit Roykaew, a public prosecutor at the Attorney General’s Office in Bangkok:

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“There is also a new trend now where tourists from western countries go to cities near the borders between Cambodia and Thailand and they ask the brokers to bring them children from Cambodia, Laos or Vietnam. They already have a network. They go pretending to be tourists, stay in hotels, have the children brought to them and then they send them back home to their countries. So this means that we will not find the children – the victims – as witness. So we have to rely on other material, like video tapes that sometimes these people do [pedo-pornographic material], but still we cannot identify them or see if the person in the tape is a child or not, because sometimes in the video there is no face visible, and just one part is framed. So we can’t find the victim and we can’t know the real age of the person in the tape.”⁴⁶⁶

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Key legal frameworks and policies

Due to the fact that SECTT is closely interlinked with the other three manifestations of CSEC, there are various international legal instruments which can be applied to the phenomenon, including the CRC, OPSC and Palermo Protocol.

464 Save the Children Denmark, *Sex Offenders Without Borders*, 2009, pp. 22, 36, 41.

465 Pattaya Today, *Rebranding Pattaya Tourism*, 16 July 2015, accessed 23 July 2015 from: <http://pattayatoday.net/news/latest-edition/rebranding-pattaya-tourism/>

466 Interview conducted with Mr. Prawit Roykaew by ECPAT International at the Attorney General’s Office, Bangkok, 25 March 2015 for ECPAT’s Access to Justice Project.

Article 34 of the CRC requires States parties to protect children from all forms of sexual exploitation and Article 35 requires States to take all appropriate national, bilateral and multilateral measures to prevent the sale of children.⁴⁶⁷ The OPSC requires States parties to take measures to prohibit the sale of children, child prostitution and child pornography, which the OPSC directly relates to SECTT.⁴⁶⁸ It also requires that States exercise territorial jurisdiction over acts of child sexual exploitation and permits States to exercise extraterritorial jurisdiction over the same offences if the alleged offender is a national of that State (or has habitual residence in that State) or the victim is a national of that State.⁴⁶⁹

The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents – although not binding – calls on States to “establish effective extraterritorial jurisdiction, abolishing the requirement of double criminality for offences of sexual exploitation of children and adolescents.”⁴⁷⁰ ECPAT International has also recognised extraterritorial legislation as “a basic prerequisite for an adequate legal scheme to prevent and punish child sex tourism.”⁴⁷¹ According to UNODC, “this option to establish extraterritorial jurisdiction has been implemented in the domestic law of some states parties to the Optional Protocol in order to allow for the prosecution of travelling child sex offenders – typically nationals or permanent residents of the prosecuting state – on their return home.”⁴⁷²

The Palermo Protocol can also be applied in situations of SECTT; for example, if a travelling child sex offender recruits, transports, transfers, harbours or receives a child for the purpose of exploitation, he or she has committed the offense of trafficking.⁴⁷³

ECPAT International has identified as good practice the criminalisation of preparatory acts relating to SECTT.⁴⁷⁴ These preparatory provisions should “establish that it is an offence to commit any action in preparation for *any* sexual exploitation offence...regardless of whether the exploitation is actually committed and regardless of whether the preparatory act is committed with the intention of committing any specific sexual exploitation offence.”⁴⁷⁵

Thailand has ratified all of the international legal instruments mentioned above. While Thailand’s law is generally strong when it comes to protection for children against sexual exploitation, gaps remain in regard to legislation that affects the prosecution of travelling child sex offenders. According to the Committee on the Rights of the Child in 2012:

467 Article 34: States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent: (a) The inducement or coercion of a child to engage in any unlawful sexual activity; (b) The exploitative use of children in prostitution or other unlawful sexual practices; (c) The exploitative use of children in pornographic performances and materials; Article 35: States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

468 See: OPSC Preamble: “Deeply concerned at the widespread and continuing practice of sex tourism, to which children are especially vulnerable, as it directly promotes the sale of children, child prostitution and child pornography.”

469 Article 4, OPSC: 1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 3, paragraph 1, when the offences are committed in its territory or on board a ship or aircraft registered in that State. 2. Each State Party may take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 3, paragraph 1, in the following cases: (a) When the alleged offender is a national of that State or a person who has his habitual residence in its territory; (b) When the victim is a national of that State.

470 *Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents*, 25 – 28 November 2008, para. 29, available at: http://www.unicef.org/protection/Rio_Declaration_and_Call_for_Action.pdf

471 ECPAT International, *Protection and the OPSC: Justifying good practice laws to protect children from sexual exploitation*, Journal series no. 2 (Bangkok: ECPAT International, 2012), p. 5.

472 UNODC, *Child Sexual Exploitation in Travel and Tourism*, 2014, p. 14.

473 Article 3(c), Palermo Protocol: “The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article.”

474 In this context, UNICEF has identified preparatory acts as “any actions taken in a destination country relating to child sex tourism (for example, actively and intentionally seeking online information about a child sex tourism destination, making a booking at a hotel for the purpose of sexually exploiting a child and so on).” UNICEF East Asia and Pacific Regional Office, *Legal Protection from Violence: Analysis of domestic laws related to violence against children in ASEAN members states* (Bangkok: UNICEF EAPRO, 2015), p. 140.

475 ECPAT International, *Protection and the OPSC: Justifying good practice laws to protect children from sexual exploitation*, Journal series no. 2 (Bangkok: ECPAT, 2012), pp. 10-11.

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“The Committee regrets that the State party’s legislation does not explicitly allow extraterritorial jurisdiction for all the cases referred to in article 4, paragraph 2, of the Optional Protocol. The Committee also regrets that jurisdiction over offences under the Protocol necessitates double criminality. While noting the Extradition Act of 2008 and extradition agreements with 14 countries for offences that are punishable with death penalty or imprisonment of over one year, the Committee is concerned that the Optional Protocol is not invoked as legal basis for extradition and that extradition is subject to the existence of a treaty between the State party and the requesting State.”⁴⁷⁶

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Thailand exercises territorial jurisdiction over all offences committed within the country.⁴⁷⁷ Thailand’s *Penal Code* also permits the government to prosecute nationals for sexual offences against children committed abroad, but only extends this extraterritorial jurisdiction to a limited number of sexual offences.⁴⁷⁸ Certain other sexual offences committed against children are included if committed outside of the country if:

- the offender is a Thai national and a request is made to prosecute the offender either by the government of the country in which the offence occurred or by the victim, or
- where the offender is not a Thai national and the victim is the Thai government or a Thai national and a request is made to prosecute the offender by the victim.⁴⁷⁹

The *Prevention and Suppression of Prostitution Act* criminalises a limited number of offences committed outside Thailand,⁴⁸⁰ as does the *Anti-Trafficking Act*.⁴⁸¹

These laws contain provisions relating to SECTT conduct applying extraterritorially; however, these provisions do not extend extraterritorial jurisdiction over all sexual offences committed against children. Although this is not required under international law, it would be an important step for providing stronger protection for children vulnerable to sexual exploitation.

In Thailand, jurisdiction over the offences in the OPSC is subject to a double criminality requirement, in which the relevant offence must be a criminal offence both in the country in which it occurred, and in the State of which the offender is a national/resident.⁴⁸² One result, according to UNICEF, is that this requirement “limits the extent of extraterritorial legislation and can result in child sex tourists escaping prosecution for offences in countries that have non-protective legal frameworks.”⁴⁸³ It also does not appear that Thailand has criminalised acts carried out in preparation for the sexual exploitation of children in travel and tourism.

476 Committee on the Rights of the Child, *Concluding observations on the OPSC: Thailand*, 2012, para. 29.

477 Section 4, *Penal Code*.

478 *Penal Code Amendment Act* (No. 14), B.E. 2540 (1997). These sexual offences are found in the Penal Code, Section 282: “whoever, in order to gratify the sexual desire of another person, procures, lures or traffics a man or woman for an indecent sexual purpose, even with his or her consent” and Section 283: “Whoever, for sexual gratification of another person, procures, lures or traffics a man or woman for an indecent sexual purpose, by using the deceitful means, threats, physical assault, immoral influence, or mental coercion by any means.” Both of these provisions provide harsher punishments if the victim is a child.

479 See: Section 8, *Penal Code*.

480 Section 9, *Prevention and Suppression of Prostitution Act*.

481 Section 11, *Anti-Trafficking in Persons Act*.

482 See: Section 7, *Extradition Act*, B.E. 2551. “An offence to be extraditable must be a criminal one that both the law of the Requesting State and Thailand establish it to be a criminal offence having punishment by death or imprisonment or deprivation of liberty in other forms from one year upward, accordingly, whether it be the offence of the same chapter or designation under the law of both States.”

483 UNICEF East Asia and Pacific Regional Office, *Legal Protection from Violence*, 2015, p. 138.

It was reported in 2014 that the Ministry of Tourism and Sports and the Tourist Police Division launched a project to develop a surveillance network on the sexual exploitation of children in travel and tourism.⁴⁸⁴ The network was reportedly developed in Thailand by training businesses in tourism hot spots to identify and report cases of SECTT to law enforcement.⁴⁸⁵

The Thai government reported that in August 2014, the Ministry of Tourism and Sports held a forum on how to address the sexual exploitation of children in travel and tourism and that this forum contributed to the development of the Plan of Action to proactively address sexual exploitation in the tourism industry 2015-2016.⁴⁸⁶ No further information could be found on this Plan of Action.

According to the Royal Thai Police, a total of 42 and 72 reports pertaining to suspected SECTT offences were received on the National Hotline Number in 2007 and 2008, respectively.⁴⁸⁷ According to ECPAT International, 15 foreign child sex offenders were arrested in 2008 and 16 were arrested in 2009.⁴⁸⁸

The low number of travelling child sex offenders arrested, prosecuted and/or convicted (or the lack of statistics on the criminal justice response/treatment of these offenders) possibly implies a lack of implementation and/or enforcement of the overall strong legislation in the country.

One way that has been identified to address this lack of implementation/enforcement is through increased coordination and cooperation on SECTT-related issues, both within Thailand and among Thailand and other countries. Under the OPSC, “States parties shall take all necessary steps to strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts involving the sale of children, child prostitution, child pornography and child sex tourism.”⁴⁸⁹

This cooperation has been identified between law enforcement of various countries and Thailand. For example, one report found that certain operations related to SECTT in Pattaya were supported by international law enforcement agencies (e.g. the Child Exploitation and Online Protection Centre (CEOP) under the UK’s National Criminal Agency, US Immigration and Customs Enforcement (ICE)).⁴⁹⁰

In her 2012 report, the Special Rapporteur on the sale of children, child prostitution and child pornography reported that Thailand’s Ministry of Justice established guidelines for organisations related to the prosecution of travelling child sex offenders. The guidelines reportedly focused on “coordination with foreign governments, in relation to the arrest and prosecution of foreigners...prevention of absconding on bail...and close coordination between the inquiry officer and the Department of Social Development and Welfare under the [MSDHS], for the care and protection of child victims.”⁴⁹¹

The Special Rapporteur also reported that Thailand had drafted memoranda of understanding and bilateral agreements with various countries to improve information sharing and legal support regarding SECTT.⁴⁹²

In 2014, it was reported that Thailand’s Ministry of Justice was in the process of reviewing a draft protocol on interagency cooperation against travelling child sex offenders. According to UNODC, “while this is a domestic initiative, it will also make an important contribution to regional and wider international

484 Thailand Ministry of Foreign Affairs, *Trafficking in Persons 2014 Country Report*, p. 95.

485 U.S. Department of State, *Trafficking in Persons Report 2014: Thailand*.

486 Thailand Ministry of Foreign Affairs, *Trafficking in Persons 2014 Country Report*, p. 157.

487 ECPAT International, *Alternative Report to the Committee on the Rights of the Child*, 2011.

488 *Ibid.*

489 Article 10(1), OPSC.

490 World Vision Australia, *Sex, Abuse and Childhood*, 2014, p. 55.

491 Human Rights Council, *Report of the Special Rapporteur on the sale of children, child prostitution and child pornography*, 2012, para. 51.

492 *Ibid.*, para. 82; “In July 2012, for example, the Austrian Federal Minister of the Interior concluded a police cooperation agreement with Thailand, which facilitates the cooperation between the two countries *inter alia* in the fight against human trafficking, child pornography and sex tourism. Since 2011, a police attaché to the Austrian Embassy in Bangkok has been assisting in the investigation and prosecution of alleged perpetrators.”

cooperation particularly in cases where suspects flee across borders to avoid prosecution.”⁴⁹³ No further information on the status of the draft protocol could be found.

While this cooperation between law enforcement agencies and governments has been commended, it appears that many of these efforts focus primarily on foreign travelling sex offenders. It has been suggested that this type of international coordination may be one reason why there is more emphasis placed on SECTT cases involving foreign offenders than local offenders.⁴⁹⁴

Another reason for the lack of implementation/enforcement of SECTT-related legislation was given in a 2014 study on SECTT, which reported that some respondents in Thailand identified high levels of local police corruption which impeded the enforcement of laws against sexual exploitation. One NGO staff member in Pattaya stated:

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*There are cases where international police have worked hard to crack down on the travelling offenders, following these offenders through various countries. Following police arrest in Thailand, many offenders are finally let off by the courts because of corruption.*⁴⁹⁵

”

Respondents in Pattaya and other locations echoed this concern of corruption preventing the arrest of travelling child sex offenders:

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*One social worker described how several attempts to arrest a child sex offender with the support of local authorities had failed. He also claimed that local authorities seemed to have links with bar owners who allowed illicit activity, such as hiring minors in order to attract clients and/or allowing minors to enter the bar to find commercial sex clients.*⁴⁹⁶

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493 UNODC, *Child Sexual Exploitation in Travel and Tourism*, 2014, p. 26.

494 World Vision Australia, *Sex, Abuse and Childhood*, 2014, p. 55.

495 *Ibid.*, p. 66.

496 *Ibid.*, p. 55.

SECTION III:

CHILD AND YOUTH PARTICIPATION

Article 12 of the CRC ensures children the right to express their views in all matters concerning them and Article 13 recognises the right of all children to freedom of expression.⁴⁹⁷ Article 9(2) of the OPSC encourages the participation of children and child victims in educational and training preventive programmes at all levels, including internationally.⁴⁹⁸ Some of these international standards are reflected in Thailand's *National Child and Youth Development Promotion Act* (2007).⁴⁹⁹

The Thai government adopted youth participation as an official government policy following the National Youth Parliament in 2002, which consisted of 200 youth representatives from all provinces.⁵⁰⁰ Thailand's 19th Child Rights Assembly took place in 2008 and one result was a proposed children's report on Thailand's implementation of the CRC provisions to accompany the State report to the Committee;⁵⁰¹ however, further information on this children's report could not be found.

Thailand's *National Child and Youth Development Promotion Act* established Children and Youth Councils to engage young people in decisions that affect their lives.⁵⁰² Of the 954 Child and Youth Councils reportedly established, 877 are reportedly at the district level, 75 are at the provincial level, one is located in Bangkok and one is established at the national level. The Councils were formed as "a mechanism for self-expression, development and knowledge-sharing among children."⁵⁰³ Although the Committee recognised Thailand's Child and Youth Councils in 2012, it also expressed concern that not all children at all levels are able to express their views and participate in decision-making that affects them. The Committee recommended the regular monitoring of the extent to which children's views are taken into account and the impact their views have on policy making and programming. It also recommended increased support to the Child and Youth Councils.⁵⁰⁴

497 Article 12, CRC: "States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child"; Article 13: "The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice."

498 Article 9(2), OPSC: "States Parties shall promote awareness in the public at large, including children, through information by all appropriate means, education and training, about the preventive measures and harmful effects of the offences referred to in the present Protocol. In fulfilling their obligations under this article, States Parties shall encourage the participation of the community and, in particular, children and child victims, in such information and education and training programmes, including at the international level."

499 Committee on the Rights of the Child, *Consideration of the reports submitted by States parties under article 44 of the Convention: Combined third and fourth periodic reports of States parties due in 2009, Thailand, CRC/C/THA/3-4*, 14 September 2011, para. 24; see Articles 6, 7, *National Child and Youth Development Promotion Act*, B.E. 2550 (2007).

500 UNICEF, *State of the World's Children 2003* (New York: UNICEF, 2002), p. 55.

501 Committee on the Rights of the Child, *Consideration of the reports submitted by States parties under article 44 of the Convention: Combined third and fourth periodic reports of States parties due in 2009, Thailand, CRC/C/THA/3-4*, 14 September 2011, para. 7.

502 See: Chapter 3, Section 1, Articles 22, 25, 28, 32.

503 Committee on the Rights of the Child, *Combined third and fourth periodic reports of States parties due in 2009 on the CRC, Thailand*, 2011, para. 24.

504 Committee on the Rights of the Child, *Concluding observations on the CRC: Thailand*, 2012, paras. 39, 40.

In its combined third and fourth periodic reports to the Committee on the Rights of the Child in 2011, Thailand highlighted the inclusion of children and youth in the preparation of the report.⁵⁰⁵ In its initial report to the Committee on the Rights of the Child on the OPSC in 2011, Thailand highlighted the participation of children in certain aspects of victims' physical and psychological recovery, as well as in the prevention of CSEC through radio and community dramas, child and youth assemblies, child rights seminars and workshops and Child Rights Day activities.⁵⁰⁶

In 2011, youth from the ECPAT Foundation in Chiang Rai participated in the ECPAT-Body Shop campaign to "Stop Sex Trafficking of Children and Young People." The youth spoke in person with the Prime Minister and shared the activities they were a part of to protect children from sexual exploitation and trafficking. They also secured the Prime Minister's signature for the petition to the UN Human Rights Council asking governments to take greater action to fight the trafficking of children.⁵⁰⁷

According to a 2010 ECPAT International report on its Youth Partnership Project against CSEC (YPP),⁵⁰⁸ the children involved in Thailand's YPP participated in various micro-projects to raise awareness about CSEC in the Chiang Rai region. One of those projects, conducted by ethnic minorities in a community identified as high-risk for CSEC, was a training session and drama performance targeting the local children and communities. It was reported by ECPAT International that YPP Thailand's micro-projects reached approximately 1500 youth.⁵⁰⁹

In 2011, it was reported that YPP Thailand directly contributed to the development of an Alternative Report on the Thai government's progress to implement the OPSC. In preparation for advocacy efforts, the YPP youth conducted an exercise to evaluate the likelihood of successful advocacy among various stakeholders with regard to their attitudes and actions.⁵¹⁰ Representatives from YPP Thailand, in collaboration with ECPAT International and ECPAT Foundation, held roundtable discussions to create and include an advocacy agenda in an Alternative Report to the Committee and presented this strategy to the Committee in Geneva.⁵¹¹

In ECPAT International's 2012 Youth Journal,⁵¹² a description of various activities and projects conducted by Thailand's YPP was given, including the education of children and communities on children's rights, trafficking and risk factors to CSEC through, *inter alia*, mobile theatre performances.⁵¹³

505 Committee on the Rights of the Child, *Consideration of the reports submitted by States parties under article 44 of the Convention: Combined third and fourth periodic reports of States parties due in 2009, Thailand*, CRC/C/THA/3-4, 14 September 2011, para. 4.

506 Committee on the Rights of the Child, *Initial reports of States parties due in 2008 on the OPSC: Thailand*, 2011, para. 150.

507 ECPAT International, *YPP Global: News*, available at: http://resources.ecpat.net/ypp_global/index.php?option=com_content&view=article&id=68&Itemid=72

508 The Youth Partnership Project was a global project that worked to improve the lives of children affected by or at risk of commercial sexual exploitation. The project empowered children and youth to speak out for their own right to be protected and to be leaders in the fight against CSEC. YPP targeted CSEC survivors and children at risk of CSEC, including those who lived on the street, children involved in drugs, orphans, children with HIV/AIDS, children living in shelter homes, children suffering from family violence and children from the poorest communities and ethnic minorities. ECPAT International, *Youth Partnership Project Against Commercial Sexual Exploitation of Children and Youth (YPP), Global Meeting Promoting Youth Power!: Summary Report* (Bangkok: ECPAT International, 2010). <http://ecpat.net/sites/default/files/YPP%20global%20meeting.pdf>

509 *Ibid.*

510 ECPAT International, *Youth Power: A Manual on Youth-led Advocacy* (Bangkok: ECPAT International, 2012), available at: http://ecpat.net/sites/default/files/YPP%20manual_Advocacy.pdf

511 *Ibid.*

512 ECPAT's Youth Journal consists of articles written by young people involved in the fight against CSEC, mostly youth motivators and peer supporters within ECPAT's YPP and/or members of ECPAT International's Child and Youth Advisory Committee (EICYAC).

513 ECPAT International, *Youth Journal: Youth Partnership Programme, Empowering Child Survivors and At-Risk Youth against Commercial Sexual Exploitation* (Bangkok: ECPAT International, 2012).

Thailand's YPP Research

"In Thailand the YPP working with ECPAT knew that the Department of Social Development and Welfare, Ministry of Social Development and Human Security has the power to set guidelines and policies that ensure child victims living in shelters have access to a safe and supportive environment. Though this knowledge might suggest that the Ministry is a key target for an advocacy objective focused on living conditions in shelters, the Thai group followed up with more research and discovered that in reality the individual shelters were not centrally controlled by the Ministry and living conditions were largely controlled at the local level. Thus, though Ministry-level policy advocacy is important to create a long-term, consistent source of support from above, real change on these issues must also come from decisions at the local level, making the heads of particular shelters important advocacy targets."⁵¹⁴

Following the completion of the YPP initiative in 2011, ECPAT Foundation in Chang Rai implemented a follow-up phase, which consisted of 48 peer supporters, including 12 survivors and 20 children at risk of sexual exploitation from 11 institutions (two schools and nine children's shelters). In 2014, ECPAT Foundation developed an art camp that provided "opportunities for children and youth in the YPP to learn about creative ways to raise awareness of CSEC and address discrimination, as well as to use art as a form of therapy for survivors of sexual exploitation and a tool to empower the most vulnerable children to improve their lives and influence change."⁵¹⁵

In preparation for the 25th anniversary of the CRC in 2015, UNICEF Thailand collaborated with the MSDHS in 2014 to engage children and youth on the issue of children's rights, one result of which was the submission of youth recommendations to the MSDHS Minister on Universal Children's Day.⁵¹⁶

In October 2014, the Thailand COMMIT Youth Forum⁵¹⁷ took place in Nakhon Pthom, Thailand organised by Save the Children, Thailand's National Council for Child and Youth Development, ILO, World Vision and UN Action for Cooperation against Trafficking in Persons (UNACT). The purpose of the Forum, which brought together 40 children from nine provinces in Thailand, was for young people to discuss and make recommendations for the prevention of exploitation and trafficking of children. The Forum identified priority issues for young people in Thailand such as the role of social media in awareness raising, establishment and strengthening of community-based surveillance networks and the right to education for migrant and stateless children.⁵¹⁸

514 ECPAT International, *Youth Power: A Manual on Youth-led Advocacy*, 2012.

515 ECPAT International, *The Commercial Sexual Exploitation of Children in East and South-East Asia*, 2014, p. 69, taken from: ECPAT Thailand, Presentation by Ketsanee Chantrakul, Project Coordinator of ECPAT Foundation at the ECPAT East & South-East Asia Regional Consultation against the Commercial Sexual Exploitation of Children, 25-27 August 2014, Taipei, Taiwan.

516 UNICEF, *Annual Report 2014: Thailand*, available at: http://www.unicef.org/about/annualreport/files/Thailand_Annual_Report_2014.pdf

517 COMMIT (Coordinated Mekong Ministerial Initiative Against Trafficking), which is a government process, aims to develop coordinated and comprehensive policy and programme interventions to end human trafficking across six countries (Cambodia, China, Laos, Myanmar, Thailand and Vietnam).

518 Information provided by ECPAT Foundation, Chiang Rai, Thailand; see also: Save the Children Thailand, *Save the Children to Voice Out the Views of Children and Young People at Thailand's National COMMIT Youth Forum*, (24 October 2014), accessed 23 September 2015 from: <https://thailand.savethechildren.net/news/save-children-voice-out-views-children-and-young-people-thailand%E2%80%99s-national-commit-youth-forum>

In the past, following previous COMMIT Youth Forums, a group of children was chosen to participate in the Mekong Youth Forum on Human Trafficking (originally known as the Mekong Children’s Forum)⁵¹⁹ to share these identified priorities, resulting in recommendations to governments and civil society in the Mekong Sub-Region.⁵²⁰ Thai children, including survivors of CSEC, provided recommendations for policy improvements on, *inter alia*, how to combat trafficking of children at the Mekong Youth Forums in 2004, 2007 and 2010.⁵²¹ In April 2015, the Regional COMMIT Youth Forum (previously the Mekong Youth Forum)⁵²² was held in Phnom Penh, Cambodia. Youth representatives met with government officials to present their recommendations on government action and support for prevention initiatives to fight human trafficking.⁵²³ It appears that both the government and civil society have made efforts to ensure victim and at-risk children’s opinions and perspectives are included in matters that affect them. However, it has been reported that stereotypes in Thailand surrounding age can be a barrier to child participation, “as children are sometimes expected to conform to norms of subservience and obedience. This has resulted in many children who have attempted to advocate for CSEC measures being silenced by adults who will lead discussions and have children attend as mere token symbols.”⁵²⁴

519 The Mekong Children’s Forum was first held in 2004, an initiative of ILO’s International Programme on the Elimination of Child Labour’s Mekong Sub-regional Project to Combat Trafficking in Children and Women and Save the Children UK’s Community-based Initiatives Against Trafficking in Children in the Mekong Sub-region. See: <http://resourcecentre.savethechildren.se/library/mekong-childrens-forum-annexes>

520 Information provided by ECPAT Foundation, Chiang Rai, Thailand; see also: Save the Children Thailand, *Save the Children to Voice Out the Views of Children and Young People at Thailand’s National COMMIT Youth Forum*, (24 October 2014), accessed 23 September 2015 from: <https://thailand.savethechildren.net/news/save-children-voice-out-views-children-and-young-people-thailand%E2%80%99s-national-commit-youth-forum>

521 The Mekong Youth Forum was launched in 2004 by Save the Children and World Vision, in collaboration with other agencies, with the goal of bringing children’s voices into policy-making. Children from the six Mekong countries – Cambodia, China, Laos, Myanmar, Thailand and Vietnam – attended the Forum to discuss their experiences of migration and human trafficking. ECPAT International, *The Commercial Sexual Exploitation of Children in East and South-East Asia*, 2014, pp. 67-68.

