



# Global Monitoring

status of action against commercial sexual exploitation of children

## THAILAND



2<sup>nd</sup> EDITION

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# GLOSSARY OF TERMS AND ACRONYMS

- **AHTD** - Anti-Human Trafficking Division
- **AMLAT**- Treaty on Mutual Legal Assistance in Criminal Matters
- **ASEAN**- Association of Southeast Asian Nations
- **CAHT**- Centre against International Human Trafficking
- **CEOP**- U.K.'s multi-sector Child Exploitation and Online Protection Centre
- **COMMIT**- Coordinated Mekong Ministerial Initiative against Trafficking
- **CRC**- Convention on the Rights of the Child
- **CSEC**-commercial sexual exploitation of children
- **CSR**- corporate social responsibility
- **CST**- child sex tourism
- **DSI**- Department of Special Investigation
- **EAP**- East Asia and Pacific
- **ECPAT**- End Child Prostitution, Child Pornography, and Trafficking of Children for Sexual Purposes
- **FANC**- Foreign Anti-Narcotic and Crime Community
- **ICC**- International Cooperation Centre
- **ICE**- US Immigration and Customs Enforcement
- **ISP**- internet service provider
- **MOU**- Memorandum of Understanding
- **MSDHS**- Ministry of Social Development and Human Security
- **MYF**- Mekong Youth Forum
- **NECTEC**- National Electronics and Computer Technology Centre
- **NGO**- non-governmental organisation'
- **NOCHT**- National Operation Centre on Prevention and Suppression of Human Trafficking
- **NPA**- National Plan of Action
- **NTC**- National Telecommunications Commission
- **OPP**- Office of Welfare Promotion, Protection and Empowerment of Vulnerable Groups
- **OPSC**- Optional Protocol on the sale of children, child prostitution and child pornography
- **OSCC**- one-stop crisis centres
- **RTP**- Regional Training Programme to Combat Human Trafficking
- **SPA**- COMMIT Sub-regional Plan of Action
- **TCCC**- Transnational Crime Coordination Centre
- **TCCN**- Transnational Crime Coordination Network
- **TCCU**- law enforcement transnational crime coordination units
- **THALACC**- Thai-Lao Cross Border Collaboration on Tracing Missing Trafficked Victims in Thailand
- **UNESCAP**- United Nations Economic and Social Commission for Asia and the Pacific
- **UNIAP**- United Nations Inter-Agency Project against Human Trafficking
- **UNICEF**- United Nations Children's Fund
- **YPP**- Youth Partnership Project for Child Survivors and Youth at Risk of Commercial Sexual Exploitation

# FOREWORD

The 2008 Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents (CSEC) represents a broad societal alliance that builds on more than twenty years of global action. The First World Congress against Commercial Sexual Exploitation of Children was held in 1996 in Stockholm, Sweden. It marked the first public recognition by governments of the existence of CSEC and resulted in a commitment to an Agenda for Action adopted by 122 governments.

Since 1996, many actors around the world have focused their efforts around this common agenda, and more government and non-government entities have joined in to advance positive change for children and to protect their right to live free from sexual exploitation.

However, the increasing sophistication of resources available to those who seek to exploit children has grown in equal measure. Responding to these challenges, and particularly to new CSEC manifestations such as exploitation using the Internet and mobile technologies, requires new partnerships, and more coordinated and targeted efforts to address a borderless crime.

Experience demonstrates that the level of responsibility and role that a government takes to set and uphold standards of protection determines the nature, quantity and quality of what the country achieves overall for its children. Unfortunately, country actions have not been uniform, and far more urgent work must be done. In particular, the Rio Declaration highlights the increased vulnerability of children in a less stable world.

This is why I welcome the publication of second editions of ECPAT International's Agenda for Action (A4A) Country Reports Monitoring the Status of Action against the Commercial Sexual Exploitation of Children.

We are confident these unique publications will support governments to take prescribed actions to protect children from such heinous violations, which are still perpetrated with impunity in many countries. They also have the potential to stimulate the exchange of experience and knowledge among different actors to create a dialogue that can enhance our collective efforts against CSEC.