522 In 2014, COMMIT governments approved the transition of the Mekong Youth Forum to the COMMIT Youth Forum; they also agreed to a connected COMMIT Youth Action Plan, which “involves routine engagement of youth, both nationally and regionally.” UN-ACT, *Annual Progress Report 2014*.

523 Save the Children Thailand, *Regional COMMIT Youth Forum 2015*, (27 April 2015), accessed 23 September 2015 from: <https://thailand.savethechildren.net/news/regional-commit-youth-forum-2015>

524 ECPAT International, *Alternative Report to the Committee on the Rights of the Child*, 2011; taken from: National Council for Child and Youth Development and Center for the Protection of Children’s Rights and child and youth development NGOs and youth groups. *Thailand NGO Report on the Implementation of the Convention on the Rights of the Child 2000 – 2004*, Bangkok, June 2005, pp. 8-9.

SECTION IV:

KEY FINDINGS

Child Prostitution

Although prostitution is illegal in Thailand, it appears from the literature that the law is largely ignored. As a result, prostitution is reportedly practiced openly and includes the involvement of large numbers of children. There are significant variations in the estimated number of children exploited in prostitution in the country, including what appears to be a certain amount of unreliable and inflated statistics. In the past, it has been suggested that the largest number of girls involved in the sex industry in cities like Bangkok came from Northern Thailand; however, more recent reports suggest that child victims come from all regions of Thailand according to the market and customer demand. Several studies show that most of the children involved in prostitution are between 15-17 years old. While providing support to their families is one of the principle reasons identified for girls' involvement in prostitution, another reason commonly cited is the desire of girls to earn extra money for consumer goods or to pay for school. Boys, on the other hand, are rarely mentioned in these studies. However, one study reported that a significant majority of male entertainment workers in Chiang Mai came from various hill tribes in Northern Thailand, some of which were identified as underage boys.

Sexual Exploitation of Children Online

The sexual exploitation of children online is the CSEC manifestation with the least amount of data/information found in the literature. In 2006, Thailand was recognised as one of the top five hosts of child abuse websites. More recently, the Thai government has recognised the country as a production and distribution source of child pornographic materials. Statistics on the number of children exploited through child pornography are difficult to find. Although identifying the scope of the problem is challenging, newspapers in 2010 reported on the sale of child pornography along major streets in Bangkok. It appears that street children are particularly at risk of sexual exploitation for the purpose of the production of child pornography. In 2009, Thailand was identified as a host country of child sexual abuse images, ranking 6th out of the top 15 image host countries and 14th out of the top 15 website host countries. While offenders are difficult to identify, a significant number of cases involving travelling child sex offenders appear to include an online component. For example, out of the 16 cases of arrests of foreign perpetrators in 2009 in Thailand, 57% were found to have child sexual abuse materials that were mostly self-produced.

Trafficking of Children for Sexual Purposes

Human trafficking, including the trafficking of children for sexual purposes, is the most discussed and profiled manifestation of CSEC in the literature, due in part to Thailand's recent downgrade in the US State Department's Trafficking in Persons Report to a Tier 3 country. Unfortunately, it appears that much of the data on trafficking is not disaggregated by age, sex or type of exploitation. However, the statistics that are available provide evidence to support the idea that children are still a significant portion of those

identified as victims of trafficking for sexual purposes. In 2014, it was reported that more than one third of the identified human trafficking victims were involved in sexual exploitation, the majority identified as girls from Thailand and Laos. There is anecdotal evidence to suggest, however, that the trafficking of children for sexual purposes is becoming increasingly clandestine. Therefore, it is likely that these statistics do not provide a comprehensive picture of the overall trafficking situation in the country. It has been reported that the majority of trafficking cases are facilitated by individual and local level networks, including friends and family members of victims and, as a result, it is common for trafficking cases to begin as voluntary migration. Multiple sources reported that the number of Thai children identified as trafficking victims has decreased, with an increase in children from Cambodia, Laos and Myanmar. Overall, foreign migrants, members of ethnic minorities and stateless persons were identified as the most at-risk populations for human trafficking in Thailand.

Sexual Exploitation of Children in Travel and Tourism

Thailand has long been a popular tourist destination for travellers from all over the world. For example, Bangkok was the most visited city in the world (by international tourists) in 2013. As travel and tourism increase, so does the risk to children of sexual exploitation by travelling sex offenders. However, the sexual exploitation of children in travel and tourism (SECTT) has reportedly declined in Thailand in recent years and it has been suggested that travelling child sex offenders are visiting other countries in the region (Cambodia, Laos and Vietnam) which have fewer laws and less monitoring of SECTT. It appears that Thailand's efforts to address SECTT focus primarily on child sexual abuse by international travellers in tourist hubs such as Pattaya, Phuket and Bangkok, and very little on locals and foreigners in remote and indigenous areas. These communities cannot be easily accessed and have been identified as locations where child sex offenders are increasingly targeting children. Data suggests that a significant proportion of travelling child sex offenders in Thailand are from Asia.

Legal Framework, Policies and Support Services

Thailand has a comprehensive law on prostitution, which includes specific references to children. However, it does not exempt child victims of prostitution from penalties under the law. As a result, it is possible that children exploited through prostitution can be prosecuted as offenders, instead of treated as victims. The law also does not appear to criminalise ancillary acts (such as complicity or participation).

In May 2015, Thailand passed a new amendment to its *Penal Code* on child pornography. Upon enactment in December 2015, the law will provide a definition of child pornography which appears to be in accordance with the OPSC and will criminalise mere possession of child pornography, which goes beyond OPSC requirements. This new amendment does not criminalise knowingly accessing child sexual abuse materials, virtual child pornography or online grooming. While the criminalisation of these actions is not required by the OPSC, it would provide important protection for children against pornography and exploitation online. There is also no legal obligation of Internet service providers to report to the police illegal material or activity dealing with the sexual exploitation of children online upon obtaining notice. Thailand has several specialised units dealing with cybercrime, including online sexual abuse, and maintains hotlines to report the sexual exploitation of children online.

Thailand's *Anti-Trafficking in Persons Act* is a comprehensive piece of legislation, covering many aspects of the offence, including assistance and protection to victims. The government has also signed various regional agreements and MoUs with neighbouring countries on human trafficking and has developed guidelines for government agencies and NGOs engaged in anti-trafficking operations. While these laws and policies are comprehensive, their implementation and enforcement have been strongly criticised.

Compared to the estimated magnitude of the problem, there appears to be a disproportionate amount of arrests, prosecutions, convictions and awards of compensation to victims. It is the responsibility of the Ministry of Social Development and Human Security (MSDHS) to provide assistance and protection to victims of trafficking. While there is evidence to show that the MSDHS is providing services to victims within their shelters, these services have been criticised for their lack of specialisation and the length of time victims are held. It has also been reported that many of the support services provided to child victims of trafficking for sexual purposes come from INGOs and NGOs in the country.

While Thailand's laws are generally strong when it comes to protection for children against sexual exploitation, there are still gaps that remain in regard to legislation that affects the prosecution of travelling child sex offenders. Thailand's law only extends extraterritorial jurisdiction to a limited number of sexual offences. Additionally, extraterritorial jurisdiction is subject to a double criminality requirement, in which the relevant offence must be criminalised both in the country in which it occurred, and in the State of which the offender is a national/resident. This can result in travelling child sex offenders escaping prosecution in countries that have fewer legal protection frameworks addressing CSEC. The law also does not criminalise acts carried out in preparation for SECTT.

Risk Factors Leading to Vulnerability to CSEC

Risks and vulnerabilities of children to sexual exploitation cannot be attributed to one specific profile or situation, such as poverty or lack of education, although these factors can play a significant role. Some research has suggested that governments and other relevant actors should look beyond factors like poverty to explain the prevalence of CSEC in Thailand.

The literature makes it clear that the most vulnerable groups of children to sexual exploitation are children on the move, migrants, refugees, stateless children, ethnic minorities and children living and/or working on the street. This vulnerability is due to various factors, including a lack of legal status, discriminatory cultural attitudes, exploitative working conditions and a lack of community. An additional vulnerability factor that reportedly affects children from all backgrounds is the desire for consumer goods.

Child and Youth Participation

Thailand has 954 Child and Youth Councils at the district and provincial levels which serve as mechanisms for opinion and knowledge-sharing among children. The Thai government has reported that children have participated in the preparation of its reports to the Committee on the Rights of the Child. Children involved in ECPAT International's Youth Partnership Project against CSEC (YPP) have participated in various micro-projects to raise awareness about CSEC, particularly in the Chiang Rai region, including conducting educational workshops for other children through the use of theatre performances. At the regional level, Thai children, including survivors of CSEC, have provided recommendations for policy improvements on, *inter alia*, how to combat trafficking of children at the Mekong Youth Forums in 2004, 2007 and 2010, as well as at the 2015 Regional COMMIT Youth Forum. It appears that both the government and civil society have made efforts to ensure victim and at-risk children's opinions and perspectives are included in matters that affect them. However, it has been reported that stereotypes in Thailand surrounding age can be a barrier to child participation.

SECTION V:

CONCLUSION & RECOMMENDATIONS

For decades, Thailand has been identified as a host country to a vast and embedded sex industry, which includes various manifestations of the commercial sexual exploitation of children. Today, the sexual exploitation of children in the country continues to be a phenomenon of grave concern. Although reliable, evidence-based data on the full scale and scope of the problem is difficult to find, there is evidence to suggest that this type of abuse and exploitation is still occurring. In recent years, Thailand has responded to the pressure and desire for greater legal protection of children against this type of exploitation; however, it appears that significant challenges to effective implementation and enforcement of these laws remain. A multi-disciplinary effort by government agencies, NGOs, the private sector and communities to improve implementation and a stronger effort by the government to fight corruption is required if children are to be fully protected against sexual exploitation.

RECOMMENDATIONS

The following recommendations to strengthen prevention and protection for children against sexual exploitation in Thailand address four target groups/categories: government, law enforcement, civil society and research. The purpose of this breakdown is to try and identify the actors/bodies/mechanisms in the best position to make the most effective change. It should be kept in mind, however, that many of these recommendations are applicable to all those involved in the fight against the sexual exploitation of children.

Governmental Agencies and Mechanisms

- The MSDHS provides assistance to, *inter alia*, child victims of trafficking for sexual purposes through its shelter homes. While reports from local NGOs maintain that the services provided are more advanced than those offered at similar locations in neighbouring countries, improvements can be made by the MSDHS to ensure a greater degree of protection and recovery for victims. An evaluation could be conducted on the existence and level of specialised services for child victims of trafficking for sexual purposes available at government shelters, as well as throughout the victim identification process (e.g. court proceedings, interviews, recovery). The acknowledgment of the physical, psychological, social, emotional and other impacts – both short and long-term – associated with the sexual exploitation of children is vital when evaluating specialised care and support services. Child victims of trafficking for sexual purposes should not be held in shelters any longer than is absolutely necessary; an investigation into why victims in shelters are held for prolonged periods of time (sometimes years) could be undertaken and possible solutions to the problem identified. It is also important to recognise that not all CSEC victims are trafficking victims. As a result, steps should be taken to ensure non-trafficking victims of CSEC are also provided with specialised support services.

- In addition to the national anti-trafficking in persons database, a national database for other CSEC manifestations, including child pornography, could be considered. As an alternative, the anti-trafficking database could be expanded to include all manifestations of CSEC. Any database(s) should include, *inter alia*, the number of arrests, prosecutions, convictions and sentences for each offence within the OPSC. It is recommended that all CSEC-related data collected by MSDHS, the Ministry of Foreign Affairs or any other government agency – whether for the database or otherwise – be disaggregated by sex, age and type of exploitation. This disaggregation is incredibly important to begin the process of developing indicators for the monitoring and evaluation of programmes and interventions addressing CSEC.
- The government has created numerous child protection and anti-trafficking committees and sub-committees; however, due to their volume and quantity of work, coordination among them can be challenging. Consultations to evaluate the MSDHS child protection committee and sub-committees as well as the anti-trafficking committees could help to ensure they are functioning in the most efficient manner.
- All levels of CSEC-related corruption (e.g. protection of brothels, exploitation of children, receiving bribes) should be investigated and prosecuted, not only within law enforcement but within all occupations related to the protection of children such as prosecutors, social workers, judges and the media.
- Due to the transnational nature of SECTT offences, it is recommended that advocacy efforts are carried out at the regional level to ensure that SECTT is made a priority issue in policy-making. Collaboration among ASEAN bodies, civil society organisations and the private sector should be promoted as well as the possibility of a regional instrument to strengthen and formalise cooperation in relation to SECTT.
- In the fight against SECTT, partnerships with the private sector are incredibly valuable, both for the government and NGOs working in child protection. In Thailand, the private sector traditionally targeted includes: staff at hotels, restaurants and bars, taxi and tuk-tuk drivers and tour guides. In coordination with NGOs, it is recommended that the government, including the Ministry of Tourism and Sports, increase its advocacy efforts to involve front-line employees in trainings and awareness raising campaigns on SECTT, highlighting the role they can play in increasing protection for children, including reporting.
- It has been acknowledged that foreign travelling child sex offenders, once identified and arrested, often flee the country after they have been released on bail. One way to address this issue would be to amend Section 86 of the *Criminal Procedure Code* to create a presumption in favour of pre-trial detention and/or for release on conditional bail when defendants are charged with CSEC-related crimes. From the perspective of prevention, a child sex offender registry, if established, would assist in identifying child sex offenders and preventing them from entering and/or re-entering the country.
- The most vulnerable populations to CSEC identified in Thailand are, *inter alia*, ethnic minorities; stateless, migrant and refugee children; and children living and/or working on the street. Ethnic minorities in Thailand are consistently identified as a population at risk of CSEC, due in part to the lack of citizenship of many of them. Ethnic minorities within Thailand, such as hill tribe populations, should be provided with citizenship. Among other vulnerable populations, such as non-Thai children, monitoring and awareness raising could be undertaken to increase the number of birth registrations to ensure there is a record of these children. Another way of monitoring vulnerable populations such as ethnic minorities and migrant children is ensuring they are enrolled in and attending school. While Thailand has made great strides in increasing the enrolment of its children in primary and secondary school, those children most vulnerable to CSEC face lower enrolment rates. Awareness raising on the risk factors associated with CSEC should focus not only on Thai populations but foreign migrant populations as well.
- Article 8 of the OPSC recognises children as victims of sexual exploitation, including prostitution, and requires States parties to treat them as such. This recognition of children as victims of CSEC is not always reflected in Thai legislation. Therefore, amendments to Sections 5, 6, 7 and 34 of the *Prevention and Suppression of Prostitution Act (1996)* should be considered to exempt children exploited in prostitution

from penalties under the law to ensure they are not treated as offenders, but as victims. Additionally, Section 34 authorising judges to confine sexually exploited children in a Protection and Occupational Development Centre could be amended to require the consideration of the best interests of the child (Article 22, *Child Protection Act*) and the child's opinion (Section 33, *Anti-Trafficking in Persons Act*).

- Thailand's *Anti-Trafficking in Persons Act* is a comprehensive piece of legislation which is in line with Thailand's obligations under the Palermo Protocol. However, there appears to be a gap between the law as it is written and its implementation and enforcement; therefore, the implementation and enforcement of the *Anti-Trafficking in Persons Act* should be strengthened. One way of doing this is to address the issue of law enforcement and those in the justice system becoming discouraged by the "complex" nature of assistance to trafficking victims and, as a result, misidentifying child trafficking victims (e.g. as "illegal" migrants). The collaboration of government agencies and civil society would streamline the identification process of child victims of trafficking for sexual purposes (e.g. ensuring guidelines on victim treatment and identification are disseminated, understood and followed by government agencies and NGOs through monitoring and evaluation practices).
- The *Penal Code* amendment on child pornography represents an important protection mechanism for children in Thailand against sexual exploitation online, especially its criminalisation of the mere possession of child sexual abuse materials. The amendment does not, however, address some of the more recent forms of online sexual exploitation of children which are covered by various regional legal mechanisms, including the criminalisation of virtual child pornography, knowingly accessing/viewing child pornography and online grooming. Trainings and awareness raising will help to ensure that these forms of online exploitation are understood by government officials, justice officials and law enforcement, as well as the general public. The incorporation of the standards of the Council of Europe's *Convention on Cybercrime and Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse* on these forms of exploitation into Thai law should be considered.
- There are additional amendments to Thai legislation that are recommended to provide further protection for victims of CSEC. These include:
 - Establishing the legal obligation of ISPs to report to the police – upon obtaining notice – illegal material or activity dealing with the sexual exploitation of children online;
 - Establishing by law the extraditable character of all OPSC offences and the duty to either extradite or prosecute suspects of the sexual exploitation of children found in Thailand;
 - Considering the enactment or extension of laws establishing extraterritorial jurisdiction over all sexual offences committed against children;
 - Removing the double criminality requirement for the exercise of jurisdiction over all offences in the OPSC;
 - Considering the criminalisation of "preparatory acts" carried out in relation to the sexual exploitation of children in travel and tourism;
 - Repealing the law allowing the settlement of child sex cases through marriage;
 - Ratifying the international conventions and protocols related to stateless persons and refugees (*Convention relating to the Status of Stateless Persons (1954)*, *Convention on the Reduction of Statelessness (1961)*, *Convention relating to the Status of Refugees (1951)*, *Protocol relating to the Status of Refugees (1967)*) and withdrawing the reservation to Article 22 of the CRC.
- It is recommended that national plans of action and protocols to increase protection for children against sexual exploitation be adopted and implemented, including:
 - the Plan of Action to proactively address sexual exploitation in the tourism industry 2015-2016;

- the draft protocol on interagency cooperation against travelling child sex offenders (Ministry of Justice);
 - the *National Plan on the Elimination of the Worst Forms of Child Labour (2015-2020)*.
- In order for reporting mechanisms and support services to be as comprehensive and effective as possible in Thailand – where foreign children are particularly vulnerable to sexual exploitation – it is vital that translation services are available, not only as part of child protection hotlines, but for other support services as well, such as in emergency shelters and during court proceedings.
 - While an attempt has been made to establish greater child protection frameworks in more remote locations, in order for services to reach children at the community level, increased resources to social workers are necessary. This could include funding for additional personnel and specific training on child rights and protection issues.
 - Although prostitution is illegal, it is widely recognised that this law is rarely enforced and that there appears to be a general tolerance for prostitution in Thailand. The lack of enforcement and attitude of tolerance regarding prostitution may have an effect on the exploitation of children through prostitution in the country as studies have suggested that as demand for prostitution increases, so does the sexual exploitation of children. To address this issue, it is recommended that the government conduct a review of its law criminalising prostitution, as well as other countries' approaches to addressing prostitution, to determine the most effective legal framework for protecting children from this form of exploitation.
 - The participation of children has been included in the development of plans of action and reporting to UN mechanisms on CSEC-related issues. This practice should be continued, not only for plans of action and reporting but in decision-making on any issues that affect children. It is also important that this participation is meaningful; that the voices and opinions of children are not only heard, but taken into consideration. For example, children should be encouraged to not only attend consultations and trainings, but participate in them, including leading sessions on their own experiences and perspectives where appropriate. Efforts should be made to include children from diverse backgrounds, including those most vulnerable to CSEC, as well as child victims, if ethically permissible.
 - Legal provisions to remove child sexual abuse materials from the Internet should be prioritised by government and justice officials; for example, by amending Section 19 of the *Computer Crime Act* to require that all petitions involving allegations of sexual abuse or exploitation of a child be expedited.
 - It is recommended that the establishment of a specialised Child Sexual Abuse Unit be considered, perhaps working in collaboration with the Anti-Trafficking Unit. A similar unit could be considered for justice officials as well (e.g. judges, prosecutors).

Law Enforcement

- While police have received a great deal of training on the *Anti-Trafficking in Persons Act* and on the identification of trafficking victims, they do not receive specialised training on the sexual exploitation of children. They may not understand the victimology involved in such cases (e.g. how and why children end up in prostitution, why they cannot or will not leave, why they may not seem like traditional “victims”). To help police develop understanding and empathy for these children, CSEC-specialised, child-focused training could be provided, with an emphasis on working with adolescents.

- In relation to SECTT, law enforcement should continue its monitoring of travel and tourism “hotspots” such as Pattaya, Bangkok, Phuket and Chiang Mai to identify victims and offenders of sexual exploitation in travel and tourism. It is recommended that they also look into reports of the exploitation of children by travelling child sex offenders in more remote locations as well. For example, in cooperation with law enforcement officials from neighbouring countries, law enforcement could investigate reports of tourists from “western” countries travelling to cities near the border between Cambodia and Thailand to exploit children from Cambodia, Laos or Vietnam.
- As evidenced by the recent identification and prosecution of Buddhist monks involved in child sex trafficking rings, it is important for law enforcement to continue investigating and prosecuting CSEC cases involving these particularly sensitive offenders (e.g. monks, policemen, justice officials, teachers).
- The reported existence as recently as 2010 of child sexual abuse materials sold on the streets of Bangkok represents a serious lack of monitoring and enforcement of child protection laws and policies. The selling of child sexual abuse materials on any streets in Thailand should be eliminated through increased monitoring, identification and prosecution of those responsible.
- Police and government officials should ideally stay for longer periods of time in their respective units in order to develop their own expertise in a specific area (e.g. child protection, trafficking, online exploitation). This will eliminate the need for training new officials and allow for advanced training and knowledge sharing among those who remain in their posts.
- Capacity building and training would help law enforcement to be more aware of the evolving forms of online child sexual abuse materials (e.g. virtual child pornography, online grooming, peer to peer networks), as well as the rapidly developing technological platforms that enable their dissemination and downloading.

Civil Society

- Internet connectivity is growing in Thailand, as in many other developing countries; however, the possible risks to children as a consequence of this growth are not always apparent to children or their care-givers. Awareness raising activities could be carried out at national and local levels, including in remote, rural communities which are increasingly gaining access to the Internet. Activities addressing online risks to children, including the concept of online grooming, would be valuable.
- There is very little official data available on victim or offender profiles involving child sexual abuse materials, due in part to reports and findings of “illegal” content, without specific reference to the form that content takes or those involved. Civil society organisations providing support services to victims, such as reporting mechanisms like ThaiHotline which serves as a channel to report harmful or illegal content online, including child pornography, should ensure that the data they collect is disaggregated by, *inter alia*, age, sex, nationality and type of “illegal” content.
- Civil society is involved in the development and implementation of prevention programmes addressing all manifestations of CSEC, including SECTT. Demand is an integral aspect that should be analysed as it is important to identify from the start toward whom these efforts should be focused. When undertaking preventive efforts to address demand, these activities/programmes should not focus only on “western” travelling child sex offenders in major tourist hubs, but also on local offenders and those from neighbouring/nearby countries in remote areas. These communities cannot be easily accessed by authorities and have been identified as locations where child sex offenders are increasingly targeting children.

- Both civil society and the government provide shelter homes and support services to CSEC victims in Thailand. Coordinating initiatives with a variety of government ministries (not only the MSDHS) could be undertaken to review the process and effectiveness of available support services and how government and civil society can work together to ensure all victims of CSEC are receiving the support and recovery services they require.
- Civil society can play a vital role in addressing societal attitudes and stereotypes/biases regarding the sexual exploitation of children (e.g. victim blaming). Civil society could provide the opportunity through open forums, including at local levels, to discuss CSEC-related issues. These forums should include the involvement of “ordinary” people (e.g. taxi drivers, street vendors, community leaders) in a collaborative and constructive manner to address misinformation or stereotypes surrounding CSEC. The forums would also help to develop a wider child protection network through, for example, the reporting of suspicious cases. Long-term and systematic advocacy campaigns to reduce social tolerance of the sexual exploitation of children are also recommended.
- Due to the identification of Northern Thailand as a region of particular vulnerability to trafficking, especially among girls within hill tribe populations, awareness raising of the risk factors involved with the trafficking of children in coordination with government agencies, the private sector, local community officials and schools should be prioritised.
- Coordination and cooperation among (I)NGOs working on child protection issues in Thailand could be improved. One way to address this issue would be to organise informal meetings on a regular basis of the relevant monitoring and evaluation researchers/child protection officers from INGOs and NGOs in cities such as Bangkok and Chiang Mai to discuss and decide which issues should be prioritized and which research questions should be investigated.

Research

Although various research and studies have been conducted on the different manifestations of CSEC in Thailand, there remain few reliable, evidence-based statistics, longitudinal studies or research involving children or reflecting the voices/opinions/experiences of child victims or children at risk. For governments, civil society, justice officials, law enforcement and communities to develop effective preventive and protection interventions and mechanisms that address the accurate situation of CSEC in Thailand which is not based on assumptions, stereotypes or myths, there is a need for reliable, evidence-based research. To produce this kind of research, various factors should be addressed:

- Greater coordination is needed between civil society organisations conducting research on CSEC in Thailand;
- When possible, the research should have government buy-in; the government should know about and be able to take some ownership of the research to ensure it is reaching those with the power to make changes at the highest levels;
- Smaller scale research topics over longer periods of time are needed to fill in gaps in knowledge and acquire vital data from communities;
- Increased partnerships with academic institutions is recommended;
- Hotspots for sexual exploitation of children should be looked at and new areas should be researched as well;
- It is important to keep in mind that while studies on the numbers of victims can be useful if done with the correct research methodology, studies on emerging trends, children’s experiences and view points and risk factors, among others, can be just as valuable, if not more so.

The following CSEC-related issues are possible areas where further research could be undertaken:

- In coordination with INGOs and NGOs, as well as other actors including government officials and law enforcement, it is recommended that a reliable, realistic methodology be developed for investigating the scope and scale of child prostitution, beginning in one or two similar locations within Thailand. Once this research is undertaken, it is recommended that several key issues are addressed:
 - The exploitation of boys through prostitution should be included in the research, particularly in tourism “hotspots” such as Pattaya and Bangkok. Similar research should be considered on the exploitation of LGBT children and the risk factors involved in their specific circumstances;
 - When conducting research, the differences between those children involved in prostitution in bars and other formal establishments and those living and/or working on the street should be identified and assessed, including the differing victim and offender profiles based on these locations;
 - Further investigations should be conducted on the issue of “voluntary” prostitution of children (e.g. consumerism-based), and should include, whenever ethically appropriate, the perspective and voices of children. Identification and analysis of these kinds of individual motivations is important, as it may help in implementing more effective interventions and assistance and recovery programmes for children which reflect their specific experiences;
 - The social norms/cultural factors that lead to the apparent tolerance to prostitution in Thailand should be investigated, as well as its impact on the exploitation of children in prostitution.
- Due to their reportedly high risk of vulnerability to CSEC, it is recommended that research on risk factors among children in the hill tribes of Northern Thailand and push factors into prostitution be conducted.
- When conducting research on the demand for sex with children by travelling child sex offenders, offender profiles and their origins/nationalities should be highlighted, steering away from generalised terms of description such as “western” and “regional” and including an analysis of domestic demand as well as demand from nearby countries.
- When researching vulnerability factors for at-risk children, it is recommended that particular attention be given to, *inter alia*: migrant and stateless children, children from “dysfunctional” families (e.g. single parent households and families that experience domestic violence), those children not living with their parents, LGBT children, ethnic minorities and children living/working on the street.
- The social and cultural factors that predispose certain children and certain communities to specific manifestations of CSEC should be explored in greater depth, as well as the social and cultural factors that positively and negatively impact children’s reintegration to their families and/or communities.
- SECTT is a continuously evolving manifestation of CSEC. As such, it is recommended that the prevalence and nature of SECTT in relation to new tourism products be investigated, including ecotourism, community-based tourism, home stay tourism, voluntourism, cross-border tourism (especially with regard to Special Economic Zones) and other new developments.
- The role of ICT in SECTT should be investigated, especially as it relates to “preparatory acts” by offenders (e.g. actively and intentionally seeking online information about a child sex tourism destination, making a booking at a hotel for the purpose of sexually exploiting a child); the links between SECTT and child sexual abuse materials in all its forms should be investigated, thereby providing increased opportunities to identify offenders.

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ANNEXES

ANNEX 1: MAPPING OF ORGANISATIONS ADDRESSING CSEC IN THAILAND

1) Government Agencies:

ROYAL THAI POLICE	
Type of Institution	State
Level	National
Mission	National security
Institutional authority related to theme	Anti-Human Trafficking Division
Functions	Enforce laws specifically related to forced labour, human trafficking, and commercial sexual exploitation of women and children. Hotline 1191
Contact Information	Telephone: +66-2-205-3258 E-mail: internet@royalthaipolice.go.th Website: http://www.royalthaipolice.go.th/ Address: Royal Thai Police, Pharam1 Rd, Wangmai Patumwan, Bangkok 10330

MINISTRY OF SOCIAL DEVELOPMENT AND HUMAN SECURITY	
Type of Institution	State
Level	National
Mission	<ol style="list-style-type: none"> 1. Create a social welfare system to ensure the security of people's lives 2. Develop people and society to achieve their quality and protection from social changes and fluctuations · 3. Strengthen all partners' participation in social development 4. Develop knowledge management, capability and administrative system of social development
Institutional authority related to theme	<p>National Operation Center on Prevention and Suppression of Human Trafficking (NOCHT): to be the coordinating body for partners in the protection and prevention of human trafficking.</p> <p>Specific committees:</p> <ul style="list-style-type: none"> ■ The Coordinating and Monitoring of Anti-Trafficking in Persons Committee (CMP) ■ The Anti-Trafficking in Persons Committee (ATP) ■ MSDHS Center to Solve Human Trafficking Problems for Women and Children ■ Bureau of Anti-Trafficking in Women and Children ■ The Office of Welfare Promotion, Protection and Empowerment of Vulnerable Groups (OWPPEVG)

MINISTRY OF SOCIAL DEVELOPMENT AND HUMAN SECURITY

Functions	<p>The Ministry is the lead government agency responsible for counter-trafficking activities in Thailand, responsible for coordinating activities against trafficking and providing support to trafficked persons.</p> <p>Hotline 1300</p> <p>NOCHT: Coordinate anti-human trafficking activities, including those involving child forced labour, trafficking and commercial sexual exploitation. Secretariat for the ATP and CMP falls under the Ministry of Social Development and Human Security (MSDHS). Manage 76 Provincial Operation Centres for the Prevention and Suppression of Human Trafficking; these serve as the frontline implementers of antihuman trafficking activities.</p> <p>ATP: Make decisions and policy recommendations on combating human trafficking, and coordinate strategy across agencies. Chaired by the Prime Minister. Supervise the Coordinating and Monitoring of Anti-Trafficking in Persons Committee (CMP). Oversee multiple other subcommittees that cover a range of topics, including data collection, combating trafficking in fishing sector, and implementation of the national anti-trafficking policy.</p> <p>CMP: Monitor and evaluate the implementation of policy, as well as prepare plans and recommendations for review by the ATP. Chaired by the Deputy Prime Minister.</p> <p>OWPPEVG: Responsible for formulating and coordinating youth policy.</p>
Contact Information	<p>Telephone: +66-2-659-6399 E-mail: society@m-society.go.th Ministry Address: 1034 Krung Kasem Road, Mahanak, Pomprapsattruphai, Bangkok 10100 Website: http://www.m-society.go.th/ewtadmin/ewt/mso_eng/ewt_news.php?nid=4 NOCHT: http://www.humantrafficking.go.th/ (suspended)</p>

OFFICE OF THE ATTORNEY GENERAL

Type of Institution	State
Level	National
Mission	<ol style="list-style-type: none"> 1. To strengthen the administration of criminal justice by enforcing laws to deliver justice to the people 2. To maintain and develop systems and mechanisms to protect the interests of the State and its citizens 3. To develop human rights and protect the rights and freedoms of the people of Thailand 4. To create and develop a cooperative network of legal organisations or agencies, both locally and abroad 5. To develop law research and effective law enforcement 6. To promote and develop human resources at all levels

OFFICE OF THE ATTORNEY GENERAL	
Institutional authority related to theme	Centre Against International Human Trafficking
Functions	The Office in general is responsible for criminal prosecutions, providing the State with legal advice, representing the government in court and international cooperation in criminal matters. The Center is responsible for prosecuting trafficking cases.
Contact Information	Centre Against International Human Trafficking Telephone: +66-2-142-2031 E-mail: ictip2547@gmail.com Website: www.caht.ago.go.th General Office of the AG Tel: +66-2-142-1444 E-mail: ictc@ago.go.th Website: http://www.ago.go.th/index.php Address: Office of the AG, Rajaburi Direkridhi building, Government Complex, 120 Moo 3, Chaeng Watthana Road, Lak si, Bangkok, 10210

MINISTRY OF TOURISM AND SPORTS	
Type of Institution	State
Level	National
Mission	Obligations: <ol style="list-style-type: none"> 1. Set policy and strategic plan for development in all levels that is in line with national development 2. Promote, support, develop and encourage implementation of tourism, sports and recreation policy 3. Efficiently integrate and manage, encourage participation from all sectors in the development of tourism, sports and recreation of the country, as well as set guidelines for resource allocation to support all sections to ensure efficiency 4. Develop infrastructure, as well as support factors in terms of tourism, sports and recreation to ensure international quality and standard 5. Develop management system, information system and personnel in tourism, sports and recreation to ensure competency 6. Legal obligations
Institutional authority related to theme	Tourism Police Division Tourism Authority of Thailand - Mr Thawatchai Arunyik, Governor
Functions	Lead government agency on countering sexual exploitation in the tourism industry.
Contact Information	Telephone: +66-2-664-4015 E-mail: tourist@police.go.th Ministry Address: 4 Ratchadamnoen nok Road, Watsomanas, Pom Prap Sattru Phai, Bangkok 10100

MINISTRY OF JUSTICE	
Type of Institution	State
Level	National
Mission	The arm of the government that ensures equality and justice for all. Oversees the various courts and prosecutor's offices throughout the country.
Institutional authority related to theme	Department of Special Investigations (DSI) under the Ministry of Justice, separate from the police and intended as an intelligence unit for transnational, organised crime, particularly trafficking. (ht.org)
Functions	Investigate international crime and particularly human trafficking crimes, including those related to police complicity and transnational or organized crime. MOU between Thai Police and DSI states that a NGO or social worker can choose which entity will investigate and that that entity must work on the case from start to finish. (2013 WFCL)
Contact Information	Telephone: +66 2 831 9888 E-mail: callcenter@moj.go.th Ministry Address: 128 Jangwattana Road, Tung song hong, Luksi District Bangkok 10210

MINISTRY OF LABOUR	
Type of Institution	State
Level	National
Mission	Oversee implementation of labour laws.
Institutional authority related to theme	Department of Labour Protection and Welfare
Functions	Monitors workplace and labour standards to ensure compliance with Thai labour laws, and also registration of migrant workers. Has established shelters for street children. Public awareness campaign on child labour laws. Hotlines 1546 and 1694
Contact Information	Telephone: +66-2-232-1467-8; +66-2- 232-1341-2 E-mail: webmaster@mol.go.th Website: http://www.mol.go.th Address: Ministry of Labour, Thanon Mitmaitri, Dindang, Bangkok 10400

MINISTRY OF FOREIGN AFFAIRS, DEPARTMENT OF CONSULAR AFFAIRS, THAI EMBASSIES AND DIPLOMATIC MISSIONS ABROAD	
Type of Institution	State
Level	National
Mission	Represent and promote Thailand's interests in international relations, provide accurate information on Thailand and Thai foreign policy and protect Thai nationals abroad.
Institutional authority related to theme	Consular services

MINISTRY OF FOREIGN AFFAIRS, DEPARTMENT OF CONSULAR AFFAIRS,
THAI EMBASSIES AND DIPLOMATIC MISSIONS ABROAD

Functions	<p>Responsible for providing assistance and support to Thai people who have been trafficked abroad. The Thai Embassy and Consulate General will coordinate with local authorities to help Thai women who have been lured into prostitution and ensure their speedy return to Thailand. Thai embassies and consulates also coordinate with local police authorities in the suppression of trafficking rings.</p> <p>Prevention of trafficking campaign: using multimedia to warn Thai people of the dangers of going abroad illegally, with: leaflets; TV adverts and documentary on “Thai Life abroad;” regular warnings on Saranrom Radio, MCOT and Navy Network and a weekly programme.</p>
Contact Information	<p>Telephone: +66-2-203-5000 Website: http://www.mfa.go.th Ministry Address: Ministry of Foreign Affairs Sri Ayudhya Road, Bangkok 10400</p>

MINISTRY OF EDUCATION

Type of Institution	State
Level	National
Mission	Providing quality education to every child everywhere from early childhood until year six of secondary education.
Institutional authority related to theme	Sema Life Development Project (supported by UNICEF and ILO) to combat recruitment of girls into prostitution.
Functions	<p>Responsible for anti-human trafficking advocacy, awareness raising campaigns and preventative measures.</p> <p>Identify children at risk of entering prostitution and remove them from the danger – i.e. scholarships to attend school.</p> <p>Offer alternative vocational and non-formal education to girls at risk.</p> <p>Mobilise schools and teachers to take responsibilities to raise awareness among children and communities.</p>
Contact Information	<p>Telephone: +66-2-280-0309, +66-2-280-1260, +66-2-282-5765 E-mail: website@emisc.moe.go.th Website: http://www.moe.go.th Ministry Address: 319 Wang Chan Kasem, Tahnon Ratchadamnoen Nok Dusit Bangkok 10300</p>

Pattaya City Hall Bureau of Social Development

Type of Institution	Government Body
Level	Local - Pattaya
Mission	To promote and improve the quality and integrity in public life; to promote and protect the rights of individuals; to promote community participation and family promotion and development.
Institutional authority related to theme	<ul style="list-style-type: none"> ■ Social work section ■ Department of relief and social welfare ■ Improvement of Life of Child in Slums Project ■ Youth at Risk project

Pattaya City Hall Bureau of Social Development	
Functions	<p>Coordination of multi-disciplinary teams of NGOs</p> <p>Works with shelters and homes for victims of sexual exploitation and trafficking à has funds to buy services from NGOs, especially for recovery and reintegration</p> <p>Department of relief and social welfare – support for children, women and the vulnerable à housing, emergency accommodation; support of child and youth protection, particularly street children and orphans.</p> <p>Supports a pre-student child centre</p> <p>Arranges Pattaya Child Protection Sub-committees</p>
Contact Information	<p>Telephone: +66-3-825-3100; Call Centre: 1337</p> <p>E-mail: Contact form available on the website</p> <p>Website: http://www.pattaya.go.th/</p> <p>Address: 171 Moo 6, North Pattaya road, Tambon Naklua, Amphoe Bang Lamung, Chonburi 20150</p>

SUB-COMMITTEE FOR THE AMENDMENT OF CHILD-RELATED LEGISLATION	
Type of Institution	Multi-party
Level	National
Mission	To meet once a month to monitor and improve Thailand's implementation of the Convention on the Rights of the Child.
Institutional authority related to theme	Thirty-six members, including representatives from the parliament, government agencies and non-governmental organisations; academics; legal experts; representatives from UNICEF and one girl and one boy.
Functions	<p>Review and revise child-related laws in line with the Constitution and the Convention on the Rights of the Child.</p> <p>Create guidelines supporting the implementation of the Convention on the Rights of the Child, and to prepare periodical reports on the result of Thailand's implementation submitted to the United Nations Committee on the Rights of the Child. (Committee's consideration of Thai report. July 2011, CRC/C/OPSC/THA/1)</p>
Contact Information	<p>Telephone: +66-2-280-0309, +66-2-280-1260, +66-2-282-5765</p> <p>E-mail: website@emisc.moe.go.th</p> <p>Website: http://www.moe.go.th</p> <p>Ministry Address: 319 Wang Chan Kasem, Tahnon Ratchadamnoen Nok Dusit Bangkok 10300, Thailand</p>

*Certain information on Thai government agencies sourced at:
http://www.humantrafficking.org/countries/thailand/government_agencies

2) Non-Governmental Organisations:

Alliance Anti-Traffic (AAT)	
Type of Institution	Non-for-profit, non-partisan, non-religious organisation (formerly part of AFESIP but now separately registered working as partners).
Level	<ul style="list-style-type: none"> ■ Bangkok, Thailand: Regional Office ■ Bangkok, Thailand: Suan Phlu Immigration Detention Center ■ Chong Mek, Ubon Ratchathani: Learning Center, Office, Community based programmes (also in Ho Chi Minh city, Vietnam and Myanmar since 2014)
Mission	To eliminate sexual exploitation of women and minors in all its forms, especially sexual abuse, prostitution and trafficking, through direct field actions: to fight against sexual exploitation, protect women and children, prevent and reduce the risk, understand the root causes, to build a positive attitude toward gender issues.
Institutional authority related to theme	Thailand base
Functions	Prevention/empowerment – prevention of (re)trafficking, providing opportunities to generate income. Protection – investigating cases, identifying victims among immigrants, rescuing victims, transferring them to a safe place. Assistance Return (mainly within Thailand and to Laos) – mapping of family and economic conditions to ensure safe return. Regional coordination – contribute experience to design of strategy and legislation.
Contact Information	Telephone: +66-2-214-5157 E-mail: thailand@allianceantitraffic.org / contactus@allianceantitraffic.org (for researchers: th.info@allianceantitraffic.org; for journalists: communication@allianceantitraffic.org) Website: http://aatthai.org/ Address: P.O. Box 60 Minburi Post Office Bangkok 10510

Anti-Human Trafficking and Child Abuse Centre (ATCC)	
Type of Institution	NGO
Level	Pattaya
Mission	NGO working with Thai and migrant children in Pattaya (mainly boys) to combat child human trafficking and sexual exploitation/abuse.
Institutional authority related to theme	Palissorn Noja – Director of the Centre

Anti-Human Trafficking and Child Abuse Centre (ATCC)

Functions	<p>Centre for child victims</p> <p>Youth for self reliance project</p> <p>Collaborates with international law enforcement based in Thailand to identify suspected child sex offenders (http://wgbhnews.org/post/human-trafficking-one-town-thailand)</p> <p>Gathers evidence to assist investigations</p>
Contact Information	<p>Telephone: +66-81-411-1750; +66-81-949-9349</p> <p>E-mail: supagonsk@yahoo.com</p> <p>Website: http://www.atcc.or.th/</p> <p>Address: 33/3 Moo 3 soi chaiyapornvitee 29 T.nongpour A. Banglamung Chonburi 20260</p>

The Asia Foundation (Thailand)

Type of Institution	Non-profit international development organisation
Level	All of Asia with offices in 18 countries (headquarters in San Francisco, USA).
Mission	To improve lives, expand opportunities and help societies flourish across Asia.
Institutional authority related to theme	<p>Kim McQuay, Country Representative, Thailand, kim.mcquay@asiafoundation.org, +66-2-233-1644 to 1647</p> <p>Anti-trafficking programmes seem to be based more in Cambodia. Relevant programmes may be Women's Empowerment and Governance and Law.</p>
Functions	<p>Current focus on weak governance, political tensions and sub national conflict and economic development.</p> <p>Access to Justice Programme may be relevant to apprehending sexual offenders: training of 100 public prosecutors, forensic investigators and criminal justice officials; teaching resources for the Office of the Attorney General and the Royal Thai Police.</p>
Contact Information	<p>Telephone: +66-2-233-1644 to 1647</p> <p>E-mail: thailand.general@asiafoundation.org</p> <p>Website: http://asiafoundation.org/country/overview/thailand</p> <p>Address: Q. House Convent Bldg., Floor 6D 38 Convent Road, Silom, Bangkok 10500</p>

Asia Regional Trafficking in Persons Project (ARTIP) → Now Australia Asia Program to Combat Trafficking in Persons (AAPTIP)	
Type of Institution	Project funded by Australian Aid, which officially ended in August 2011 and was followed by a transition period which ended in 2013. The new programme, the Australia Asia Program to Combat Trafficking in Persons, has not yet commenced.
Level	Regional and national – support to ASEAN and individual nations including Thailand.
Mission	To secure justice for victims of trafficking and end impunity for offenders. The AAPTIP plan for Thailand runs four years from 2015-2018, and spans three main areas (law enforcement, prosecutors and judges and court officials) and includes 12 projects.
Institutional authority related to theme	Thailand branch
Functions	<p>The following projects are foreseen:</p> <ul style="list-style-type: none"> Capacity building of investigators – efficient, professional, ethical Enhanced police/prosecutor cooperation at an early stage of the investigation Law enforcement training curriculum review Anti-trafficking Unit Commander training Support to transnational investigations, to cooperate with neighbouring states in particular and training on cross-border investigations Provide joint training with police and prosecutors A specialist trafficking in persons prosecution sub-unit building on the Transnational Investigations Unit recently created in the Office of the Attorney General Regular inter-state prosecutor meetings Improve protection for victim-witnesses (create victim-witness coordinator positions in prosecutor's offices) Trafficking in Persons handbook for the judiciary (victim protection, expert witnesses, evaluating evidence, etc.) Creation of an electronic case management system
Contact Information	<p>Telephone: +66-2-259-4311 E-mail: info@aaptip.org Website: http://www.aaptip.org/ Address: No.1 Glas Haus Building Office 801, 8th Floor, Sukhumvit 25, Klongtoey-Nua, Wattana, Bangkok 10110</p>

Bangkok YMCA Foundation (Phayao Branch)	
Type of Institution	Civil service organisation
Level	National – head office in Bangkok, specialist branch in Phayao (near Lao-Thai border)
Mission	To provide opportunity for growth, civic responsibility to all and assistance to the disadvantaged or those in trouble. To educate, raise awareness and build a network for preventing social problems and empowering lives.
Institutional authority related to theme	Phayao branch – centre to combat human trafficking and exploitation
Functions	<p>Resolving situations affecting children, youth, women and families in urban slum communities and remote rural areas</p> <p>Prevention – educational opportunities to disadvantaged children, particularly young girls from the northern provinces</p> <p>Awareness-raising in the community</p> <p>Enhancing knowledge of children’s rights, the role of women and reproductive rights</p> <p>Youth engagement campaign</p> <p>Alternative self-reliant supplements to income</p>
Contact Information	<p>Telephone: +66-5-445-7191</p> <p>E-mail: ymcaphayao@gmail.com</p> <p>Website: http://bangkokymcafoundation.org/ (Phayao centre section in Thai only)</p> <p>Address: PHAYAO CENTRE, 218 Moo 5, Tambol Baan Pin, Amphuer Dokkhumtai, Phayao 56120</p> <p>BANGKOK Y.M.C.A. FOUNDATION (HEAD OFFICE) 235/4,235/5 Piamrak Residence, Soi Watsutthawat(Rachada – Tapra 5), Rachada-thapra rd., Daokanong, Thonburi, Bangkok 10600</p>

Center for the Protection of Children’s Rights Foundation (CPCR)	
Type of Institution	Thai NGO
Level	Bangkok
Mission	To rescue and protect children from all forms of child labour, trafficking, sexual abuse and commercial sex exploitation and give them the opportunity to succeed.
Institutional authority related to theme	Four main operational units: protection, assessment, treatment and prevention.

Center for the Protection of Children's Rights Foundation (CPCR)	
Functions	<p>Child Protection Unit: to assemble intervention teams of social workers, police officers, emergency doctors, and psychologists; to identify and remove victims from dangerous situations and bring them to the assessment shelter. Annually rescues over 300 hundred children from abuse.</p> <p>Assessment Unit: to evaluate the child's needs at one of the two shelters in Bangkok – medical care, treatment, rehabilitation and reintegration.</p> <p>Treatment Unit: the second shelter creates a stable family environment, with a daily routine and structure; therapy, counselling and cultural activities.</p> <p>Prevention Unit: awareness raising and coordination with other organisations, teachers, social, medical and community workers.</p>
Contact Information	<p>Telephone: +66-2-412-1196 E-mail: cpcrheadoffice1981@gmail.com Website: http://www.cpcrthailand.org/ Address: 979 Charansanitwong 12 Road, Wat Tha Phra, Bangkokkokyai, Bangkok 10600</p>

Chiang Mai Coordination Centre for Child Protection (CCPCR) (formerly the Center for Protection of Child Rights Chiang Mai (CPCRC))	
Type of Institution	A "role model" coordination centre comprised of NGOs and government agencies, with good cooperation with the Thai police à i.e. a network of other bodies. (http://www.survivorsconnect.org/map/reports/view/304)
Level	Regional – Chiang Mai area
Mission	To work as a team to tackle trafficking cases in the Chiang Mai area
Institutional authority related to theme	Project implementation with financial support from ILO, to coordinate efforts for the prevention and resolution of trafficking in women and children for labour and sexual exploitation.
Functions	To create a network of other NGOs, law enforcement and government.
Contact Information	<p>Telephone: +66-5-322-5028 E-mail: rosschrpro@hotmail.com Address: Chiang Mai Provincial Hall 5th Floor, Chiang Mai, 50000</p>

Childlife (Kinderleben eine Zukunft für Strassenkinder in Mae Sai)	
Type of Institution	German-registered charitable foundation
Level	Local – Mae Sai, Golden Triangle border with Myanmar
Mission	To provide the street children in Mae Sai with a safe refuge, shelter and home, food, health and non-formal education.
Institutional authority related to theme	Childlife house opened in 2000 a few kilometres from the border and then was moved to the Mae Sai township in 2003.