Over the years, ECPAT's A4A reports have become a baseline of information on actions taken and a roadmap for addressing gaps in each country based on the framework of the Stockholm Agenda. The reports succeeded in their goal of providing a basis for more systematic assessment of progress on implementation of country commitments. Moreover, we know they provide an important support to the implementation of other international mechanisms that exist to protect children's rights, such as the *Convention on the Rights of the Child (CRC)* and the *Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography*. Today, 193 countries have ratified the CRC, and 143 the OPSC.

Production of such comprehensive publications requires global collaboration. ECPAT International would like to thank all those who participated in the work and contributed their inputs. This includes ECPAT member groups, local experts and organisations, as well as the dedicated staff and interns in the Secretariat of ECPAT International. We acknowledge the generous support of donors who back these efforts. The A4A reports would not have been realised without their support and solidarity.



Kathleen Speake  
Executive Director, ECPAT International

# METHODOLOGY

The Agenda for Action against Commercial Sexual Exploitation of Children provides a detailed framework and categories of actions to be taken by governments in partnership with civil society organizations and other relevant actors for combating commercial sexual crimes against children. Broadly, these actions are focused on: 1) Coordination and Cooperation; 2) Prevention; 3) Protection; 4) Recovery, Rehabilitation and Reintegration; and 5) Child Participation. The Agenda for Action is thus the formal and guiding structure used by governments that have adopted it and committed to work against CSEC. As such, the Agenda for Action is also the main organising framework for reporting on the status of implementation of the Agenda as seen in the World Congress II of 2001, the Mid-Term Review meetings held between 2004 and 2005 and the World Congress III in 2008. It has been used in the same way to structure and guide the research, analysis and preparation of information presented in these reports on the status of implementation of the Agenda in the individual countries.

Preparatory work for this 2<sup>nd</sup> Edition report involved a review of the literature available on sexual exploitation for each of the countries where ECPAT works. A number of tools were prepared, such as a detailed glossary of CSEC terms, explanatory literature on more difficult themes and concepts and a guide to relevant CSEC-related research tools, to assist researchers in their work and to ensure consistency in the gathering, interpreting and analysing of

information from different sources and parts of the world.

Desktop research has shown a continuing lack of information in the areas of Recovery, Rehabilitation and Reintegration. After extensive efforts to collect information relevant to these areas for each of the countries covered, it was decided that as this information was not consistently available, the reports thus focus only on those areas of the Agenda for Action where verifiable information can be obtained. Thus, the report covers: Coordination and Cooperation; Prevention; Protection and Child and Youth Participation, and where information on recovery, rehabilitation and reintegration, was available, it has been included under the country overview. These 2<sup>nd</sup> Edition Reports also reflect a greater focus on integrated and inter-sector collaboration for the realisation of the right of the child to protection from sexual exploitation, including the need nationally for comprehensive child protection systems.

Research of secondary sources, including CRC country and alternative reports, OPSC country and alternative reports, the reports of the Special Rapporteurs, as well as research and field studies of ECPAT, governmental and non-governmental organizations, regional bodies and UN agencies, provided the initial information for each report. This information was compiled, reviewed and used to produce first draft reports. In-house and consultant specialists undertook a similar process of review to generate information on

specialised areas of the reports, such as the legal sections. Nevertheless, researchers often encountered a lack of information. While sources also included unpublished reports and field and case reports of ECPAT and other partners, many countries lacked up-to-date data and information on areas relevant to this report.

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

validating information as different actors offered their perspective and analysis based on their direct work.

As previously noted, the information of each country report is organised to correspond to the structure of the Agenda for Action. Thus all the 2<sup>nd</sup> Edition reports feature updated information in relation to: (i) an overview of the main CSEC manifestations affecting the country; (ii) analysis of the country's National Plan of Action (NPA) against CSEC and its implementation (or the absence of an NPA); (iii) overview and analysis of coordination and cooperation efforts during the period under review; (iv) overview and analysis of prevention efforts; (v) overview and analysis of protection efforts, which includes detailed information on national legislation related to CSEC (see [www.ecpat.net](http://www.ecpat.net) for further details); (vi) overview and analysis of country's efforts incorporate participation of children in youth in the development and implementation of efforts to combat CSEC and (vii) priority actions required.