Childlife (Kinderleben eine Zukunft für Strassenkinder in Mae Sai)

Functions	<p>Most of the street children assisted are of the Akha minority and come from Shan state in Myanmar.</p> <p>Prevent aids, drug abuse, prostitution, child labour and trafficking</p> <p>Protect from physical abuse and sexual violence</p> <p>To give the children an alternative to a life on the streets through non-formal education, vocational training and activities which help them to find a place in society</p> <p>To help orphans, disabled and sick children</p>
Contact Information	<p>Telephone: +66-91-775-1349</p> <p>E-mail: childlifemaesai@gmail.com</p> <p>Website: http://www.kinderleben.org/index_eng.htm</p> <p>Facebook: https://www.facebook.com/ChildlifeMaesaiThailand/info?tab=page_info</p> <p>Address: 516 M.9 Phamued Viengpangkam maesai, Chiang Rai, 57130</p>

Creative Life Foundation

Type of Institution	A project of Word Made Flesh Thailand, Christian organisation
Level	Bangkok
Mission	Respond to the poor, migrant, marginalised, trafficked and displaced of Thailand.
Institutional authority related to theme	Relevant projects: Creative Life Education projects, Soul, Palanjia and Re- store, Street Outreach
Functions	<p>Street Outreach: establishes relationships with families who beg on the streets of the red-light district putting themselves at high risk of sexual exploitation</p> <p>Therapeutic community centre – education, counselling and MINAS business job creation for women in need</p> <p>Soul - creative arts therapy for locals in Bangkok and specialist services for at-risk and traumatised women who are leaving exploitive circumstances</p> <p>The Education Centre – to intervene in the cycle of child vendors in the red light district</p>
Contact Information	<p>Telephone: 1-800-279-4543</p> <p>E-mail: info@wordmadeflesh.com</p> <p>Website: http://wordmadeflesh.org/thailand/</p> <p>Address: (US based) P.O. Box 15068, Portland, OR 97293</p>

Cross Cultural Foundation	
Type of Institution	Non-profit NGO
Level	National, based in Bangkok
Mission	The protection, promotion and monitoring of human rights and democracy – focus of justice for marginalised groups: ethnic minorities, migrants, stateless people and victims of conflict.
Institutional authority related to theme	N/A – no specific project related to CSEC
Functions	Strategic litigation and legal aid for general human rights violations Training of lawyers
Contact Information	Telephone: +66-2-693-4939/ +66-2-693-4831 E-mail: crcf.justice@gmail.com Website: http://www.crcf.or.th/en/index.php (unavailable at time of writing) Facebook: https://www.facebook.com/crcfpage/info?tab=page_info Address: 111 Soi Sithichon Samsennork Huaykhwang Bangkok 10310

Destiny Rescue	
Type of Institution	Grassroots, internationally recognised, Christian based, non-profit organisation
Level	Regional - Thailand (also Cambodia, Laos, India, Philippines)
Mission	Destiny Rescue exists to rescue, restore, protect, empower and be a voice for the voiceless, committed to liberate those enslaved.
Institutional authority related to theme	N/A
Functions	Rescue children from red light districts, brothels and sexually abusive situations Protect – help reduce the risk of being sold, lured or trafficked into the sex trade Restore – intensive care, love, medical treatment, counselling, vocational training, daily needs, protection, safety to live, grow and reintegrate Empower the poor to become self-sustaining Provide a voice for the sexually exploited, vulnerable and poor
Contact Information (Based in the USA)	Telephone: 574-457-2470 E-mail: usa@destinyrescue.org Website: http://www.destinyrescue.org/us/ Address: P.O. Box 752, North Webster, Indiana 46555 USA

Development and Education Programme for Daughters and Communities (DEPDC)	
Type of Institution	Not-for-profit NGO
Level	Regional: Chiang Rai, in the districts of Mae Sai, Mae Chan, and Chiang Khong
Mission	Prevention and protection of trafficking of children through education and training

Development and Education Programme for Daughters and Communities (DEPDC)	
Institutional authority related to theme	<p>Director of Coordination Centre: Somporn Khempetch</p> <ul style="list-style-type: none"> ■ Mekong Regional Indigenous Child Rights Home (MRICRH), Mae Chan → 2 different safe shelters: the Swimming Home (for young very high risk children) and the Ban Klang Na Shelter ■ Chiang Kong Safe shelter ■ Patek half day school – for local children and those from Myanmar
Functions	<p>Preventive education</p> <p>Vocational life skills training</p> <p>Protection</p> <p>Accommodation</p> <p>Detailed functions:</p> <ul style="list-style-type: none"> ■ To remain on the prevention and protection side of the trafficking problem in the Mekong Sub-region ■ To prevent children from being forced into the sex industry or child labour ■ Support educational opportunities for disadvantaged children from poor and broken homes ■ Give the at-risk children of Northern Thailand and neighbouring countries an opportunity to live in a safe place ■ Give the children an opportunity for life development and life-skills training, to prevent them from being forced into the sex industry due to economic hardship, poverty, and lack of citizenship, education, or employment opportunities ■ Strengthen families and communities by working on community development; for example, training adults and empowering children with self-esteem and self-sufficiency
Contact Information	<p>Telephone: +66-5-373-3186</p> <p>Website: https://depdcblog.wordpress.com/</p> <p>E-mail: info@depdc.org (primary e-mail), depdc.gms@gmail.com</p> <p>Address: 186 Moo 4, Soi 6, Chiang Rai 57130</p>

ECPAT Foundation	
Type of Institution	Local NGO
Level	Local - Northern Thailand
Mission	To promote collaboration and engagement with key stakeholders from government, civil society organisations and the private sector to protect children and to eliminate all forms of CSEC.
Institutional authority related to theme	ECPAT Foundation is a part of the ECPAT International network.
Functions	<p>Engages with network of human rights and child protection agencies at national and local levels</p> <p>Supports CSEC survivors by encouraging them to participate to protect others</p> <p>Aids in the development of child protection policies</p>

ECPAT Foundation	
Contact Information	<p>Telephone: +66-5-375-0167 E-mail: ecpattk@loxinfo.co.th Website: http://www.ecpat.net/country/th; http://www.ecpat-thailand.org/ (Thai only) Address: 426/22 Mooban Kokgalae, Tambon Rimkok, Chiang Rai</p>

Fight Against Child Exploitation (FACE)	
Type of Institution	Local NGO
Level	National
Mission	Works with Thai police, prosecutors and foreign police to bring justice to sexually abused children and children in prostitution through the legal system. Organisation with a legal focus.
Institutional authority related to theme	Chairman of FACE: Mr. Wanchai Roujanavong Director of FACE: Ms. Sudarat Sereewat
Functions	<p>Monitoring the cases of arrested paedophiles and helping to secure conviction or compensation: assisting police in collecting evidence, accompanying child victims to court and providing a supportive environment for victims to provide information</p> <p>Advocacy – members of FACE are on various law reform committees</p> <p>Campaigning and awareness-raising – through media, lectures, conferences, workshops</p> <p>Capacity building - competent high ranking government officers, police, prosecutors, judges and other NGOs network as resource persons/trainers</p> <p>Documentation of legal cases.</p> <p>FACE does NOT accommodate children in a rehabilitation shelter – cooperates with CPCR and government shelters.</p>
Contact Information	<p>Telephone: +66-2-509-5782 E-mail: facesudabkk@gmail.com Website: http://facefoundation.blogspot.com/ Address: P.O. Box 178, Klong Chan Post Office Bangkok 10240</p>

Foundation for Child Development (FCD)	
Type of Institution	Non-religious, a-political Thai-Dutch initiative
Level	Local – Long-term recreation centres in communities in Sisaket province, Samut Prakan, YaLa, Pattani, Narathiwat and Bangkok
Mission	<p>To foster the overall development of children in body, mind and spirit by:</p> <ul style="list-style-type: none"> ■ Studying and disseminating information about the problems children face and potential solutions ■ Supporting efforts by individuals, communities and other agencies in conducting activities that promote children’s development ■ Mobilising the public and official agencies to recognise children’s issues and take action

Foundation for Child Development (FCD)	
Institutional authority related to theme	The Family and Community Development Project
Functions	<p>Developing recreational programmes for underprivileged children</p> <p>Cooperating with government organisations such as The Home of Reformatory for Girls and Boys (Juvenile Court) to provide children with suitable activities such as music, drama, art therapy and family camps</p> <p>Encouraging families, communities and Thai society to take part in ensuring children's well being through workshops, special events and educational media materials</p>
Contact Information	<p>Telephone: +66-2-433-6292, +66-2-435-5281</p> <p>E-mail: iamchild2004@yahoo.com</p> <p>Website: http://www.iamchild.org/site/index.php?option=com_content&view=article&id=183:the-foundation-for-child-development-fcd&catid=107:about-us&Itemid=113</p> <p>Address: 143/109-111 Moo Ban Pinklao Patthana Arun-amarin, Bangkok 10700</p>

Foundation of Child Understanding (FOCUS)	
Type of Institution	Local NGO
Level	Upper northern part of Thailand (nine provinces: Chiang Mai, Lamphoon, Lampang, Prae, Nan, Phayao, Chiang Rai, Maehongsorn and Tak)
Mission	To protect children and adults against human trafficking
Institutional authority related to theme	The Anti-trafficking Coordination Unit Northern Thailand (TRAFCORD)
Functions	<p>TRAFCORD is an anti-human trafficking project which operates under four main operational frameworks on protection, legal assistance, capacity building for target groups and prevention. The project integrates its work with various government agencies, such as the Ministry of Social Development and Human Security, Shelters for Children, the Royal Thai Police (Anti-Human Trafficking Division, Provincial Police Region 5), Department of Special Investigation (DSI) and international organisations in assisting and protecting victims of human trafficking and child abuse.</p> <p>24-hour call centre for notifications and referrals of child abuse and exploitation cases.</p> <p>Creates a network and mechanisms for child protection and assistance through law enforcement for trafficking victims.</p> <p>Raises awareness and encourages vigilance in communities.</p>
Contact Information	<p>Hotline: 08-7174-5797</p> <p>E-mail: focus@focusthailand.org</p> <p>Website: http://www.trafcord.org/</p> <p>Address: Chiang Mai City Hall T. Chang Pueak A. Muang Chiang Mai 50300</p>

Foundation for Women (FFW)	
Type of Institution	NGO
Level	Bangkok, north and northeast Thailand
Mission	To protect the rights of (often rural) women and girls vulnerable to forced prostitution, international trafficking and sexual violence.
Institutional authority related to theme	Contact person - Usa Lerdsrisantad
Functions	<p>Anti-trafficking campaign for safe migration and Women's Information Centre – provides information on rights and risks, advocacy and direct legal assistance to victims.</p> <p>Developing materials and educating young women about how to avoid sexual exploitation and access to justice.</p> <p>Providing telephone counselling for abused women.</p>
Contact Information	<p>Telephone: +66-2-433-5149, +66-2-435-1246</p> <p>E-mail: FFW@mozart.inet.co.th; info@womenthai.org</p> <p>Website: http://www.womenthai.org/eng/</p> <p>Address: Foundation For Women 295 Jaransanitwong 62 Soi Wat Paolohid Bangplad Bangkok 10700; P.O. Box 47, Bangkoknoi, Bangkok 10700</p>

The Freedom Project	
Type of Institution	NGO
Level	Regional – Focus on northern Thailand, based out of their Resource Center
Mission	Prevent human trafficking and exploitation of children through education and community development
Institutional authority related to theme	The Freedom Project is a branch of the SOLD Project
Functions	<p>Works with children at risk to prevent human trafficking and child sexual exploitation through education and community development.</p> <p>Community Resource Center: educational scholarships, tutoring, mentors, workshops, English lessons, trafficking awareness courses, etc.</p>
Contact Information	<p>Telephone: US Office - (925) 452-7653</p> <p>E-mail: contact@thesoldproject.com</p> <p>Website: http://thesoldproject.com/our-work.aspx</p> <p>Address: PO Box 134 A. Muang, Chiang Rai, 57000</p>

Friends International	
Type of Institution	Social enterprise organisation
Level	National – in Bangkok and the border town of Aranyaprathet
Mission	To build a future where all children are safe from all forms of abuse and become functional productive citizens of their country and contribute to a more peaceful, equitable and sustainable world.
Institutional authority related to theme	Thailand branch (there are also bases in Laos, Cambodia, Indonesia, Honduras and Egypt)

Friends International	
Functions	<p>Protects urban children from abuse and prevents them from engaging in risky behaviour</p> <p>Reintegrates and returns victims of trafficking: often from Thai provinces or Myanmar, Cambodia, Lao PDR, Vietnam, China, Bangladesh, Sri Lanka or India</p> <p>With children in government shelters in Bangkok awaiting repatriation</p> <p>Holistic social integration with many partners, to ensure children are protected, attend school, find employment and that parents support their own children.</p> <p>ChildSafe network – designed to protect children from abuse, from engaging in dangerous behaviour and to influence society so that a protective environment results.</p> <p>Training and supporting key strategic members of communities, raising awareness and promoting behaviour change among the population, particularly tourists.</p> <p>Run the CYTI alliance – an alliance of NGOs and government agencies cooperating to provide highest standards of direct services to marginalised children and their families</p> <p>Friends social businesses and vocational training for reintegration of youth</p>
Contact Information	<p>Telephone: +66-2-260-4745</p> <p>E-mail: thailand@friends-international.org</p> <p>Website: http://www.friends-international.org/ (not functioning)</p> <p>Address: Peuan Peuan 3/8 Soi Sukhumvit 49, Sukhumvit Rd, Khlongton Nua, Watthana, Bangkok 10110</p>

Friends of Thai Daughters	
Type of Institution	Small, non-denominational NGO
Level	Regional - Northern Thailand
Mission	To prevent child trafficking in the Golden Triangle. The programme is intensive, comprehensive and long-term.
Institutional authority related to theme	N/A
Functions	To provide services to girls at risk of trafficking: education, emotional support and housing to girls at risk of being trafficked.
Contact Information	<p>Telephone: N/A</p> <p>E-mail: info@friendsofthaidaughters.org</p> <p>Website: http://www.friendsofthaidaughters.org/</p> <p>Address: (in the USA) FRIENDS OF THAI DAUGHTERS, PO BOX 370, TREVETT, ME 04571 USA</p>

Friends of Women Foundation	
Type of Institution	NGO
Level	Bangkok
Mission	To promote the rights of women facing violence, discrimination and other problems and to support women workers.
Institutional authority related to theme	<ul style="list-style-type: none"> ■ Women's Rights Protection Centre ■ The Women's Club ■ Hotline
Functions	<p>Prevention</p> <p>Women's Rights Protection Centre – arranges social workers and lawyers to give counselling and legal assistance, and provides a safe haven for some abused women in need of shelter.</p> <p>The Women's Club – safe haven meeting point for mutual support and information</p> <p>Hotline – telephone legal counselling and assistance to victims of violence</p> <p>Information office – collect and disseminate information and statistics on violence against women</p> <p>Lobbies for female investigators and removal of unfair laws</p>
Contact Information	<p>Telephone: +66-2-513-1001</p> <p>E-mail: FOW@mozart.inet.co.th</p> <p>Website: http://www.friendsofwomen.net/ (not functioning)</p> <p>Address: Jaded Chouwilai, Mannee Khupakdee 386/61</p> <p>Rathchadaphisek 42, Chatuchak, Bangkok 10900</p>

The Hotline Center Foundation	
Type of Institution	Non-government and non-profit organisation
Level	National advice line, based in Bangkok and Chiang Mai (also shelter in Chiang Mai)
Mission	To help people help themselves through counselling and therapy
Institutional authority related to theme	<ul style="list-style-type: none"> ■ All projects (below) focus on violence against women

The Hotline Center Foundation	
Functions	<p>Provide hotline counselling from Bangkok and Chiang Mai, free of charge, for abused women (Mon-Fri 08:30 – 18:00)</p> <p>Face-to-face counselling and group counselling</p> <p>Hotline mobile clinic for teenagers</p> <p>Hotline AIDS/HIV clinic: information, services, etc.</p> <p>Hotline Institute of Psychology: academic services</p> <p>Hotline international training services: police and immigration officers in providing hotline services to trafficked women and children in ten provinces that border other states and in Bangkok</p> <p>Produce a TV show on women’s issues as part of the campaign to eliminate violence against women: issues such as incest, sex education, domestic violence, etc. with interviews and phone-in service for advice and assistance from nine counsellors.</p> <p>House of Tomorrow Shelter: to serve women in distress through counselling, training and psychological care, especially for those suffering from HIV/AIDS.</p>
Contact Information	<p>Bangkok: Telephone: +66-2-276-2950, +66-2-277-8811, +66-2-277-7699 E-mail: hotlinecenter@usa.net Website: http://www.hotline.or.th/index.php Address: 145/6-7 Vipphawadeerungsit Road, Chatuchak, Bangkok 10900</p> <p>Chiang Mai: Telephone: +66-5-385-0270 Address: 150/3 hotlines building Mai ‘s house, 7 C Wat Khang Rd. Superhighway (Chiang Mai - Lampang), Chiang Mai 50140</p>

HUG Project Thailand	
Type of Institution	Project of the Christian Family Connection Foundation, the outreach arm of the Chiang Mai Christian Fellowship church
Level	Regional – northern Thailand
Mission	To prevent, protect and restore children who are vulnerable to or victims of human trafficking or sexual abuse. To ensure that children and youth are healthy, safe and prepared for a productive adulthood.
Institutional authority related to theme	The HUG project is a part of the Family Connection Foundation

HUG Project Thailand	
Functions	<p>Provide holistic care to victims of human trafficking or sexual abuse through prevention, protection and restoration:</p> <p>Prevention: teach children how to protect themselves from being abused or trafficked, and workshops for staff of organisations to have policies to protect children</p> <p>Protection: assist in legal prosecution of a case, interviewing child victims and help law enforcement; conduct fact finding with regards to child abuse</p> <p>Restoration: services for physical, social, mental and economic needs; counselling, educational support and transitional housing; work with the family to prevent re-trafficking.</p> <p>Big Brother Project – with the Child and Woman Protection Unit of the Royal Thai Police region 5 → activities to build relationships between police, NGOs and youth to build relationships of trust and support</p>
Contact Information	<p>Telephone: +66-5-313-1248</p> <p>E-mail: admin@hugproject.org; also contact form on the website</p> <p>Website: http://www.thaicconnections.org/project-hug</p> <p>Address: The Family Connection Foundation, 178/453 Worldclubland Moo7, T.Nongkwai, A.Hangdong Chiangmai 50230</p>

Human Help Network Foundation Thailand	
Type of Institution	NGO
Level	Regional - Pattaya
Mission	To promote sustainable human, social and economic development.
Institutional authority related to theme	Child Protection and Development Centre (CPDC) for street children
Functions	<p>To combat trafficking and sexual exploitation of children in Pattaya:</p> <p>The CPDC provides a home, protection, education and prospects for the future</p> <p>Outreach work in the streets of Pattaya - Specially trained CPDP team members contact and teach local populations of street children about the dangers of living on the street, focusing on human trafficking, drugs, crime and sexual abuse; gathers information about paedophiles directly from the children on the street and is always in cooperation with the Royal Thai Police, Interpol and foreign police agencies, in order to facilitate the arrest of suspects; assists victims of abuse during the investigation and trial phases, directly and in partnership with NGOs offering legal support to victims; a Hotline is due to be set up for children to report situations of abuse.</p>

Human Help Network Foundation Thailand	
	Drop-in centre – initial shelter, food, medicine, clothes and consultation and behaviour adjustment.
	Prevention and Day-care Centre – recreational and remedial education to vulnerable children; awareness of abuse and trafficking issues; sporting activities; life skills.
	Supports the Pattaya orphanage
	Awareness raising on human justice
Contact Information	Telephone: +66-3-848-8956 E-mail: info@hhnthailand.org Website: http://www.hhnft.org/ Address: HUMAN HELP NETWORK Foundation Thailand, 384 Moo 6 Sukhumvit Highway, Km.144 Naklue Banglamung, Chonburi 20150

Human Rights and Development Foundation (HRDF)	
Type of Institution	Foundation established under order of the Office of the National Culture Council in 2000, by a human rights lawyer and academics
Level	Transnational, regional – office in Bangkok; regional focus and fieldwork in Mae Sot, Tak province (at the Thai-Burmese border) and Chiang Mai.
Mission	To promote and protect human rights, democracy and peace. Focus on migrant labour trafficking rather than sexual exploitation explicitly.
Institutional authority related to theme	HRDF Legal Aid Center
Functions	Mae Sot Labour Law Clinic: Provide legal aid to migrant workers in Mae Sot Educational and training programmes, dissemination of information, observations of trials Paralegal training and capacity building in Thai, Burmese and English Facilitate relations between Burmese and Thai NGOs
Contact Information	Telephone: +66-2-277-6882, +66-2-277-6887 E-mail: info@hrdfoundation.org Website: http://hrdfoundation.org/?lang=en Address: 87 Soi Sitthichon, Suthisarnwinichai Road, Samsennok, Huaykwang, Bangkok 10310

International Justice Mission	
Type of Institution	International faith-based NGO
Level	Chiang Mai
Mission	To protect the poor from violence in the developing world.
Institutional authority related to theme	Thailand branch led by Khem Saksakunmongkhon

International Justice Mission	
Functions	<p>Lobbies for the citizenship of northern hill tribe members</p> <p>Sexual violence:</p> <p>Rescue victims: receive referrals from partners and work with local law enforcement to ensure child safety</p> <p>Bring criminals to justice: investigate, help police to make arrests and support the prosecutions</p> <p>Restore survivors: trauma therapy and supportive environment for healing</p> <p>Strengthen justice systems: train and mentor judges and legal professionals, advocate for judicial child protection reforms</p>
Contact Information	<p>Telephone: 703-465-5495 (USA)</p> <p>E-mail: Contact form online</p> <p>Website: https://www.ijm.org/where-we-work/thailand</p> <p>Address: (international address) International Justice Mission PO Box 58147, Washington, DC 20037</p>

Labour Rights Promotion Network (LPN)	
Type of Institution	Grassroots NGO
Level	Headquarters in Samut Sakon; operates in all provinces of Thailand
Mission	To assist the integration, quality of life and equality of migrants in the Thai community in which they live, and to prevent child labour.
Institutional authority related to theme	N/A
Functions	<p>Advocacy of basic migrant rights</p> <p>Mechanisms for protection</p> <p>Redress for rights violations</p> <p>Capacity building among migrant networks</p> <p>Promote education, health, safe work and social services</p> <p>Takes on cases of human trafficking, forced labour, forced imprisonment of labourers, child labour and prostitution, focusing primarily on local field cases to resolve issues effectively</p> <p>Research studies of trafficking and forced labour of Burmese migrants in Thailand, with support from universities</p> <p>Operates as a call centre for migrant assistance on general or legal matters related to labour rights, human rights, prevention of human trafficking, and the opportunities and access for their children to primary education</p>

Labour Rights Promotion Network (LPN)	
Contact Information	<p>Telephone: +66-3-443-4726, +66-86-163-1390</p> <p>E-mail: lpnthailand2011@gmail.com, somponglpn@gmail.com</p> <p>Website: http://lpnfoundationblog.blogspot.com/ (last update was from 2011)</p> <p>Address: Labour Rights Promotion Network foundation (LPN) 25/17-18 Mahachai Muengtong Village Rd. Sahakorn. Samutsakorn 74000</p>

Lawyers Council Thailand (LCT)	
Type of Institution	Professional organisation
Level	National, based in Bangkok
Mission	N/A
Institutional authority related to theme	Human Rights Committee of the Lawyers Council of Thailand
Functions	<p>Provides legal counselling and volunteer lawyers to assist legal cases</p> <p>Urges government to prosecute trafficking cases</p> <p>Informs migrant workers about Thai labour laws and regulations and migrant workers rights and assists them in cases</p> <p>Collaborated with the ILO in anti-trafficking in the Mekong Project – worked with the Federation of Trade Unions Burma (FTUB), other Burmese ethnic trade unions and other ethnic migrant associations</p> <p>Developed Burmese language training manual on labour laws for training of peer advisors; conducts workshops on labour laws and rights</p> <p>Assists the FTUB to provide legal aid telephone hotline. The LCT can be contacted for emergency assistance and direct contact details of LCT lawyers distributed among migrant communities</p>
Contact Information	<p>Telephone: +66-2-629-1430</p> <p>E-mail: N/A</p> <p>Website: http://www.lawyerscouncil.or.th/ (Thai only)</p> <p>Address: Attorneys Nationals, 7/89 Building 10 Ratchadamnoen Klang Road, Bangkok 10200 Bowonniwet metropolitan area.</p>

Live our Lives	
Type of Institution	Professional organisation
Level	National, based in Bangkok
Mission	To provide lasting support through a meet-up group for women survivors of trafficking
Institutional authority related to theme	Formed through women helped by FFW (above)
Functions	<p>Assistance and facilitation of healing for victims of labour and sexual exploitation</p> <p>Prevention and training on trafficking in persons</p> <p>Collaboration with FFW (above) to produce booklets on access to justice for trafficked women</p>

Live our Lives	
Contact Information	<p>Telephone: +66-2-425-1246, +66-2-433-5149 E-mail: yingsoogroup@gmail.com Website: N/A Address: Foundation For Women, 295 Jaransanitwong 62 Soi Wat Paolohid Bangplad Bangkok 10700</p>

Mekong Region Law Center	
Type of Institution	Non-profit association of professionals from the Mekong states
Level	Regional – lawyers from Thailand, Cambodia, Lao PDR and Vietnam
Mission	To promote judicial cooperation, legal education and rule of law in the region
Institutional authority related to theme	<ul style="list-style-type: none"> ■ Chairman: Mr. H.E. Anand Panyarachun, former Prime Minister of Thailand ■ Illegal Labour Movements: the Case of Trafficking in Women and Children Project
Functions	<p>Training</p> <p>Conferences/workshops</p> <p>Legal databases (through publications & web-site)</p> <p>Research</p>
Contact Information	<p>Telephone: +66-2 541-2770 ext. 2100 E-mail: mrlcbkk@loxinfo.co.th Website: http://www.mekonglawcenter.org/ Address: Office of the Attorney General Bldg., 11th Floor, Rachadapisek Road, Bangkok 10900</p>

Mercy Centre / Human Development Foundation	
Type of Institution	Religious organisation
Level	Greater Bangkok – Pattaya, Chonburi; where major congregations of street children can be found; Klong Toey
Mission	To help the poor communities of Bangkok and street children, improving health, education, fighting AIDS and providing shelter
Institutional authority related to theme	<ul style="list-style-type: none"> ■ Anti-trafficking and legal aid centre ■ Mercy orphanages and shelters ■ Street children outreach
Functions	<p>Offers shelter and safe house to orphans and street children</p> <p>Securing ID and birth certificates for unregistered children to allow access to school, work and protection from trafficking</p> <p>Occasional cooperation with police and social services where there are cases of CSEC or abuse</p> <p>Provide legal counsel and defence - registered third-party representative in child legal cases</p> <p>Help children find and return home when possible</p>

Mercy Centre / Human Development Foundation	
Contact Information	<p>Telephone: +66-2-671-5313 E-mail: info@mercycentre.org Website: http://www.mercycentre.org/ Address: 00/11 Kae-ha Klong Toey 4, Dhamrongratthaphiphat Rd., Klong Toey, Bangkok 10110</p>

Mirror Foundation (formerly the Mirror Art Group, Thai Labour Campaign)	
Type of Institution	Grass roots Thai NGO
Level	<p>Regional:</p> <ul style="list-style-type: none"> ■ The Mirror Foundation Chiang Rai, Northern Thailand ■ The Mirror Foundation, Bangkok
Mission	To help children, particularly hill tribe children, enjoy their right to grow up in safety.
Institutional authority related to theme	<p>Part of the Anti-Human Trafficking Operation Centre:</p> <p>Chiang Rai office:</p> <ul style="list-style-type: none"> ■ Focus on hill tribes ■ Project to Combat Trafficking in Women and Children ■ Hill tribe children scholarship fund <p>Bangkok office:</p> <ul style="list-style-type: none"> ■ Focus on street children, begging, homelessness
Functions	<p>Investigation and suppression of trafficking</p> <p>Rescue Coordination Centre: child victims come to get help and heal</p> <p>Law Centre: civil and criminal legal assistance in Thai, English and tribal languages (Akha and Lahu staff)</p> <p>Hope to extend work in the future to villages to give presentations informing parents, teachers and children</p> <p>Functions in other related projects:</p> <p>Hill Tribe Scholarship programme – accounting, cooking, sewing, tourism industry</p>
Contact Information	<p>Telephone: Bangkok – +66-2-973-2236 to 7 E-mail: Contact form available on website; Bangkok info@backtohome.org Website: http://www.themirrorfoundation.org/ (Bangkok office - http://www.mirror.or.th/mirrornew/#item8) (Anti-Human Trafficking Operation Center (Thai only) http://www.notforsale.in.th/)</p> <p>Address in Bangkok: 191 Soi Wipawadee 62, Wipawadee-Rangsit Road, Talad Bang Khen, Laksi, Bangkok, 10210</p>

New Life Center Foundation	
Type of Institution	Grass-roots activism organisation
Level	Regional specific to ethnic minority areas of northern Thailand.
Mission	To work with young ethnic minority women who are victims or at risk of trafficking, forced labour or sexual abuse in the Mekong region.
Institutional authority related to theme	N/A (N.B: New Life works closely with the CCPCR and FOCUS' TRAFCORD)
Functions	To educate and foster literacy and handicraft, vocational and business skills for income and enterprise building To provide safe housing, shelter, nutrition and medical care Therapeutic activities and counselling Awareness-raising anti-trafficking campaigns with educational materials and media Legal, psychological and repatriation assistance
Contact Information	Telephone: +66-5-335-1312 E-mail: newlife@pobox.com Website: http://www.newlifecenterfoundation.org/ Address: P.O. Box 29 Chiang Mai 50000

Night Light	
Type of Institution	International organisation; a non-profit foundation and a business (Nightlight Design)
Level	International, with offices in Bangkok and the United States
Mission	To provide an escape from prostitution and sex trafficking through alternative employment
Institutional authority related to theme	Office in Bangkok
Functions	Prevention Intervention – in the solicitation of children; build trust through bar visits; emergency relief for women in the Nana/Sukhumvit area; women can join the waiting list to be hired in the jewellery business so they can leave their bar work Restoration – physical, emotional and spiritual Education – vocational opportunities (technology, accounting, purchasing, management, marketing, networking and public relations), life skills, scholarships for continuing education Work with IOM and others to organise repatriation
Contact Information	Telephone: N/A E-mail: bkk@nightlightinternational.com Website: http://www.nightlightinternational.com/ Address: 5 Sukhumvit 11, Klongtoey Nua Wattana Bangkok 10110; or PO Box 1414 Nana Post Office Bangkok, 10112

Nvader	
Type of Institution	Non-profit organisation and charitable trust
Level	Offices in Southeast Asia (including Chiang Mai) and in New Zealand
Mission	To combat sex trafficking through professional investigations and targeted interventions. To bring freedom to offenders and increase the risk for offenders.
Institutional authority related to theme	N/A
Functions	<p>Rescue: investigate individual cases to rescue and provide aftercare</p> <p>Prosecute: train, consult, work with and empower law enforcement to act on evidence</p> <p>Empower local communities to protect themselves from trafficking and encourage change in attitudes towards gender, pornography and sex tourism.</p>
Contact Information	<p>Telephone: +66(0)2 671-5313, +64-3-928-1885</p> <p>E-mail: info@nvader.org</p> <p>Website: http://www.nvader.org/</p> <p>Address: PO Box 27095, Christchurch 8640 New Zealand</p>

PAVENA Foundation for Children and Women	
Type of Institution	NGO (non-profit organisation) fighting for the rights of children and women
Level	National
Mission	To help to alleviate the suffering of children and women who were raped or forced into prostitution domestically and abroad.
Institutional authority related to theme	Founded by Ms. Pavena Hongsakula, a six-time Bangkok Member of Parliament (MP), Former Minister to the Prime Minister's Office in Charge of Tourism, and Former Deputy Minister to the Labour and Social Welfare Department.
Functions	<p>Recovery for rescued women and children</p> <p>Support and teaching skills to open up new opportunities in the lives of the victims</p> <p>Help victims through a cooperative effort with other agencies and government programmes</p> <p>Emergency help is available for rape, physical assault, involuntary prostitution and other types of abuse</p> <p>24-hour help line (1134)</p>
Contact Information	<p>Telephone: +66-2-577-0500-1, 577-0496-8</p> <p>E-mail: pavena1134@hotmail.com, help@pavena.thai.com</p> <p>Website: http://www.pavenafoundation.or.th/, http://www.immf-thailand.org/articles/pavena_foundation.html</p> <p>Address: 82/12 Soi Ramintra 39, Ramintra Victory Monument Rd Bang Khaen, Bangkok 10220</p>

Population and Community Development Association (PDA)	
Type of Institution	Part of Population and Development International, an international non-profit, non-governmental organisation
Level	National – Main branches in Bangkok, Chiang Rai, Chiang Mai and Nakhon Ratchasima; various other Community-based Integrated Rural Development Centres across the country (see: http://www.pda.or.th/e_contact.htm)
Mission	To work with local institutions in Southeast Asia to reduce poverty and facilitate health and socio-economic development.
Institutional authority related to theme	<ul style="list-style-type: none"> ■ Mechai Pattana School ■ The Village Development Partnership and Village Development Banks for microcredit ■ Business for Rural Education and Development (BREAD) ■ Cabbages and Condoms restaurant: raises awareness and funds
Functions	<p>Provide information on family planning</p> <p>Supervised non-medical distribution of oral contraceptives</p> <p>Poverty reduction programmes</p> <p>ILO project in Chiang Mai: former lawyer assists in trafficking cases</p>
Contact Information	<p>Bangkok branch – Telephone: +66-222-946-1128 E-mail: pda@pda.or.th Website: http://www.pda.or.th/; http://www.pda.or.th/e_index.htm Address: - 6 Sukhumvit 12, Klongtoey, Bangkok 10110</p> <p>Chiang Rai branch – Tel: +66-5-371-9167, +66-5-374-0240 Address: 620/1 Thanalai Rd., Muang District, Chiang Rai Province 57000</p> <p>Chiang Mai branch – Tel: +66-5-327-7805-6 Address: 167 Ratchamakka Rd., Tambon Pra Singh, Muang District, Chiang Mai Province 50200</p> <p>Nakhon Ratchasima branch – Tel: +66-4-425-8100-1 Address: 86/1 Suebsiri Rd. Tambon Nai Muang, Muang District, Nakhon Ratchasima Province 30000</p>

Ruen Rom Yen (Harbor House)	
Type of Institution	Non-profit organisation
Level	Mae Sai, Chiang Rai Province, Thailand
Mission	To provide shelter and community education programmes for rescued children.
Institutional authority related to theme	Works closely with the local school system.

Ruen Rom Yen (Harbor House)	
Functions	<p>Provide housing, counselling, food, educational support and vocational training for children who have been rescued from (or are at risk of entering) the sex trade</p> <p>Educate people about child rearing and welfare, children's rights, and the risks of child trafficking</p> <p>Empower the hill tribe people by helping them to become actively involved in combating trafficking</p>
Contact Information	<p>Telephone: +66-5-366-8063</p> <p>E-mail: tawanamphai@yahoo.com</p> <p>Website: http://www.survivorsconnect.org/freedom-datamap/reports/view/1797</p> <p>Address: 61 Moo 7 Baan Ta Sala, Sri Muang Chum, Mae Sai Chiang Rai Province</p>

Save the Children Thailand	
Type of Institution	International NGO
Level	<p>National → most relevant sites:</p> <ul style="list-style-type: none"> ■ Nine refugee camps along the Thai-Burmese border (Mae Hong Son, Tak, Kanchanaburi and Ratchaburi provinces) ■ Chiang Mai
Mission	Save the Children supports the development of policies that help fulfil children's rights as laid out in the United Nations Convention on the Rights of the Child, particularly for migrant, refugee and ethnic minority children. Also one of the leading responders in humanitarian crises, disasters and conflict.
Institutional authority related to theme	Child Protection Programme – especially for migrant and refugee children who are vulnerable to physical and sexual abuse, exploitation and trafficking and do not have access to basic services
Functions	<p>Strengthening child protection systems for vulnerable children along the Thai-Myanmar border</p> <p>Basic education support towards transition in refugee camps</p> <p>Protection and participation of children and youth and sustainable livelihood in the Myanmar refugee camps and Thai receiving communities</p> <p>Promoting rights of working children (healthcare and development – Samut Prakan province)</p> <p>Building happy communities (Southern Thailand – Pattani, Yala, Narathiwat)</p> <p>Supporting the Child Protection Committees</p> <p>Access to the justice system, assisted by trained social workers, recovery support, safe family settings, participation.</p>

Save the Children Thailand	
Contact Information	<p>Telephone: +66-2-684-1286/87/88 E-mail: info.thailand@savethechildren.org Website: https://thailand.savethechildren.net/; www.facebook.com/SaveTheChildrenProgrammeinThailand Address: 14th Floor, Maneeya Center Building (South), 518/5 Ploenchit Rd., Lumpini, Patumwan, Bangkok 10330</p>

Thai Women of Tomorrow	
Type of Institution	University-run project
Level	Northern Thailand: Chiang Mai, Chiang Rai, Lampang and Payao
Mission	Trafficking prevention by helping rural women in Northern Thailand to gain further education and avoid the sex industry.
Institutional authority related to theme	Director: Dr. Chakrapand Wongburanavit, Dean of Social Sciences, Chiang Mai University
Functions	<p>The project distributes information on the hazards of AIDS, sexual abuse, and financial liability that accompany commercial sex work, and encourages young girls and women to seek higher education and better jobs.</p> <p>Methods used are traditional information dissemination through regular meetings at rural schools; printed materials; videos; and questionnaires.</p> <p>Participated in resource centre for campaigns against child prostitution funded by ILO/IPEC, which:</p> <ul style="list-style-type: none"> Provides information about child prostitution and child abuse Promotes and coordinates a network of governmental and nongovernmental organisations and private agencies Creates and uses effective local media to change attitudes regarding child prostitution and child abuse Promotes and supports existing education and training institutes to adopt a comprehensive intervention module for combating child prostitution and child abuse Undertakes an evaluation of on-going interventions and builds academic support for network members. <p>(Survivors Connect - http://www.survivorsconnect.org/map/reports/view/303)</p>
Contact Information	<p>Telephone: +66-5-389-2788 E-mail: N/A Website: http://web.sfc.keio.ac.jp/~thiesmey/tw.html (under construction) Address: Faculty of Social Sciences, Chiang Mai University Chiang Mai, 50000</p>

Thrive Rescue Home (Pattaya)	
Type of Institution	Shelter and recovery home
Level	Pattaya
Mission	To provide a safe, restorative and caring home for children rescued from trafficking.
Institutional authority related to theme	Co-founders - Jenifer and Jeremy Kraus
Functions	To rescue children from trafficking in coordination with law enforcement and other NGOs; provide protection, refuge and trauma recovery; and reintegration into families and communities when it is safe Prevention
Contact Information	Telephone: (949) 829-2052 (USA) Website: http://thrivescuehome.org/ Registered Address: Thrive Rescue Home PMB 181 231 E. Alessandro Blvd., Suite A Riverside, CA 92508-6039 USA

Urban Light	
Type of Institution	Grass roots organisation
Level	Regional – Office in Chiang Mai
Mission	Dedicated to restoring, rebuilding and empowering the lives of boys who are so often forgotten within the dialogue of abuse, at risk of and victim to exploitation and trafficking
Institutional authority related to theme	Urban Light Youth Centre (located near the red light district of Chiang Mai) for boys aged 14-24
Functions	Outreach, education, health services, housing and emergency care Prevention Fosters personal development Awareness raising (particularly in the USA) – universities, religious organisations, community organisations, conferences
Contact Information	Telephone: (Thailand) +66-5-327-1179; (USA) (301) 523-0187 E-mail: info@urban-light.org Website: http://www.urban-light.org/ ; www.facebook.com/bethelightUL Address: Urban Light, 1117 Cresthaven Dr. Silver Spring, MD 2090, USA

World Vision Foundation of Thailand (WVFT)	
Type of Institution	Christian development organisation
Level	759 projects in 46 provinces of Thailand
Mission	For every child to live a full life. Child-focused organisation that focuses on area development.
Institutional authority related to theme	Part of the World Vision International network World Vision in Mae Sai has a specific anti-trafficking programme

World Vision Foundation of Thailand (WVFT)	
Functions	Local sponsorship project for child, family and community development Special projects to resolve poverty and social issues in remote areas, i.e. creating capacity for income-generating occupations and small businesses
Contact Information	Telephone: +66-2-022-9200 to 2 E-mail: info@worldvision.or.th Website: http://www.worldvision.or.th/about_history_eng.html Address: 809 Soi Suphanimit, Pracha Uthit Road Samsen Nok, Huai Khwang Bangkok 10310

XPMission	
Type of Institution	Religious NGO
Level	Head office in Cambodia, full-time Bangkok/Pattaya representative, and works in other states through partners
Mission	To eliminate human trafficking in Southeast Asia, specifically related to children. Rescue and protection of at-risk and trafficked Cambodian women and children.
Institutional authority related to theme	Branch in Pattaya but with a focus on Cambodian children in need of repatriation
Functions	Prevention – education and community outreach; tackle poverty, lack of education, family breakdown Rescue - the most frequent action taken in Thailand, to rescue Cambodian children taken to Pattaya Aftercare – focus on repatriation; most aftercare is provided in Cambodia
Contact Information	Telephone: (USA) 1-866-980-5464 E-mail: Rescue Me → helpkids@xpministries.com General contact → info@xpministries.com Website: http://www.xpmissions.com/ Address: P.O. Box 1017, Maricopa, Arizona 85139, USA; PO Box 378 Paignton TQ3 1WD, United Kingdom

Zoe Foundation	
Type of Institution	Religious non-governmental organisation
Level	Australia, USA, Thailand – Chiang Mai
Mission	To help rescue every child possible from human trafficking globally through innovative and comprehensive prevention, rescue, and restoration programs which effectively transform each child from their past and give them the opportunity for a better future.
Institutional authority related to theme	Child Rescue Department and Children’s homes ministries

Zoe Foundation	
Functions	<p>Rescue and Restoration: care and provide a home for orphans and other children aged 0-17 years who are sold or in danger of being sold or trafficked</p> <p>Collaborate with other organisations in prevention and intervention</p> <p>Educational, vocational and life skills training and continued support for former Zoe children (over 18 and) in higher education</p>
Contact Information	<p>Telephone: (US administrative number) (661) 255-7963</p> <p>E-mail: betsy@goZOE.org</p> <p>Website: http://www.gozoe.org/</p> <p>Address: (Only US administrative address given) ZOE INTERNATIONAL P.O. Box 221510, Santa Clarita, CA 91322 USA</p>

3) Intergovernmental Organisations/Agencies:

International Labour Organization (ILO)	
Type of Institution	Intergovernmental organisation
Level	International
Mission	To promote internationally recognised human and labour rights, creating conditions for peace and prosperity.
Institutional authority related to theme	Mr Maurizio Bussi, Officer-in-Charge of Country Office for Thailand, Cambodia and Lao PDR
Functions	<p>ILO's work in Thailand has for many years focused on rights issues (including child labour and trafficking, migrant workers and freedom of association) rather than broader employment and development issues:</p> <p>Expansion of access to social services and protection</p> <p>Better enforcement of labour inspection</p> <p>Support for reform of labour laws</p> <p>ILO's International Programme on the Elimination of Child Labour (IPEC) has established projects specifically focused on child exploitation in Thailand and the region. For example, the Regional Project to Combat Trafficking in Children for Labour and Sexual Exploitation TICSA II (2003-2006). This project focused on:</p> <p>Prevention of child trafficking through direct assistance to children, families and communities</p> <p>Protection of child survivors of trafficking through recovery and reintegration assistance</p> <p>Policy development and capacity building among governments and NGOs</p> <p>Improvement of knowledge base on trafficking</p>

International Labour Organization (ILO)	
Contact Information	<p>Telephone: +66-2-288-1798 E-mail: DWT-BKK@ilo.org Website: http://www.ilo.org/asia/countries/thailand/lang--en/index.htm Address: Regional Office for Asia and the Pacific, United Nations Building, 11th Floor, Rajdamnern Nok Avenue, P.O. Box 2-349, Bangkok 10200</p>

United Nations Children's Fund (UNICEF)	
Type of Institution	Intergovernmental organisation
Level	International
Mission	To ensure the rights of every child to health, education, equality and protection, without discrimination as to nationality, ethnicity, gender or religion, through child protection, education, social policy and advocacy and emergency responses
Institutional authority related to theme	UNICEF Thailand Country Office
Functions	<p>Child protection functions in Thailand:</p> <p>Strengthen child protection systems to keep children safe from abuse, neglect, discrimination, violence and exploitation</p> <p>Build the capacity of families, communities and the government in preventing and assisting vulnerable children</p> <p>Ensure that the laws are enforced and that children are treated sensitively by them</p>
Contact Information	<p>Telephone: +66-2-356-9499 E-mail: thailandao@unicef.org Website: http://www.unicef.org/thailand/ Address: 19 Phra Athit Road, Banglumpoo, Pranakorn, Bangkok, 10200</p>

United Nations Educational, Scientific and Cultural Organization (UNESCO)	
Type of Institution	Intergovernmental institution
Level	International
Mission	Promotes peace and human development through education, sciences, culture, communication and information
Institutional authority related to theme	<p>Asia-Pacific Regional Bureau for Education → UNESCO Bangkok has a double role as Regional Bureau for Education and as a Cluster Office.</p>
Functions	<p>The Regional Bureau for Education provides strategic expertise, advisory, monitoring and evaluation functions to Member States, other UNESCO Field Offices and UN Country Teams in the area of Education.</p> <ul style="list-style-type: none"> - i.e. Asia-Pacific Programme of Education for All (APPEAL)
Contact Information	<p>Telephone: +66-2-391-0577 E-mail: bangkok@unesco.org Website: http://www.unescobkk.org/ Address: Asia-Pacific Regional Bureau for Education Mom Luang Pin Malakul Centenary Building, 920 Sukhumvit Road Prakanong, Klongtoey, Bangkok 10110</p>

UN Women (United Nations Development Fund for Women/ UNIFEM)	
Type of Institution	UN Women's agency, Intergovernmental organisation (also known as UN Development Fund for Women)
Level	International
Mission	To achieve gender equality and the empowerment of women. To help Member States to implement global standards, standing ready to provide suitable technical and financial support to those countries that request it, and to forge effective partnerships with civil society.
Institutional authority related to theme	East and Southeast Asia Regional Office, Bangkok Ms. Fareeha Ibrahim, Programme Manager, UNIFEM East and Southeast Asia Regional Office
Functions	Works with national partners to promote relevant legislation and its implementation, notably the Domestic Violence legislation. On-going activities include supporting implementation of the Domestic Violence Act, development of the National Action Plan on Ending Violence Against Women and Domestic Violence, working with young people, notably high school students and police cadets, as change agents to end violence against women. UN Women in Thailand supports implementation of activities towards the five UNiTE outcomes, i.e., legislation, National Action Plan, data, social mobilisation working with youth and media, and sexual violence in conflict.
Contact Information	Telephone: +66-2-288-2093 E-mail: info.th@unifem.org, fareeha.ibrahim@unifem.org Website: http://asiapacific.unwomen.org/en/countries/thailand Address: United Nations Building, Rajadamnoen Nok Avenue, Bangkok 10200

United Nations High Commissioner for Refugees (UNHCR)	
Type of Institution	UN agency for refugees, international organisation
Level	International
Mission	To co-ordinate international action to protect refugees and resolve refugee problems worldwide. Its primary purpose is to safeguard the rights and well-being of refugees. It strives to ensure that everyone can exercise the right to seek asylum and find safe refuge in another State, with the option to return home voluntarily, integrate locally or to resettle in a third country. It also has a mandate to help stateless people.
Institutional authority related to theme	UNHCR has 78 national staff and 25 international staff working in the nine refugee camps along the border with Myanmar: Kanchanaburi (nine national, three international), Mae Sot (14 national, four international), Mae Hong Son (11 national, one international) and Mae Sariang (11 national, three international). In Bangkok, 33 national staff members and 14 international staff members work for the Thailand operation.

United Nations High Commissioner for Refugees (UNHCR)	
Functions	<p>Protection activities and programmes to ensure that the refugees live in safety and security - alternative shelter provided for those with security concerns</p> <p>UNHCR is advocating for greater freedom of movement for the refugees living in the camps and the ability to enter the labour market</p> <p>Sexual and Gender Based Violence (SGBV) response – SGBV committees in place in most camps</p> <p>Access to justice and legal counsel</p> <p>Assistance for unaccompanied minors seeking asylum in Bangkok</p> <p>Ensure children have birth certificates</p> <p>Attempts to resettle the refugees in third countries, including to the United States, Canada, Australia, Great Britain, Ireland, The Netherlands, Norway, Sweden and Finland</p> <p>Education: Thai language classes and advocates for access to schools for refugee children; agricultural training programme</p>
Contact Information	<p>Telephone: +66-2-288-1234</p> <p>E-mail: thaba@unhcr.org</p> <p>Website: https://www.unhcr.or.th/about/thailand</p> <p>Address: 3rd Floor United Nations Building, Rajdamnern Nok Avenue, Bangkok 10200</p>

United Nations Inter-Agency Project on Human Trafficking (UNIAP)	
Type of Institution	UN regional inter-agency project focused on the response to trafficking
Level	Regional
Mission	<p>To facilitate a stronger and more coordinated response to human trafficking in the Greater Mekong Sub-region.</p> <p>Prevention: There will be reduced incidence of trafficking through targeted vulnerability reduction, and increased access to non-exploitative employment.</p> <p>Protection: Victims of human trafficking will be able to access protection services across the region that meet international standards.</p> <p>Prosecution: Impunity will be reduced for traffickers and exploitative employers, with securing justice for victims through effective, fair and proportionate criminal justice processes.</p>
Institutional authority related to theme	<p>Ms. Pidchaya Pariyanithiroj National Project Coordinator pidchaya.pariyanithiroj@undp.org</p>

United Nations Inter-Agency Project on Human Trafficking (UNIAP)

<p>Functions</p>	<p>UNIAP has nine initiatives/projects that are managed, in partnership, with the counter trafficking community in the Greater Mekong Sub-region:</p> <ul style="list-style-type: none"> ■ Coordinated Mekong Ministerial Initiative Against Trafficking (COMMIT) process ■ Strategic Information Response Network (SIREN) ■ Support to Underserved Victim Population ■ Worst Offenders Project ■ Shelter Self-Improvement Project ■ Cross-regional Linkages Project ■ Ethics and Human Rights in Counter-Trafficking ■ Global Financial Crisis ■ REACH Initiative <p>These activities, from the policy levels to the grassroots, and within the Mekong region and beyond, ensure that:</p> <ul style="list-style-type: none"> ■ The regional and country guidelines, MOUs, and guiding principles signed on at the highest policy levels reflect an understanding of the reality at the community level ■ A link exists between policy initiatives and real activities on the ground ■ Real priorities and real underserved victims are being addressed, based on empirical data and not assumptions and ■ The voices of human trafficking victims and vulnerable communities are taken into consideration within all aspects of the project – prevention, protection, prosecution, and policy.
<p>Contact Information</p>	<p>Telephone: +66-2-304-9100 E-mail: pidchaya.pariyanithiroj@undp.org Website: http://www.no-trafficking.org/thailand.html Address: UNIAP Thailand, United Nations Building 12th floor Block A Rajdamnern Nok Ave., Bangkok 10200</p>

United Nations Office on Drugs and Crime (UNODC)

<p>Type of Institution</p>	<p>UN international agency</p>
<p>Level</p>	<p>International</p>
<p>Mission</p>	<p>To make the world safer from organised crime (including human trafficking), drugs and terrorism by assisting states with technical cooperation, research and analysis and normative assistance.</p>
<p>Institutional authority related to theme</p>	<p>Regional Office for Southeast Asia and the Pacific - The main areas of intervention are illicit trafficking, anti-corruption, criminal justice, drug demand reduction, HIV/AIDS among injecting drug users, prisoners and other vulnerable groups and sustainable livelihoods.</p>

United Nations Office on Drugs and Crime (UNODC)

Functions

UNODC enhances the capacities and skills of law enforcement agencies to effectively identify and combat human trafficking operations, working with Member States to:

Strengthen policy and legislative frameworks

Enhance capabilities in identification, investigation and case preparation and prosecution

Improve standards to identify and support victims

Increase availability of information/data made on the nature and scale of human trafficking in the region and

Enhance cooperation on a bilateral, regional and international level

Contact Information

Telephone: +66-2-288-2100

E-mail: fo.thailand@unodc.org

Website: <http://www.unodc.org/southeastasiaandpacific/>; <https://www.unodc.org/southeastasiaandpacific/en/where-we-are/regional-office.html>

Address: United Nations Building, 3 rd Floor, Rajdamnern Nok Avenue, Bangkok 10200

ANNEX 2: RATIFICATION STATUS FOR INTERNATIONAL AND REGIONAL CSEC-RELATED LAWS, CONVENTIONS AND DECLARATIONS

International Laws & Conventions	Status	Date
Convention on the Rights of the Child (CRC)	Acceded	27 March 1992
Optional Protocol to the CRC on the sale of children, child prostitution and child pornography	Acceded	11 January 2006
Optional Protocol to the CRC on the involvement of children in armed conflict	Acceded	27 February 2006
Optional Protocol to the CRC on a communications procedure	Ratified	25 September 2012
Convention Against Transnational Organized Crime (CTOC)	Ratified	17 October 2013
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the CTOC (Palermo Protocol)	Ratified	17 October 2013
ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour	Ratified	16 February 2001
ILO Convention No. 138 concerning the Minimum Age for Admission to Employment	Ratified	11 May 2004 (minimum age specified: 15 years)
ILO Convention No. 105 concerning the Abolition of Forced Labour	Ratified	2 December 1969
ILO Convention No. 29 concerning Forced or Compulsory Labour	Ratified	26 February 1969
Convention on the Elimination of all Forms of Discrimination Against Women	Acceded	9 August 1985
International Covenant on Civil and Political Rights (1966)	Acceded	29 October 1996
Convention relating to the Status of Stateless Persons (1954)	–	–
Convention on the Reduction of Statelessness (1961)	–	–
Convention relating to the Status of Refugees (1951)	–	–
Protocol relating to the Status of Refugees (1967)	–	–

Regional Conventions & Declarations	Status	Date
ASEAN Human Rights Declaration	Signed	November 2012
ASEAN Declaration against Trafficking in Persons, Particularly Women and Children	Signed	November 2004
ASEAN Treaty on Mutual Legal Assistance in Criminal Matters	Ratified	January 2013

ANNEX 3: **KEY NATIONAL LEGAL PROVISIONS ADDRESSING CSEC⁵²⁵**

THAI CONSTITUTION B.E. 2550 (2007)⁵²⁶

General protections related to CSEC

Article 40(6):

“A person shall have the rights in judicial process as follows:

(6) Children, youths, women, and disabled or handicapped have the right to proper protection during the judicial process and proper treatment in the case related to sexual violence.”

Article 52:

Children and youth have the right to survive and receive physical, mental and intellectual development according to their potential in a suitable environment with due regard to their participation.

Children, youth, woman and family members have the right to be protected by the State against violence and unfair treatment and the right to medical treatment and rehabilitation in such a case.

Interference or restrictions on the rights of children, youths, and family members are prohibited except in compliance with the provisions of the law specifically enacted to preserve family status and maximum benefit of a person or persons involved.

Children and youth with no guardian shall have the right to receive proper care and education from the State.

Article 84:

“The state shall implement the economic policy as follows:

(7) to promote job opportunities for people of working age, protect women and child labour...”

CHILD PROTECTION ACT (2003)

Responsible for implementation

Article 6:

“The Minister of Interior, Minister of Social Development and Human Security, Minister of Education and Minister of Justice shall be responsible for the enforcement of this Act, and shall, in relations

525 There are multiple versions and translations of the legislation provided in this Annex available online. When possible, the most complete and accurate version of each law in English was used.

526 When the Thai military took power in May 2014, the 2007 Constitution was dissolved. As of August 2015, Thailand was governed by the Constitution of the Kingdom of Thailand (Interim) Act B.E. 2557 (2014). The provisions referenced here are from the 2007 Constitution.

to their respective Ministries, have the power to appoint competent officials and issue ministerial regulations or regulations to enable the implementation of this Act.”

Article 7:

“There shall be a National Child Protection Committee made up of the Minister of Social Development and Human Security as Chairperson of the Committee, the Permanent Secretary to the Ministry of Social Development and Human Security as Vice-Chairperson, members comprising the Permanent Secretary to the Ministry of Interior, the Permanent Secretary to the Ministry of Justice, the Permanent Secretary to the Ministry of Education, the Attorney General, the Chief of the Royal Thai Police, the Director-General of the Department of Provincial Administration, the Director-General of the Department of Mental Health, the Chief Judge of the Central Juvenile and Family Court, and the Director of the Office of Welfare Promotion and Protection and Empowerment of Vulnerable Groups, and distinguished members appointed by the Minister from experts who have had no less than seven years professional experience in the fields of social welfare, teaching, psychology, law and medicine, two from each field, one of which shall be a representative from the private sector, and two additional persons appointed from those who have demonstrable experience in child welfare of no less than seven years. The Deputy Permanent Secretary to the Ministry of Social Development and Human Security, designated by the Minister, shall act as member and Secretary of the Committee.

No less than one third of the distinguished members under the foregoing paragraph must be women.

The National Child Protection Committee may appoint no more than two civil servants from the Ministry of Social Development and Human Security to serve as Assistant Secretary of the Committee.”

Article 8:

“The Office of the Permanent Secretary of the Ministry of Social Development and Human Security shall be the Secretariat of the National Child Protection Committee. The Secretariat of the Committee shall have the following authority and duties:

- 1) To perform administrative tasks of the Committee;
- 2) To coordinate and cooperate with other government agencies, and public and private organisations concerned, in connection with the implementation of child welfare, safety protection and behavioural promotion related work;
- 3) To develop systems, modules, procedures, and provide services, in connection with child welfare, safety protection and behavioural promotion;
- 4) To compile research results, studies and analyses in connection with the monitoring and evaluation of the implementation of policies and plans for the provision of welfare, safety protection and behavioural promotion of children of concerned agencies, public and private alike, and report to the National Child Protection Committee;
- 5) To perform other work in accordance with the resolutions of, or as assigned by, the National Child Protection Committee.”

Article 78:

“Any person who violates Article 26 shall be liable to a term of imprisonment not exceeding three months or a fine not exceeding 30,000 Baht, or both.”

General child protection

Article 22:

“Treatment of the Child in any case shall give primary importance to the best interests of the child and any discrimination of an unfair nature shall not be allowed.”

Article 23:

“Guardians must take care, exhort and develop a child under their Guardianship in manners appropriate to local traditions, customs and culture but which in any case must not be below the minimum standards as stipulated in the ministerial regulations. They shall also safeguard the child under care against potentially harmful circumstances, whether physical or mental.”

Child prostitution

Article 4, clause 13:

“‘Torture’ means any commission or omission of acts which cause the deprivation of freedom of, or mental or physical harm to, a child; sexual abuses committed against a child; inducement of a child to act or behave in a manner which is likely to be mentally or physically harmful to the child, unlawful or immoral, regardless of the child’s consent.”

Article 26:

“Under the provisions of other laws, regardless of a child’s consent, a person is forbidden to act as follows:

- 1) Commit or omit acts which result in torturing a child’s body or mind;
- 3) Force, threaten, induce, encourage or allow a child to adopt behaviour and manners which are inappropriate or likely to be the cause of wrongdoing;
- 5) Force, threaten, induce, encourage, consent to, or act in any other way that results in a child becoming a beggar, living on the street, or use a child as an instrument for begging or committing crimes, or act in any way that results in the exploitation of a child;
- 6) Use, employ or ask a child to work or act in such a way that might be physically or mentally harmful to the child, affect the child’s growth or hinder the child’s development.”

Child trafficking

Article 26:

“Under the provisions of other laws, regardless of a child’s consent, a person is forbidden to act as follows:

- 4) Advertise by means of the media or use any other means of information dissemination to receive or give away a child to any person who is not related to the child, save where such action is sanctioned by the State;

- 5) Force, threaten, induce, encourage, consent to, or act in any other way that results in a child becoming a beggar, living on the street, or use a child as an instrument for begging or committing crimes, or act in any way that results in the exploitation of a child.”

Child pornography

Article 26(9):

“Under the provisions of other laws, regardless of a child’s consent, a person is forbidden to act as follows:

- 9) Force, threaten, use, induce, instigate, encourage or allow a child to perform or act in a pornographic manner, regardless of whether the intention is to obtain remuneration or anything else.”

Sale of children

Article 26(4):

“Under the provisions of other laws, regardless of a child’s consent, a person is forbidden to act as follows:

- 4) Advertise by means of the media or use any other means of information dissemination to receive or give away a child to any person who is not related to the child, save where such action is sanctioned by the State.”

SECTT

Article 26

“Under the provisions of other laws, regardless of a child’s consent, a person is forbidden to act as follows:

- 4) Advertise by means of the media or use any other means of information dissemination to receive or give away a child to any person who is not related to the child, save where such action is sanctioned by the State.

Article 27:

“It is forbidden for anyone to advertise or disseminate by means of the media or any other kind of information technology any information on a child or the child’s guardian, with the intention of causing damage to the mind, reputation, prestige or any other interests of the child or seeking benefit for oneself or others in an unlawful manner.”

ANTI-TRAFFICKING IN PERSONS ACT B.E. 2551 (2008)

Responsible for implementation

Section 5:

“The President of the Supreme Court and the Minister of Social Development and Human Security shall have charge and control of the execution of this Act, in relations to their respective authorities.”

Section 15:

“There shall be an Anti-Trafficking in Persons Committee to be called “ATP Committee” in brief, consisting of the Prime Minister as chairman, the Deputy Prime Minister, who acts as Chairman of the CMP Committee, as vice chairman, the Minister of Defense, the Minister of Foreign Affairs, the Minister of Tourism and Sports, the Minister of Social Development and Human Security, the Minister of Interior, the Minister of Justice, the Minister of Labour, and four qualified persons appointed by the Prime Minister from experts who have had no less than seven years demonstrable professional experiences in the fields of prevention, suppression, rehabilitation and international cooperation on the issues of trafficking in persons, one from each field, provided that not less than one half appointed from the private sector, as members, and the Permanent Secretary for Social Development and Human Security shall be the secretary and the Director-General of the Department of Social Development and Welfare and the Director-General of the Office of Welfare Promotion, Protection and Empowerment of Vulnerable Groups shall be the assistant secretaries. No less than one half of the qualified members in paragraph one must be female.”

Section 22:

“There shall be a Coordinating and Monitoring of Anti-Trafficking in Persons Performance Committee to be called “CMP Committee” in brief, consisting of the Deputy Prime Minister, being assigned by the Prime Minister, as chairman, the Minister of Social Development and Human Security, as vice chairman, the Permanent Secretary for Foreign Affairs, the Permanent Secretary for Tourism and Sports, the Permanent Secretary for Social Development and Human Security, the Permanent Secretary for Interior, the Permanent Secretary for Justice, the Permanent Secretary for Labour, the Permanent Secretary for Education, the Permanent Secretary for Public Health, the Attorney General, the Commissioner-General of the Royal Thai Police, the Director-General of the Department of Provincial Administration, the Director-General of the Department of Special Investigation, the Secretary-General of the Anti-Money Laundering Board, the Secretary General of the National Human Rights Commission, the Secretary General of the National Security Council, the Governor of Bangkok Metropolitan Administration, and eight qualified persons appointed by the Minister from experts who have had no less than seven years professional experiences in the fields of prevention, suppression, rehabilitation and international cooperation on the issues of trafficking in persons, two from each field, provided that not less than one half appointed from the private sector, as members, and the Deputy Permanent Secretary for Social Development and Human Security shall be a member and the secretary.”

Section 52:

“Whoever commits an offence of trafficking in persons shall be liable to the punishment of an imprisonment from four years to ten years and a fine from eighty thousand Baht to two hundred thousand Baht.

If the offence under paragraph one is committed against a child whose age exceeds fifteen years but not yet reaching eighteen years, the offender shall be liable to the punishment of an imprisonment from six years to twelve years and a fine from one hundred twenty thousand Baht to two hundred forty thousand Baht.

If the offence under paragraph one is committed against a child not over fifteen years of age, the offender shall be liable to the punishment of an imprisonment from eight years to fifteen years and a fine from one hundred sixty thousand Baht to three hundred thousand Baht.”

Child prostitution

Section 4:

“‘Exploitation’ means seeking benefits from the prostitution, production or distribution of pornographic materials, other forms of sexual exploitation, slavery, causing another person to be a beggar, forced labour or service, coerced removal of organs for the purpose of trade, or any other similar practices resulting in forced extortion, regardless of such person’s consent.”

Child trafficking

Section 6(2):

“Whoever, for the purpose of exploitation, does any of the following acts:

(1) procuring, buying, selling, vending, bringing from or sending to, detaining or confining, harboring, or receiving any person, by means of the threat or use of force, abduction, fraud, deception, abuse of power, or of the giving money or benefits to achieve the consent of a person having control over another person in allowing the offender to exploit the person under his control; or

(2) procuring, buying, selling, vending, bringing from or sending to, detaining or confining, harboring, or receiving a child;

is guilty of trafficking in persons.”

Section 7:

“Whoever commits any of the following acts, shall be punished likewise as the offender of an offence of trafficking in persons: (1) supporting the commission of an offence of trafficking in persons; (2) aiding by contributing property, procuring a meeting place or lodge, for the offender of trafficking in persons; (3) assisting by any means so that the offender of trafficking in persons may not be arrested; (4) demanding, accepting, or agreeing to accept a property or any other benefit in order to help the offender of trafficking in persons not to be punished; (5) inducing, suggesting or contacting a person to become a member of the organized criminal group, for the purpose of committing an offence of trafficking in persons.”

Section 8:

“Whoever prepares to commit an offence as aforesaid by Section 6, shall be liable to one-third of the punishment stipulated for such offence.”

Section 9:

“Whoever, from two persons upwards, conspires to commit an offence as aforesaid by Section 6 shall be liable to no more than one-half of the punishment stipulated for such offence. If any one of the offenders in paragraph one has committed in furtherance of the conspiratorial objective, each member of the conspiracy shall be liable, as an additional count, for the punishment stipulated for the committed offence. In case the commission of an offence is carried out up to the stage of commencement, but because of the intervention of any conspirator, the offence cannot be carried

through, or the offence is carried through but does not achieve its end, the conspirator so intervening is liable to the punishment as stipulated in paragraph one. If the offender, under paragraph one, reverses his position by providing a true statement in relation to the conspiracy to the competent official before the conspired offence is committed, the court may not inflict punishment or inflict less punishment upon such person to any extent than that prescribed by the law for such offence.”

Section 11:

“Whoever commits an offence mentioned in Section 6 outside the Kingdom shall be liable for the punishment stipulated in this Act in the Kingdom. The provision of Section 10 of the Penal Code shall apply *mutatis mutandis*.”

Section 33:

“The Ministry of Social Development and Human Security shall consider to provide assistance as appropriate to a trafficked person on food, shelter, medical treatment, physical and mental rehabilitation, education, training, legal aid, the return to the country of origin or domicile, the legal proceedings to claim compensation according to the regulations prescribed by the Minister, providing that human dignity and the difference in sex, age, nationality, race, and culture of the trafficked person shall be taken into account. The right to receive protection, whether it be prior to, during and after the assistance providing, including the timeframe in delivering assistance of each stage, shall be informed the trafficked person. In this connection, the opinion of trafficked person is to be sought. The competent official, in providing assistance under paragraph one, may place the trafficked person in the care of a primary shelter provided by the law on prevention and suppression of prostitution, or a primary shelter provided by the law on child protection, or other government or private welfare centers.”

Section 34:

“For the benefit of the assistance to a trafficked person, the inquiry official or public prosecutor shall, in the first chance, inform the trafficked person his right to compensation for damages resulting from the commission of trafficking in person and the right to the provisions of legal aid.”

Section 36:

“The competent official shall provide for the safety protection to the trafficked person under his care regardless of where such person stays, whether it be prior to, during or after the proceeding. In so doing, the safety of the family members of trafficked person shall also be taken into account. In case where the trafficked person will make statement or testify as a witness in the offense of trafficking in persons under this Act, the trafficked person, as a witness, shall be under the protection according to the law on the protection of witness in a criminal case in all respects. If the trafficked person has to return to the country of residence or domicile or if the family members of the trafficked person live in other country, the competent official shall coordinate with the agency in such country whether it be a government or a private agency and whether it be done via the embassy or consular office of such country, with a view to continuously provide safety protection for the trafficked person and family members in that country.”

Section 37:

“For the purpose of taking proceedings against the offender under this Act, or providing medical treatment, rehabilitation for the trafficked person, or claiming for compensation of the trafficked person, the competent official may assist the trafficked person to get a permission to stay in the Kingdom temporarily and be temporarily allowed to work accordance with the law. In so doing, the humanitarian reason shall be taken into account.”

Section 41:

“Unless the Minister of Justice grants a permission in writing, the inquiry official is barred from taking criminal proceeding against any trafficked person on the offence of entering, leaving, or residing in the Kingdom without permission under the law on immigration, giving a false information to the official, forging or using a forged travel document under the Penal Code, offence under the law on prevention and suppression of prostitution, particularly on contacting, persuading, introducing and soliciting a person for the purpose of prostitution and assembling together in the place of prostitution for the purpose of prostitution, or offence of being an alien working without permission under the law on working of the alien.”

Child pornography

Section 4:

“‘Exploitation’ means seeking benefits from the prostitution, production or distribution of pornographic materials, other forms of sexual exploitation, slavery, causing another person to be a beggar, forced labour or service, coerced removal of organs for the purpose of trade, or any other similar practices resulting in forced extortion, regardless of such person’s consent.”

SECTT

Section 11:

“Whoever commits an offence mentioned in Section 6 outside the Kingdom shall be liable for the punishment stipulated in this Act in the Kingdom. The provision of Section 10 of the Penal Code shall apply mutatis mutandis.”

PENAL CODE B.E. 2547 (2003)

Child prostitution

Section 286:

“Any person, being over sixteen years of age, subsists on the earning[s] of a prostitute, even [if] it is some part of her incomes, shall be punished with imprisonment of seven to twenty years and fined of fourteen thousand to forty thousand Baht, or imprisonment for life.

Any person has no other apparent or sufficient means of subsistence, and:

1. Is found residing or habitually associating with one or more prostitutes;
2. Takes board and lodging, or receives money or any other benefit arranged for by a prostitute; or
3. Take part in order to help any prostitute in her quarrel with her customer,

The provisions of this Section shall not be applied to any person who receives maintenance from a prostitute who is bound to give maintenance according to law or morality.”

Age of Consent Rules:

Section 277:

“Whoever has sexual intercourse with a girl not yet over fifteen years of age and not being his own wife, whether such girl shall consent or not, shall be punished with imprisonment of four to twenty years and fined of eight thousand to forty thousand Baht. If the commission of the offence according to the first paragraph is committed against a girl not yet over thirteen years of age, the offender shall be punished with imprisonment of seven to twenty years and fined of fourteen thousand to forty thousand Baht, or imprisonment for life.

If the commission of the offence according to the first or second paragraph is committed by participation of persons in the nature for destroying a girl and such girl is not consent, or by carrying the gun or explosive, or by using the arms, the offender shall be punished with imprisonment for life.

The offence as provided in the first paragraph, if the offender being the man commits against the girl over thirteen years but not yet over fifteen years of age with her consent and the Court grants such man and girl to marry together afterwards, the offender shall not be punished for such offence. If the Court grants them to marry together during the offender be still inflicted with the punishment, the Court shall release such offender.”

Section 277 bis:

“If the commission of the offence according to the first paragraph of Section 276, or the first or second paragraph of Section 277, causes:

- 1) Grievous bodily harm to the victim, the offender shall be punished with imprisonment of fifteen to twenty years and fined of thirty thousand to forty thousand Baht, or imprisonment for life;
- 2) Death to the victim, the offender shall be punished with death or imprisonment for life.”

Section 277 ter:

“If the commission of the offence according to the second paragraph of Section 276 or the third paragraph of Section 277, causes: Grievous bodily harm to the victim, the offender shall be punished with death or imprisonment for life Death to the victim, the offender shall be punished with death.”

Section 278:

“Whoever, committing an indecent act to the person out of fifteen years of age by threatening with any means, by doing any act of violence, by taking advantage of that person to be in the condition of inability to resist, or by causing that person to mistake him for the other person, shall be imprisoned not out of ten years or fined not out of twenty thousand Baht, or both.”

Section 279:

“Whoever, commits an indecent act on a child not yet over fifteen years of age, whether such child shall consent or not, shall be punished with imprisonment not exceeding ten years or fined not exceeding twenty thousand Baht, or both.

If the commission of the offence according to the first paragraph, the offender commits it by threatening by any means whatever, by doing any act of violence, by taking advantage of such child being in the condition of inability to resist, or by causing such child to mistake him for another person, the offender shall be punished with imprisonment not exceeding fifteen years or fined not exceeding thirty thousand Baht, or both.”

Section 280:

“If the commission of offence according to the Section 278 or Section 279 causes:

Grievous bodily harm to the victim, the offender shall be punished with imprisonment of five to twenty years and fined of ten thousand to forty thousand Baht;

Death to the victim, the offender shall be punished with death or imprisonment for life.”

Child trafficking

Section 282 (Amendment Act 2540):

“Whoever, for sexual gratification of another person, procures, lures or traffics a man or woman for an indecent sexual purpose, even with his or her consent, shall be punished with imprisonment of one to ten years, and a fine of two thousand to twenty thousand Baht.

If the commission of the offence in the first paragraph is committed against a person over fifteen years but not yet over eighteen years of age, the offender shall be punished with imprisonment of three to fifteen years and fined of six thousand to thirty thousand Baht.

If the commission of the offence according to the first paragraph is occurred to the child not yet over fifteen years of age, the offender shall be punished with imprisonment of five to twenty years and fined of ten thousand to forty thousand Baht.

Whoever, for sexual gratification of another person, receives the person who is procured, lured, or trafficked as provided in the first, second or third paragraph, or aids or abets in the commission of such offence, shall be punished with the punishment accordingly provided in the first, second or third paragraph, as the case may be.”

Section 283 (Amendment Act 2540):

“Whoever, for sexual gratification of another person, procures, lures or traffics a man or woman for an indecent sexual purpose, by using the deceitful means, threats, physical assault, immoral influence, or mental coercion by any means, the offender shall be punished with imprisonment of five to twenty years, and a fine of ten thousand to forty thousand Baht.

If the commission of the offence according to the first paragraph is occurred to the person over fifteen years but not yet over eighteen years of age, the offender shall be punished with imprisonment of seven to twenty years and fined of fourteen thousand to forty thousand Baht, or imprisonment for life.

If the commission of the offence according to the first paragraph is occurred to the child not yet over fifteen years of age, the offender shall be punished with imprisonment of ten to twenty years and fined twenty thousand to forty thousand Baht, or life imprisonment, or death penalty.

Whoever for sexual gratification of another person, receives the person who was procured, lured, or trafficked away as provided in the first, second or third paragraph, or supports in such commission of offence, shall be liable to the punishment as provided in the first, second or third paragraph, as the case may be.”

Section 283 bis (Amendment Act 2540):

“Whoever takes away the person over fifteen years but not yet over eighteen years of age for indecent act with consent of such person, shall be punished with imprisonment of not exceeding five years or fined not exceeding ten thousand Baht, or both.

If the commission of offence according to the first paragraph is occurred to the child not yet over the fifteen years of age, the offender shall be punished with imprisonment not exceeding seven years or fined not exceeding fourteen thousand Baht, or both.

Whoever, conceals the person who is brought away according to the first or second paragraph, shall be liable to punishment accordingly provided in the first or second paragraph, as the case may be.

If the offences according to the first and third paragraph are specially occurred in the case of committing to the person exceeding the fifteen years of age, they are compoundable offences.”

Section 284 (Amendment Act 2540):

“Whoever brings another person for indecent sexual purpose, by using deceitful means, threat, physical assault, immoral influence, or mental coercion by any mean, shall be punished with imprisonment of one of ten years and fined of two thousand to twenty thousand Baht.

Whoever conceals the person who was brought away as provided by the first paragraph, shall be punished with the imprisonment of one to ten years, and a fine of two thousand to twenty thousand Baht.

The offence according to this Section is [a] compoundable offence.”

Section 312 ter (Amendment Act 2540):

“Whoever, for gaining illegal benefit, receives, sells, procures, lures, or traffics a person over fifteen years but not yet over eighteen years of age, even with the consent of that person, shall be punished with imprisonment not exceeding five years, or a fine not exceeding ten thousand Baht, or both.

If the commission of the offence in the first paragraph is committed against a person not yet over fifteen years of age, the offender shall be punished with imprisonment not exceeding seven years, or a fine not exceeding fourteen thousand Baht, or both.”

Child pornography

Section 287:

“Whoever:

1. For the purpose of trade or by trade, for public distribution or exhibition, makes, produces, possesses, brings or causes to be brought into the Kingdom, sends or causes to be sent out of the Kingdom, takes away or causes to be taken away, or circulates by any means whatever, any document, drawing, print, painting, printed matter, picture, poster, symbol, photograph, cinematograph film, noise tape, picture tape or any other thing which is obscene;
2. Carries on trade, or takes part or participates in the trade concerning the aforesaid obscene material or thing, or distributes or exhibits to the public, or hires out such material or thing;
3. In order to assist in the circulation or trading of the aforesaid obscene material or thing, propagates or spreads the news by any means whatever that there is a person committing the

act which is an offence according to this Section, or propagates or spreads the news that the aforesaid obscene material or thing may be obtained from any person or by any means, shall be punished with imprisonment not exceeding three years or fined not exceeding six thousand Baht, or both.”

Sale of children

Section 312:

“Whoever, so as to enslave the person or to cause the person to be in the position similar to the slave, bringing into or sending out of the Kingdom, removing, buying, selling, disposing, accepting or restraining any person, shall be imprisoned not out of seven years and fined not out of fourteen thousand Baht.”

Section 312 bis:

“If the commission of the offence according to Section 310 bis or Section 312 is committed to the child not exceeding fifteen years of age, the offender shall be punished with imprisonment of three to ten years and fined not exceeding twenty thousand Baht. If the commission of the offence according to the first paragraph or Section 310 bis or Section 312 causes:

1. Bodily harm or mental harm to the victim, the offender shall be punished with imprisonment of five to fifteen years and fined not exceeding thirty thousand Baht;
2. Grievous bodily harm to the victim, the offender shall be punished with imprisonment for life or imprisonment of seven to twenty years;
3. Death to the victim, the offender shall be punished with death, imprisonment for life or imprisonment of fifteen to twenty years.”

Section 312 ter:

“Whoever, by dishonestly, accepting, disposing, procuring, seducing or taking away the person over fifteen years but not yet over eighteen years of age by such person’s consent, shall be imprisoned not out of five years or fined not out of ten thousand Baht, or both. If the committing the offence according to paragraph 1 committed to the child not yet out of fifteen years of age, such offender shall be not out of seven years or fined not out of fourteen thousand Baht, or both.”

Section 317:

“Whoever, without reasonable cause, takes away a child not yet over fifteen years of age from the parent, guardian or person looking after such child, shall be punished with imprisonment of three to fifteen years and fined of six thousand to thirty thousand Baht.

Whoever dishonestly buys, disposes of or accepts such child to taken away according to the first paragraph, shall be liable to the same punishment as the person who takes the child away. If the offence of this Section has committed for lucre or indecent purpose, the offender shall be punished with imprisonment of five to twenty years and fined of ten thousand to forty thousand Baht.”

Section 318:

“Whoever, takes away a minor over fifteen years but not yet over eighteen years of age from the parent, guardian or person looking after such minor against a will of such minor, shall be punished with imprisonment of two to ten years and fined of four thousand to twenty thousand Baht.

Whoever dishonestly buys, disposes of or accepts a minor to taken away according to the first paragraph, shall be liable to the same punishment as the person who takes such minor away. If the offence according to this Section has committed for lucre or indecent purpose, the offender shall be punished with imprisonment of three to fifteen years and fined of six thousand to thirty thousand Baht.”

Section 319:

“Whoever, takes away a minor over fifteen years of age but not yet over eighteen years of age from the parent, guardian or person looking after such minor for lucre or indecent purpose with the consent of such minor, shall be punished with imprisonment of two to ten years and fined of four thousand to twenty thousand Baht.

Whoever dishonestly buys, disposes, or accepts a minor to taken away according to the first paragraph, shall be liable to the same punishment as the person who takes such minor away.”

SECTT

Section 4:

“Whoever, committing an offence within the Kingdom, shall be punished according to law.

The offence committed in any Thai vessel or airplane irrespective of any place of Thai vessel or airplane shall be deemed as being committed within the Kingdom.”

Section 7 (Amendment Act 2540):

“Whoever commits the following offences outside the Kingdom shall be punished in the Kingdom, namely:

(2) bis. Sexual offences as provided in Section 282 and Section 283.”

Section 8:

“Whoever commits an offence outside the Kingdom shall be punished in the Kingdom; provided that, and, provided further that the offence committed be any of the following namely:

- (a) The offender be a Thai person, and there be a request for punishment by the Government of the country where the offence has occurred or by the injured person; or
- (b) The offender be an alien, and the Thai Government or a Thai person be the injured person, and there be a request for punishment by the injured person.”

AMENDMENT TO PENAL CODE ON CHILD PORNOGRAPHY (PENDING)

General child protection

Section 1(17):

Defines a ‘child’ as anyone who is under the age of 18.

Child pornography

Section 1(17):

“‘Child pornography’ means materials or matter that are understood as or depict sexual acts of a child or with a child who is not over the age of 18, through images, stories or in a manner that can be understood as pornographic, whether in the form of documents, drawings, illustrations, printed matter, pictures, advertised images, symbols, photographs, movies, audio tapes, video tapes, or any other similar manner. This definition shall include various materials and matter listed previously that can be stored in computer systems or other electronic equipment that can show understandable results.”

Section 287/1:

“Whoever possesses child pornography for the sexual benefit of oneself or of another person, the offender shall be punished with imprisonment of not over 5 years or fined not over 100,000 baht or both.

If the offender in Paragraph 1 forwards the child pornography to another person, the offender shall be punished with imprisonment of not over 7 years or fined 140,000 baht or both.”

Section 287/2:

“Whoever

- (1) for the purpose of trade or by trade or for distribution or public exhibition, makes, produces, imports into or causes to be imported into the Kingdom, exports or causes to be exported from the Kingdom, takes or causes to be taken, or disseminates by any means any child pornography;
- (2) trades, participates or engages in the trade of child pornography and then distributes child pornography or exhibits child pornography to the public, or hires out child pornography;
- (3) for the purpose of disseminating or trading of child pornography, advertises or propagates by any means that there is a person who commits an act which amounts to an offence under this section, or advertises or propagates how or from whom child pornography may be obtained shall be liable to imprisonment from 3 years to 10 years or a fine from 60,000 baht to 200,000 baht or both.”

PREVENTION AND SUPPRESSION OF PROSTITUTION ACT B.E. 2539 (1996)

Responsible for implementation

Section 14:

“There shall be a Protection and Vocational Development Committee called in brief the “P.V.C.”. The Committee shall consist of Permanent Secretary of the Ministry Labour and Social Welfare as the Chairperson, Director General of Public Welfare Department, Director General of Local Administration Department, Director General of Employment Department, Director General of Community Development Department, Director General of Non-formal Education Department, Director General of Communicable Disease Control Department, Director General of Royal Thai Police Department, Director General of Skill Development Department, Director General of General Education Department, Director General of Vocational Education Department, Secretary General of Office of the National Primary Education Commission, Secretary General of National Youth Bureau, or

Deputy Director Generals or Deputy Secretary Generals entrusted by the aforesaid Director Generals or Secretary Generals, the representative of Central Juvenile and Family Court, a representative of National Commission on Women's Affairs, and other experts not exceeding seven persons, appointed by the Minister, to be members of the Committee. The Director of the Office of the Protection and Vocational Development Committee shall be a member and the secretary of the Committee. The chairperson may appoint not more than two persons to be assistant secretaries.

The expert members appointed by the Minister under the first paragraph shall have expertise and experience in the prevention and rectification of the prostitution problems. At least five of the appointed expert members shall be from the experts who work in nongovernment organizations involved in the prevention and rectification of the prostitution problems."

Section 16:

"There shall be a Provincial Protection and Vocational Development Committee for each province called in brief the "Provincial P.V.C." Each Committee shall consist of the Provincial Governor or Deputy Provincial Governor entrusted by the Provincial Governor as the chairperson of the Committee, Provincial Secretary or a representative, Provincial Employment Official or a representative, Provincial Chief Police or a representative, Provincial Community Development Official or a representative, Provincial Formal Education Official or a representative, Provincial General Education Official or a representative, Director of the Provincial Primary Education Office or a representative, Director of the Provincial Non-formal Education Centre or a representative, Provincial Public Health Official or a representative, Provincial Labour and Social Welfare Official or a representative, Provincial Chief Public Prosecutor or a representative, and other experts not exceeding seven persons, appointed by the Provincial Governor, to be members of the Committee. The Provincial Public Welfare Official shall be a member and the secretary of the Committee.

The expert members appointed by the Provincial Governor under the first paragraph shall have the expertise and experience in the prevention and rectification of prostitution problems. At least five of the expert members shall be appointed from the experts who work in non-governmental organizations involved in the prevention and rectification of the prostitution problems."

Section 25:

"The Office of the Protection and Vocational Development Committee shall be established within the Department of Public Welfare, Ministry of Labour and Social Welfare; and the Office of the Protection and Vocational Development Committee shall have functions and duties as follows: (1) to be responsible for all administrative work of the P.V.C.; (2) to co-ordinate and co-operate with the government sector, government and private agencies involved in the work of protection and vocational development, and prevention and suppression of prostitution; (3) to provide vocational training and development; (4) to promote professions and to provide jobs for the persons, completed the vocational training and development under (3); (5) to collect the results of analyses, researches, work performances, monitoring and assessment of the implementation of the policies and action plans on the protection and vocational development of the relevant government sector, government and private agencies; and then report the findings to the P.V.C.; (6) to perform the function pursuant to the resolutions of the P.V.C., or the works entrusted by the P.V.C."

Section 45:

"The Minister of Labour and Social Welfare Ministry shall have duty and control of the execution of this Act. The Minister shall have authority to appoint officials and issue ministerial regulations and announcements for the execution of this Act."

Child prostitution

Section 4:

“Prostitution’ means the acceptance of sexual intercourse, the acceptance of any other act, or the commission of any other act for sexual gratification of another person in a promiscuous manner for remuneration or any other benefit, irrespective of whether the person who accepts such act and the person who commits such act are of the same or opposite sex;

‘Primary Shelter’ means a place provided by the Government, or a place established by a foundation, association, or any other institute, under this Act, for the temporary admission of persons receiving protection and vocational development in order to consider appropriate measures for the protection and vocational development for each one;

‘Protection and Vocational Development Place’ means a place provided by the Government, or a place established by a foundation, association, or any other institute for welfare protection and vocational development of the person who receives protection and vocational development under this Act;

‘Protection and Vocational Development’ means mental rehabilitation, medical treatment, vocational skill training and development, including development of the quality of life.”

Section 5:

“Whoever, for the purpose of prostitution, offers, solicits, introduces oneself to, follows, or importunes another person on a street, in a public place, or any other place and such act is overtly and shamelessly committed or causes nuisance to the public, shall be punished with a fine not exceeding one thousand baht.”

Section 6:

“Whoever congregates with another person in a prostitution establishment for the benefit of prostitution of that person or of another person shall be punished with imprisonment not exceeding one month, or a fine not exceeding one thousand baht, or both. If the offence under the first paragraph is committed because of being forced or under an influence unable to avoid or resist, the offender is not guilty.”

Section 7:

“Whoever advertises or agrees to advertise, induces, or introduces with documents or printed material, or acts by any other means to distribute information to the public in an obvious manner of solicitation or communication for prostitution of that person or of any other person, shall be punished with imprisonment of six months to two years, or a fine of ten thousand to forty thousand baht, or both.”

Section 8:

“Whoever, for sexual gratification of that person or of another person, commits sexual intercourse or any other act against a person over fifteen years but not over eighteen years of age, with or without his or her consent, in a prostitution establishment, shall be punished with imprisonment of one to three years and a fine of twenty thousand to sixty thousand baht.

If the offence under the first paragraph is committed against a child not over fifteen years of age, the offender shall be punished with imprisonment of two to six years and a fine of forty thousand to one hundred and twenty thousand baht.”

Section 10:

“Whoever, being the father, mother, or guardian of a person not over eighteen years of age, knows that there is an offence as specified in the second, third, or fourth paragraph of Section 9 being committed against the person under his or her guardianship, and connives in the commission of such offence, shall be punished with imprisonment of four to twenty years, and a fine of eighty thousand to four hundred thousand baht.”

Section 11:

“Whoever is the owner of a prostitution business, supervisor, or manager of a prostitution business or prostitution establishment, or controller of a prostitute in the prostitution establishment, shall be punished with imprisonment of three to fifteen years, and a fine of sixty thousand to three hundred thousand baht.

If the prostitution business or prostitution establishment under the first paragraph has a person over fifteen but not over eighteen years of age for prostitution, the offender shall be punished with imprisonment of five to fifteen years, and a fine of one hundred thousand to three hundred thousand baht.

If the prostitution business or prostitution establishment under the first paragraph has a child not over fifteen years of age for prostitution, the offender shall be punished with imprisonment of ten to twenty years, and a fine of two hundred thousand to four hundred thousand baht.”

Section 12:

“Whoever detains or confines another person, commits any other act that deprives the liberty of another person, assaults another person, or threatens with any other means to commit a violent act against another person, in order to force such person to prostitution activity, shall be punished with imprisonment of ten to twenty years, and a fine of two hundred to four hundred thousand baht.

If the offence under the first paragraph causes to the victim:

- (1) serious bodily harm, the offender shall be punished with life imprisonment.
- (2) death, the offender shall be punished with the death penalty or life imprisonment.

Whoever abets the commission of the offence under the first or second paragraph shall be punished with the penalty provided in the first or second paragraph, as the case may be.

If the perpetrator or abettor in the commission of the offence under the first paragraph is an administrative or police official, official or worker in the primary shelter or in the protection and vocational development place under this act, such perpetrator or abettor shall be punished with imprisonment of fifteen to twenty years and a fine of three hundred thousand to four hundred thousand baht.”

Section 13:

“If the father, mother, or guardian of the person committing the offence under Section 5, Section 6, or Section 7, connives at the act of prostitution by the person in his or her guardianship, a public prosecutor, being requested by the Committee for the Protection and Vocational Development, shall file an application to the court to revoke the guardianship of the father, mother, or guardian, and to appoint a guardian to replace the father, mother, or former guardian.

In the case that court will appoint a new guardian under the first paragraph and the court has the opinion that no person is suitable to be the guardian of the offender, the court may appoint the director of a primary shelter or the director of a protection and development place, of which jurisdiction the offender is under, to be the guardian of the offender.

The provisions in the Civil and Commercial Code relating to guardianship appointment shall apply mutatis mutandis to the appointments of guardian under this Section.”

Section 33:

“In the case that an offender, committing an offence under Section 5 or Section 6, is not over eighteen years of age and is not charged, or is not under a criminal proceeding in any other offence punishable with imprisonment, or is not convicted with imprisonment; the inquiry official shall, after the offence has been settled by a fine, notify the Public Welfare Department in order to send such person into the care of the primary shelter which has jurisdiction.

In the case under the first paragraph, if the offender is over eighteen years of age and wishes to receive the protection and vocational development in a protection and vocational development place, the inquiry official shall notify the Public Welfare Department in order to send such person into the care of the primary shelter which has jurisdiction.”

Section 34:

“In case that the offender, committing an offence under Section 5, Section 6, or Section 7, is not over eighteen years of age, and the court, having considered the biography, behavior, intelligence, education, health, mental condition, occupation and environment of the offender, determines that the offender should not be punished but should receive protection and vocational development instead, the Public Welfare Department shall receive the offender for sending to the primary shelter which has jurisdiction within fifteen days from the date the court renders its judgment.”

Child trafficking

Section 9:

“Whoever procures, seduces, or takes away another person to commit the act of prostitution, even with consent of such person, irrespective of whether the various acts which constitute the offence are committed inside or outside the Kingdom, shall be punished with imprisonment of one to ten years and a fine of twenty thousand to two hundred thousand baht.

If the offence under the first paragraph is committed against a person over fifteen years but not over eighteen years of age, the offender shall be punished with imprisonment of five to fifteen years and a fine of one hundred thousand to three hundred thousand baht.

If the offence under the first paragraph is committed against a child not over fifteen years of age, the offender shall be punished with imprisonment of ten to twenty years and a fine of two hundred thousand to four hundred thousand baht.

If the offence under the first, second, or third paragraph is committed by using deceitful means, threat, physical assault, immoral influence, or by any other means for mental coercion, the offender shall be punished with punishment one-third heavier than the punishment as provided in the first, second, or third paragraph.

Whoever, in order to provide prostitution, accepts a person with the knowledge that such person was procured, deceived, or brought away under the first, second, third, or fourth paragraph, or abets the commission of such offence, shall be punished with the punishment provided in the first, second, third, or fourth paragraph, as the case may be.”

COMPUTER CRIME ACT B.E. 2550 (2007)

Responsible for implementation

Section 4:

“The Minister of Information and Communication Technology shall have charge and control of the execution of this Act and shall have the power to issue Ministerial Regulations for the execution of this Act.”

Child pornography

Section 14:

“Whoever commits the following offences, shall be punished with imprisonment not exceeding five years and fine not exceeding one hundred thousand baht or both:

(4) input, into computer system, any obscene computer data which is accessible to the public.”

Section 15:

“Any service provider intentionally supports or consents to commit the offence under section 14 in the computer system under his control shall receive the same punishment as prescribed in section 14 (shall receive the same punishment as prescribed for the offender under section 14).”

Section 16:

“Whoever inputs, into computer system to which the public can access, photographs of another person, and such photographs are developed, edited, added or altered by electronic or any other means in a manner likely to impair the reputation of such another person, to expose such other person to public hatred or contempt, or to shame, shall be punished with imprisonment not exceeding three years and fine not exceeding and fine not exceeding sixty thousand baht or both.”

Section 17:

“Whoever commits the offence according to this Act outside the Kingdom shall be punished in the Kingdom provided that:

- (1) The offender be a Thai, and there be a complaint from the Government of the country where the offence has been committed or from the injured person, or;
- (2) The offender be an alien, and the Thai Government or a Thai be the injured person, and there be a complaint from the injured person.”

Section 19:

“The power of authority of the relevant competent official under Section 18 (4), (5), (6), (7) and (8), is given when that competent official files a petition to a court with jurisdiction for an instruction to allow the relevant competent official to take action. However, the petition must identify a reasonable ground to believe that the offender is committing or going to commit an offence under the Act as well as the reason of requesting the authority, including the characteristics of the alleged offense, a description of the equipment used to commit the alleged offensive action and details of the offender, as much as this can be identified. The court should adjudicate urgently such aforementioned petition.

When the court approves permission, and before taking any action according to the court’s instruction, the relevant competent official shall submit a copy of the reasonable ground memorandum to show that an authorization under Section 18 (4), (5), (6), (7) and (8), must be employed against the owner or possessor of the computer system, as evidence thereof. If there is no owner of such computer thereby, the relevant competent official should submit a copy of said memorandum as soon as possible.

In order to take action under Section 18 (4), (5), (6), (7) and (8), the senior officer of the relevant competent official shall submit a copy of the memorandum about the description and rationale of the operation to a court with jurisdiction within forty eight (48) hours after the action has been taken as evidence thereof.

When copying computer data under Section 18 (4), and given that it may be done only when there is a reasonable ground to believe that there is an offence against the Act, such action must not excessively interfere or obstruct the business operation of the computer data’s owner or possessor.

Regarding seizure or attachment under Section 18 (8), a relevant competent official must issue a letter of seizure or attachment to the person who owns or possesses that computer system as evidence. This is provided, however, that the seizure or attachment shall not last longer than thirty days. If seizure or attachment requires a longer time period, a petition shall be filed at a court with jurisdiction for the extension of the seizure or attachment time period. The court may allow only one or several time extensions, however altogether for no longer than sixty days. When that seizure or attachment is no longer necessary, or upon its expiry date, the competent official must immediately return the computer system that was seized or withdraw the attachment.

The letter of seizure or attachment under paragraph one shall be in accordance with a Ministerial Rule.”

Section 26:

“Traffic data shall be kept by service provider not exceeding ninety days as from the day following the access into computer system. In case in which it has been necessary, the competent official shall order as particular case and time, any service provider to keep it more than ninety days, but not exceeding one year.

Service provider shall keep, as necessary, user’s data in order to identify the user as from beginning of use service and store it not less than ninety days after termination of service.

Provision or paragraph one shall apply to a kind of service provider, how, and when shall be prescribed by the Minister published in the Government Gazette.

Any service provider fail to comply with this section, shall be punished with fine not exceeding five hundred thousand baht.”

NATIONAL CHILD AND YOUTH DEVELOPMENT PROMOTION ACT B.E. 2550 (2007)

Responsible for implementation

Article 5:

“The Minister of Social Development and Human Security shall be responsible for the enforcement of this Act, and shall have the power to issue ministerial regulations and rules to enable the implementation of this Act.”

Article 6:

“The Ministry of Social Development and Human Security shall be responsible for the development of children and youth and for finding solutions to problems that may impact adversely upon their development, based on the following principles:

(6) enhance awareness on giving, volunteerism and participation in the development of community and nation.”

Article 7:

“Children and youth shall have the rights to be registered at birth, the rights to development, the rights to acknowledgement, and the rights to protection and participation as provided by this Act or any other related acts, equally and without unjust discrimination on the grounds of origin, race, language, gender, age, disability, physical or health condition, personal or economic or social status, religious belief and culture, education, political opinion, birth or any other status of the children, youth, their parents or guardians.”

Article 10:

“There shall be a National Commission on the Promotion of Child and Youth Development comprised of: (1) Prime Minister or Deputy Prime Minister designated by the Prime Minister as the Chairperson; (2) Minister of Social Development and Human Security as the First Vice Chairperson; (3) Minister of Education as the Second Vice Chairperson; (4) Members comprising the Permanent Secretary to the Ministry of Defense, of Tourism and Sports, of Social Development and Human Security, of Interior, of Justice, of Labour, of Culture, of Education, of Public Health, and the President of National Council for Child and Youth Development under the Royal Patronage of H.R.H. Princess Maha Chakri Sirindhorn;

(5) No more than five distinguished members appointed by the Prime Minister from psychologists, social workers and persons who are knowledgeable and skilled and who have extensive experiences in child and youth development in the private sector; (6) One representative of the local administrative organizations elected among themselves; (7) Two child and youth representatives, one male and one female, elected by the Child and Youth Council of Thailand.”

Article 11:

“The Commission shall have the following authority and duties:

1. To propose policies and plans on child and youth development to the Cabinet for approval, taking into consideration existing international obligations of Thailand;
2. To propose guidelines for improving laws, regulations and rules relating to child and youth development to the Cabinet;

3. To determine procedures and practices for both public and private agencies relating to the assistance and support for the improvement of quality of life of child and youth, to provide technical assistance, research and development, subsidies, facilities and other services on an equitable and just basis;
4. To support the organization of the National Assembly on Child and Youth Development at least once a year to analyze situations of child and youth, review systems and mechanisms, and develop knowledge, skills and perspectives on child and youth development;
5. To evaluate and prepare report on the national promotion of child and youth development for the Cabinet and the Parliament, at least once a year;
6. To perform other work in accordance with the resolutions of, or as assigned by the Cabinet."

Article 22:

"The Provincial Social Development and Human Security Office shall establish District Child and Youth Council, comprising children and youth in the districts. There shall be an Administration for the District Child and Youth Council, consisting of one chairperson of the council and other executives of not more than 15 people who are elected among themselves from student representatives of educational institutes defined by the National Education Act, that are located in the district, from lower secondary level upwards, and representatives of out of school child and youth. The Administration of the District Child and Youth Council shall consult among itself and formulate guidelines for organizing activities relating to child and youth development in their district and to take other necessary actions to fulfil the objectives of its establishment. The Provincial Social Development and Human Security Chief Officer, Director of Area Education Office in the district, representatives of local administrative organizations and representatives of private organizations or community organizations with extensive experiences in child and youth development shall be advisors to the Administration. As an initial term, the District Child and Youth Councils shall be established within ninety days from the day this Act becomes effective."

Article 25:

"There shall be Provincial Child and Youth Councils, members consisting of representatives from the administration of the District Child and Youth Councils of not more than five persons from each District Child and Youth Council within the province. As an initial term, a Provincial Child and Youth Council shall be established within one hundred and eighty days from the day this Act becomes effective."

Article 28:

"There shall be the Bangkok Metropolitan Child and Youth Council, members consisting of:

- (1) Representatives of students from education institutes as defined by the National Education Act in Bangkok Metropolitan:
 - (a) No more than 20 representatives of secondary school students selected by the Area Education Office;
 - (b) No more than 20 representatives of vocational students selected by the Office of the Vocational Education Commission;
 - (c) No more than 20 representatives of students in higher education selected by the Office of the Higher Education Commission.
- (2) No more than 40 representatives of out of school child and youth selected from children and youth in Bangkok Metropolitan.

As an initial term, the Bangkok Metropolitan Child and Youth Council shall be established within one hundred and eighty days from the day this Act becomes effective.”

Article 29:

“An Administration of Bangkok Metropolitan Child and Youth Council shall be established, consisting of one chairperson of the council and not more than 20 executives elected from members of Bangkok Metropolitan Child and Youth Council. The Administration shall be responsible for general administration of the council and for carrying out activities for the development of children and youth in Bangkok as well as for undertaking necessary actions to fulfil the objectives of its establishment. The Bangkok Governor, Representative of Bangkok Metropolitan Educational Office, Representative of the Office of Vocational Education Commission, Representative of Office of Higher Education Commission, Representative of Office and not more than five representatives of private organizations or community organizations with extensive experiences in child and youth development appointed by the Bangkok Governor shall be advisors to the Administration.”

Article 32:

“There shall be the Child and Youth Council of Thailand, members consisting of:

(1) Chairpersons of all Provincial Child and Youth Councils; (2) Chairperson of the Bangkok Metropolitan Child and Youth Council; (3) Thirty eight representatives of children and youth selected by children and youth groups registered according to the Ministerial regulation, with due consideration to variety and representativeness of children and youth groups. As an initial term, the Child and Youth Council of Thailand shall be established within two hundred and seventy days from the day this Act becomes effective.”

Article 34:

“An Administration of Child and Youth Council of Thailand shall be established, consisting of one chairperson and not more than 25 executives elected among themselves from members of the Child and Youth Council of Thailand. The Administration shall be responsible for general administration of the Council, proposing plans or guidelines for the development of child and youth to the Office for the benefit of the formulation of the National Child and Youth Development Plan, and representing children and youth, or selecting child and youth representatives to participate in activities relating to child and youth development at the national and international levels as well as taking other necessary actions to fulfil the objectives of its establishment.”

Article 41:

“To promote public participation in the development of child and youth, non - governmental organizations or community organizations which have demonstrable experience in child and youth development and no political or commercial agenda may register with the Ministry of Social Development and Human Security as private organizations or community organizations for child and youth development in accordance with the criteria, procedures and conditions prescribed in the ministerial regulations.”

WITNESS PROTECTION ACT B.E. 2546 (2003)

Responsible for implementation

Section 9:

“Whenever there are explicit circumstances or suspicion that a witness has lost his/her security, the witness or other concerned party, a competent investigation official, competent interrogation official or competent criminal case prosecution official shall apply to the Minister of Justice or his appointed official to arrange for special protection measures, subject to the witness’s consent.”

Section 10:

“The Witness Protection Bureau shall arrange for one or more of the following special protection measures:

- (1) A new place of accommodation;
- (2) Daily living expenses for the witness or his/her dependants not exceeding 1 year, with extensions as necessary for 3 months each time, not exceeding 2 years;
- (3) Coordination with the relevant agencies in order to change the first name, family name and information that may contribute to knowledge of the personal identity of the witness, including arrangements for a return to original status;
- (4) Action to help the witness have his/her own career, and training, education and other means of proper living for his/her life;
- (5) Assistance or action on behalf of a witness for his/her lawful rights;
- (6) Arrangements for a bodyguard service for a necessary period of time;
- (7) Other actions to assist and support a witness with his/her security as appropriate.

In acting under the prior paragraph, the officials of the relevant agencies must keep confidentiality; it is not lawful to disclose [this information] except with the authorisation of the Minister of Justice.”

Section 13:

“The Witness Protection Bureau shall be established under the administration of the Ministry of Justice. The Bureau shall deal with general or specific measures and proper practices. These include coordination and arrangement to obtain results among public agencies, and private organisations, where relevant, and to make protection measures effective under this Act.”

Child prostitution

Section 8:

“A witness in the following [types of] cases may be eligible to the privilege of special protection measures:

- (3) A sexual offence under the Penal Code relating to the luring of a person for the sexual gratification of another.”

Child trafficking

Section 8:

“A witness in the following [types of] cases may be eligible to the privilege of special protection measures:

(3) A sexual offence under the Penal Code relating to the luring of a person for the sexual gratification of another.”

CRIMINAL PROCEDURE CODE AMENDMENT ACT B.E. 2550 (2007)

Child prostitution

Section 133 *bis*:

“In a case of a sexual offence, offence against life and body which is not in light of an affray, offence against liberty, offence of extortion, offence of robbery and offence of brigandage under the Criminal Code, a case of an offence under the law on protection and suppression of prostitution, a case of offence under the law on protection and suppression of women and children trafficking, a case of an offence under the law on servicing houses or any other offence liable to a term of imprisonment, if the victim or witness is a child not yet over its eighteenth year, the inquirer shall, upon application of such child, interrogate it separately at a place suitable for it and in presence of a psychologist or social worker, a person applied for by it and a public prosecutor. Should the psychologist or social worker entertain an opinion that the interrogation of any child or any question would have a severe impact upon the mental condition of the child, the inquirer shall raise his questions through the psychologist or social worker in a manner that the child is prevented from hearing such questions. Nonetheless, the child shall not be questioned repeatedly without justifiable ground.

It shall be the duty of the inquirer to inform the psychologist or social worker, the person applied for by the child and the public prosecutor, including the victim or witness being a child, of the rights set forth in paragraph 1.

The victim or witness being a child may enter a challenge against the psychologist, social worker or public prosecutor participating in its interrogation. In this respect, the person so challenged shall be replaced. Subject to section 139, the inquirer shall cause the interrogation of the child under paragraph 1 to be recorded audio visually by the means allowing a continuous broadcasting in order to bear witness thereof.

In case of an urgent need where it is reasonably unable to await the participation of the psychologist or social worker, the person applied for by the child and the public prosecutor, the inquirer may interrogate the child in presence of any of the persons set forth in paragraph 1, but the grounds whereon such participation cannot be awaited shall be noted down in the inquiry file and the interrogation conducted in such manner shall be deemed lawful.”

Section 133 *ter*:

“Where the inquirer deems it is necessary to have the victim or witness being a child not yet over its eighteenth year identifying any person, he shall organise such identification at a place suitable for the child, and by the means of preventing the person to be identified from directing any gaze towards the child, and in presence of a psychologist or social worker, a person applied for by the child and a public prosecutor, save the case of necessity where any of such persons cannot be found

or awaited and the child does not require the presence or does not desire to await that person anymore, in which event the inquirer shall note such necessity down in the inquiry file.

Where the person to be identified is a child not yet over its eighteenth year, the inquirer shall organise such identification at a place suitable for the child and by the means of preventing the child from laying its eyes onto the identifier.”

Child trafficking

Section 133 bis:

“In a case of a sexual offence, offence against life and body which is not in light of an affray, offence against liberty, offence of extortion, offence of robbery and offence of brigandage under the Criminal Code, a case of an offence under the law on protection and suppression of prostitution, a case of offence under the law on protection and suppression of women and children trafficking, a case of an offence under the law on servicing houses or any other offence liable to a term of imprisonment, if the victim or witness is a child not yet over its eighteenth year, the inquirer shall, upon application of such child, interrogate it separately at a place suitable for it and in presence of a psychologist or social worker, a person applied for by it and a public prosecutor. Should the psychologist or social worker entertain an opinion that the interrogation of any child or any question would have a severe impact upon the mental condition of the child, the inquirer shall raise his questions through the psychologist or social worker in a manner that the child is prevented from hearing such questions. Nonetheless, the child shall not be questioned repeatedly without justifiable ground.

It shall be the duty of the inquirer to inform the psychologist or social worker, the person applied for by the child and the public prosecutor, including the victim or witness being a child, of the rights set forth in paragraph 1.

The victim or witness being a child may enter a challenge against the psychologist, social worker or public prosecutor participating in its interrogation. In this respect, the person so challenged shall be replaced. Subject to section 139, the inquirer shall cause the interrogation of the child under paragraph 1 to be recorded audio visually by the means allowing a continuous broadcasting in order to bear witness thereof.

In case of an urgent need where it is reasonably unable to await the participation of the psychologist or social worker, the person applied for by the child and the public prosecutor, the inquirer may interrogate the child in presence of any of the persons set forth in paragraph 1, but the grounds whereon such participation cannot be awaited shall be noted down in the inquiry file and the interrogation conducted in such manner shall be deemed lawful.”

Section 133 ter:

“Where the inquirer deems it is necessary to have the victim or witness being a child not yet over its eighteenth year identifying any person, he shall organise such identification at a place suitable for the child, and by the means of preventing the person to be identified from directing any gaze towards the child, and in presence of a psychologist or social worker, a person applied for by the child and a public prosecutor, save the case of necessity where any of such persons cannot be found or awaited and the child does not require the presence or does not desire to await that person anymore, in which event the inquirer shall note such necessity down in the inquiry file.

Where the person to be identified is a child not yet over its eighteenth year, the inquirer shall organise such identification at a place suitable for the child and by the means of preventing the child from laying its eyes onto the identifier.”

SECTT

Section 22:

“When an offence has, or is alleged or believed to have, been committed inside the district of any court, the offence shall be subject to jurisdiction of such court, save:

1. Where the defendant is residing or has been arrested, or the inquiry has been held, in any locality outside the district of such court, in which event may the offence be tried and adjudicated by the court having jurisdiction over such locality.
2. Where the offence has been committed outside the Kingdom of Thailand, in which event shall the offence be tried and adjudicated by the Criminal Court and, had the inquiry been held in a locality subject to the jurisdiction of any court, by such court also.”

MONEY LAUNDERING CONTROL ACT, B.E. 2542 (1999)

Responsible for implementation

Section 4:

“The Prime Minister shall be in charge of the enforcement of this act and has the power to appoint competent officials, and to issue Ministerial Regulations, Rules, and Notifications in accordance with this Act.”

Child prostitution

Section 3, clause 2:

“(2) Offences relating to sexuality under the Penal Code, in particular to sexual offenses pertaining to procuring, seducing, or taking or enticing for indecent act on women or children in order to gratify the sexual desire of another person, and offenses relating to the trafficking in children or minors, or offenses under the Measures to Prevent and Suppress Trading of Women and Children Act, or offenses under the Prevention and Suppression of Prostitution Act, in particular related to offenses of procuring, seducing, enticing or kidnapping a person for the purpose of prostitution trade, or offenses relating to being an owner of a prostitution business, or an operator, or a manager of place of prostitution business, or supervising persons who commit prostitution for trade in a prostitution business.”

Child trafficking

Section 3, clause 2:

“(2) Offences relating to sexuality under the Penal Code, in particular to sexual offenses pertaining to procuring, seducing, or taking or enticing for indecent act on women or children in order to gratify the sexual desire of another person, and offenses relating to the trafficking in children or minors, or offenses under the Measures to Prevent and Suppress Trading of Women and Children Act, or offenses under the Prevention and Suppression of Prostitution Act, in particular related to offenses of procuring, seducing, enticing or kidnapping a person for the purpose of prostitution trade, or

offenses relating to being an owner of a prostitution business, or an operator, or a manager of place of prostitution business, or supervising persons who commit prostitution for trade in a prostitution business.”

Sale of children

Section 3, clause 2:

“(2) Offenses relating to sexuality under the Penal Code, in particular to sexual offenses pertaining to procuring, seducing, or taking or enticing for indecent act on women or children in order to gratify the sexual desire of another person, and offenses relating to the trafficking in children or minors, or offenses under the Measures to Prevent and Suppress Trading of Women and Children Act, or offenses under the Prevention and Suppression of Prostitution Act, in particular related to offenses of procuring, seducing, enticing or kidnapping a person for the purpose of prostitution trade, or offenses relating to being an owner of a prostitution business, or an operator, or a manager of place of prostitution business, or supervising persons who commit prostitution for trade in a prostitution business.”

ANNEX 4: COUNTRY PROFILE TABLES AND CHARTS

Education – comparative summary

	Thailand ⁵²⁷	Cambodia ⁵²⁸	Laos ⁵²⁹	Viet Nam ⁵³⁰
Public Spending as a % of GDP (2008-2010) allotted to education	3.8%	2.6%	3.3%	6.6%
Attendance in early childhood education (2005-2012) – Poorest 20%	54.8%	4.2%	5.3%	58.8%
Attendance in early childhood education (2005-2012) – Richest 20%	77.6%	67.3%	73%	90.6%
Attendance in early childhood education (2005-2012) – Female	61.4%	31.1%	25.3%	73.1%
Attendance in early childhood education (2005-2012) – Male	60%	28.8%	20.9%	70.8%

Birth Registration – comparative summary

	Thailand ⁵³¹	Cambodia ⁵³²	Laos ⁵³³	Viet Nam ⁵³⁴
Birth Registration	100%	62.1%	74.8%	95%
Birth Registration – Urban	99.6%	74.4%	87.8%	97.1%
Birth Registration – Rural	99.3%	59.9%	71.3%	94.2%

Data taken from 2005 to 2012

Children in work vs. Children in school (5-17 years old)

	Thai	Migrant	Total	Percentage
Children in school that do not engage in work	7010	145	7155	85.9
Children that combine work and study	655	17	672	8.1
Children that engage in work only	221	123	344	4.1
Children that do not engage in work or study	99	57	156	1.9

Source: International Labour Organization, *Baseline Surveys on Child Labour in Selected Areas in Thailand*, September 2013

527 UNICEF, “Thailand”, Accessed 8 July 2015, http://www.unicef.org/infobycountry/Thailand_statistics.html

528 UNICEF, “Cambodia”, Accessed 8 July 2015, http://www.unicef.org/infobycountry/cambodia_statistics.html

529 UNICEF, “At a glance: Lao People’s Democratic Republic”, Accessed 8 July 2015, http://www.unicef.org/infobycountry/laopdr_statistics.html

530 UNICEF, “At a glance: Viet Nam”, Accessed 8 July 2015, http://www.unicef.org/infobycountry/vietnam_statistics.html

531 UNICEF, “Thailand”, Accessed 8 July 2015, http://www.unicef.org/infobycountry/Thailand_statistics.html

532 UNICEF, “Cambodia”, Accessed 8 July 2015, http://www.unicef.org/infobycountry/cambodia_statistics.html

533 UNICEF, “At a glance: Lao People’s Democratic Republic”, Accessed 8 July 2015, http://www.unicef.org/infobycountry/laopdr_statistics.html

534 UNICEF, “At a glance: Viet Nam”, Accessed 8 July 2015, http://www.unicef.org/infobycountry/vietnam_statistics.html

Child Labour – comparative summary⁵³⁵

	Thailand ⁵³⁶	Cambodia ⁵³⁷	Laos ⁵³⁸	Viet Nam ⁵³⁹
Child Labour	8.3%	36.1%	10.1%	6.9%
Child Labour – Female (% of total female children 5-14 years of age)	8.2%	35.9%	11.2%	7.4%
Child Labour – Male (% of total male children 5-14 years of age)	8.3%	36.4%	9%	6.5%

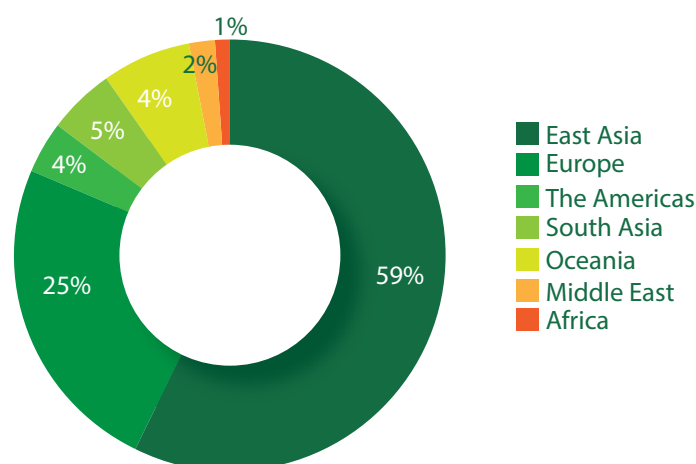
Data taken from 2002 to 2012 as a percentage of children aged 5 to 14 years of age

Child Marriage – comparative summary

	Thailand ⁵⁴⁰	Cambodia ⁵⁴¹	Laos ⁵⁴²	Viet Nam ⁵⁴³
Married by 15	2.8%	2.1%	8.9%	0.5%
Married by 18	19.6%	18.4%	35.4%	9.3%

Data taken from 2002 to 2012 as a percentage of the total population

International Tourism Distribution (by Region) 2014



Source: Thailand Ministry of Tourism and Sports, International Tourist Arrivals to Thailand by Nationality, January – December 2014, available at: https://translate.googleusercontent.com/translate_c?depth=1&hl=en&prev=search&rurl=translate.google.co.th&sl=th&u=http://tourism.go.th/farms/uploaded/Traveller%2520Stat/2557/NATIONALITY/Inter%2520Jan_Dec%25202014.xls&usg=ALkJrhijOB9_fa5WG2KdTBhfVZH9OqPEmQ

535 A child is considered to be involved in child labour activities under the following classification: (a) children 5 to 11 years of age that during the week preceding the survey did at least one hour of economic activity or at least 28 hours of domestic work, and (b) children 12 to 14 years of age that during the week preceding the survey did at least 14 hours of economic activity or at least 42 hours of economic activity and domestic work combined. UNICEF, definitions and data sources, definitions of the indicators.

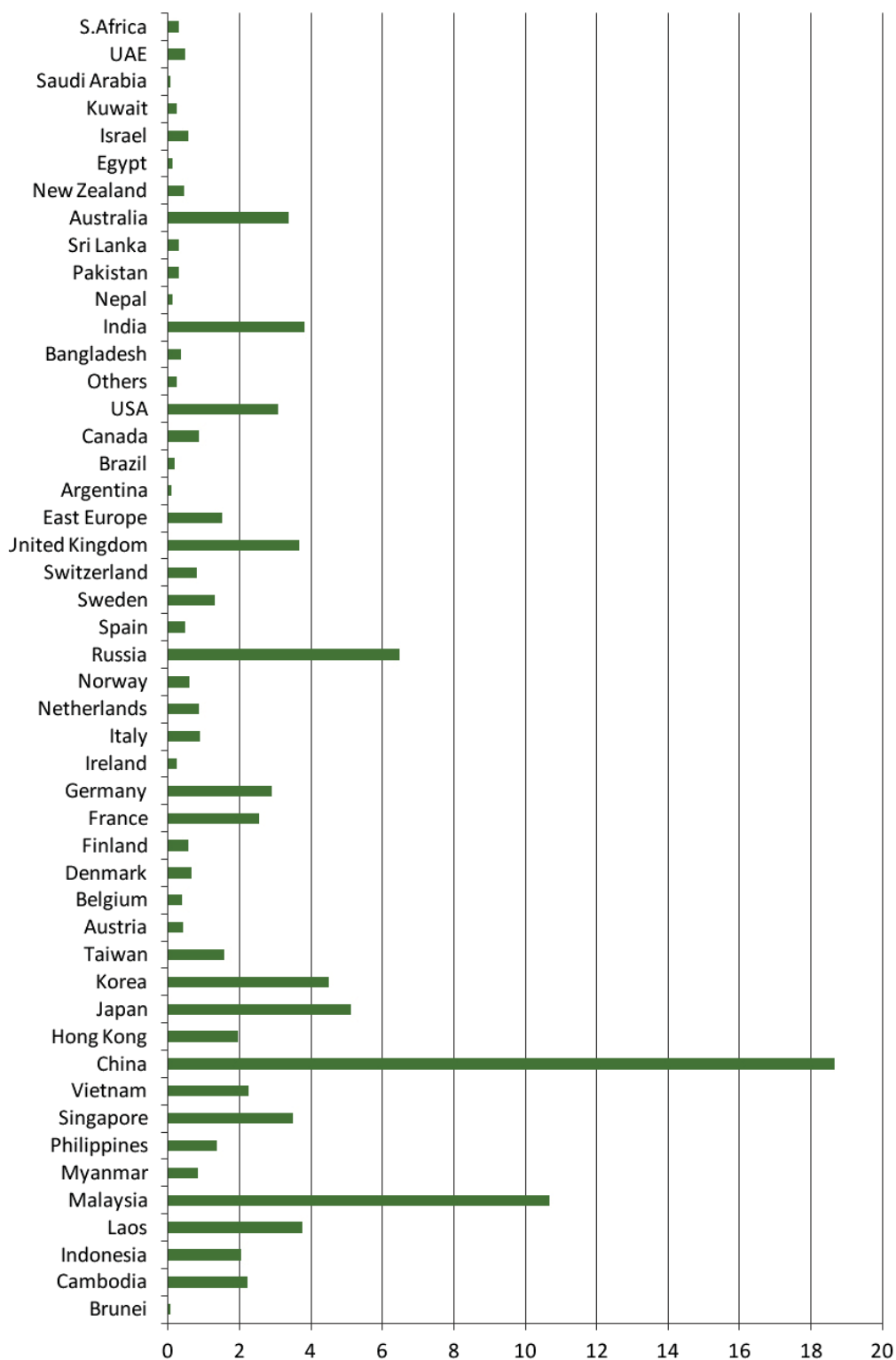
536 UNICEF, “Thailand”, Accessed 8 July 2015, http://www.unicef.org/infobycountry/Thailand_statistics.html

537 UNICEF, “Cambodia”, Accessed 8 July 2015, http://www.unicef.org/infobycountry/cambodia_statistics.html

538 UNICEF, “At a glance: Lao People’s Democratic Republic”, Accessed 8 July 2015, http://www.unicef.org/infobycountry/laopdr_statistics.html

539 UNICEF, “At a glance: Viet Nam”, Accessed 8 July 2015, http://www.unicef.org/infobycountry/vietnam_statistics.html

International Tourism Distribution (by Country) 2014



Source: Thailand Ministry of Tourism and Sports, International Tourist Arrivals to Thailand by Nationality, January – December 2014 (horizontal axis = percent share)

ANNEX 5: PARTICIPANTS AT ROUNDTABLE CONSULTATIONS

First Roundtable Consultation, Pattaya City Hall, 22 April 2015

Organisation	Name & Position
Hand to Hand Foundation	- Ms. Margaret Grainger Director
Child Protection and Development Centre, Human Help Network (HHN) Foundation Thailand	- Ms. Radchada Chomjinda Director, HHN Foundation - Ms. Prathin Seangkla Head of Social Work, CPDC
Pattaya City Hall	- Ms. Arunrasamee Boonkerd Chief of Social Work Section - Pol.Lt.Col. Chirawat Sukontasaph Chief of Pattaya City Law Enforcement
Shelter Center Pattaya	- Ms. Sunanta Kaewnuang Center Manager
Tourist Police Volunteer	- Ms. Anna Minjohn Tourist Police Volunteer
Oak Foundation and ECPAT International	- Ms. Anastasia Anthopoulos Representative, OAK Foundation - Ms. Dorothy Rozga Executive Director, ECPAT - Ms. Junita Upadhyay Deputy Director - Programmes, ECPAT - Mr. Mark Capaldi Head of Research and Policy, ECPAT - Ms. Hélène de Rengervé Senior Planning and Development Officer, ECPAT - Ms. Kritsana Pimonsaengsuriya Coordinator and Interpreter for the visit

Second Roundtable Consultation, Bangkok, 31 August 2015

NAME & POSITION	ORGANISATION
1) Ms. Apiradee Thianthong (Ph.D) Country Programme Coordinator	AAPTIP (Australia – Asia Programme to Combat Trafficking in Persons)
2) Pol.Lt.Col. Chakkapong Kingkaeo Inspector of Sub Division	Special Branch Division II, Royal Police of Thailand
3) Ms. Christine Munro	Independent consultant
4) Dr. Dares Chusri	Independent Consultant
5) Fr. Doroteo Reyes Southeast Asia Coordinator for Anti- trafficking in Persons	Caritas Asia
6) Mr. Jurgen Thomas International Project Director	Alliance Anti Traffic Regional Thailand (AAT Reg. Thailand)
7) Dr. Kerry Richter	Institute for Population & Social Research, Mahidol University
8) Ms. Patamaporn Ho-uaychai Social Development Officer (practitioner level)	International Cooperation Group, Strategy and Planning Division, Department of Children and Youth, MSDHS
9) Ms. Phunyanuch Pattanotai Communication Officer	Alliance Anti Traffic Regional Thailand (AAT Reg. Thailand)
10) Ms. Pusa Srivilas	Independent consultant
11) Ms. Ryratana Rangsitpol Country Programme Coordinator (Thailand)	UN Women Regional Office for Asia and the Pacific
12) Dr. Simon Baker	Academic
13) Ms. Sudarat Sereewat Executive Director	FACE Foundation
14) Ms. Victoria Juat Chief of Child Protection Section	UNICEF Thailand
15) Ms. Vuthaya Charoenpol Country Program Director	Friends International
16) Mr. Mark Capaldi Head of Research and Policy	ECPAT International
17) Ms. Junita Upadhyay Deputy Executive Director of Programmes	ECPAT International
18) Ms. Rebecca Rittenhouse Legal Research and Monitoring Officer	ECPAT International
19) Ms. Kritsana Pimonsaengsuriya	Independent consultant



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