# THAILAND

## INTRODUCTION

Thailand is a constitutional monarchy with a population of about 66 million. With pro-investment policies, a well-developed infrastructure and a free-enterprise economy, Thailand has made important progress in social and economic development. After facing economic contraction during the global crisis in 2009, Thailand experienced impressive 7.8 percent growth in 2010 and is expected to grow 3.7 percent in 2011.<sup>1</sup> Poverty has fallen from its recent height of 21 percent to 8 percent in 2009. Thailand enjoys relative prosperity and development compared to neighbouring countries, but poverty and social inequality remain problematic, especially in rural areas in the Northeast and North regions.<sup>2</sup> Many groups in Thailand have been left behind, particularly ethnic minorities, migrants, refugees and the very poor.

For many children in Thailand, life has improved in the past decade, but children in disadvantaged communities have missed out on the benefits of the country's progress.<sup>3</sup> They face malnutrition, exclusion from education, child labour and other forms of exploitation.<sup>4</sup> Development itself and the changes that it creates have brought new challenges for children and young people.<sup>5</sup> These include the spread of HIV/AIDS and the break up of traditional family systems.<sup>6</sup> The existence of demand for sex with children and individuals wanting to exploit vulnerable children in order to make profit has resulted in many children in Thailand being victimised through

trafficking for sexual purposes, prostitution and pornography. The prevalence of tourism coupled with poverty are additional underlying social factors that contribute to the vulnerability of children to sexual exploitation in the travel and tourism sector. There are also indicators that children who are not in desperate poverty are becoming involved in commercial sexual exploitation in response to growing materialism.<sup>7</sup>

The government is making efforts to combat the commercial sexual exploitation of children (CSEC), especially trafficking in children. On the other hand, poor implementation of laws and policies, as well as some instances of corruption or official involvement in the exploitation of children remain pressing a problem. A large number of children are reported sexually abused every year, and there are reports of incidents of police reluctance to investigate these cases.<sup>8</sup>

A news report in February 2011<sup>9</sup> documented the raid of a karaoke bar in Chiang Mai (a Northern province), which resulted in the rescue of thirteen women and girls aged 13-15 from Northern ethnic minority communities ("hill-tribes"), who were being sold for sex services to the bar's customers. Similarly, local NGOs working against human trafficking recently reported a rapid growth in the number of entertainment establishments, such as karaoke bars and massage parlours, in an area along the Thailand-Malaysia border in response to a new economic development



policy extending the closing time of border checkpoints from 20:00 to 23:00.<sup>10</sup> Though economic development has increased along the Thailand–Malaysia border, an unfortunate side effect has been an increase in the sex trafficking of children and women from neighbouring countries.<sup>11</sup>

Licensing regulations require that entertainment establishments registered through the Culture Ministry refrain from serving alcohol or offering sexual services with establishments wishing to offer these services need to register with the much stricter Interior Ministry.<sup>12</sup> According to media reports, of the 548 karaoke bars in Bangkok and 6,674 in other provinces holding licences from the Culture Ministry, at least 3,000 have violated these licensing regulations.<sup>13</sup> Those involved in the trafficking of children and women for commercial sexual exploitation, both within Thailand and internationally, have capitalised on this lack of enforcement of the law and from the Culture and Interior Ministries.<sup>14</sup>

Prostitution is technically illegal in Thailand, but sexual services are sold openly with an estimated 60,000 children under age 18 involved in prostitution.<sup>15</sup> Local officials with commercial interests in prostitution sometimes protect the practice.<sup>16</sup> In addition to entertainment venues being used as a front

for prostitution and sex trafficking, other types of ‘business’ fronts are massage parlours, ‘curtain’ hotels and even restaurants.<sup>17</sup>

Thailand is a popular tourist destination and evidence shows children are sexually exploited through abusive use of development and facilities available in the flourishing tourist industry. The government is making some efforts to address the issue, but the attention placed on the large number of most visible foreign sex tourists overshadows the even larger population of local people seeking sexual services.<sup>18</sup> Technological innovations in the country have facilitated the production, possession and sharing of child pornography, particularly through the Internet.

Following the 1996 Stockholm and the 2001 Yokohama global forums on CSEC, Thailand reaffirmed its commitments at the World Congress III against the Sexual Exploitation of Children and Adolescents, in November 2008 in Brazil. The World Congress III renewed global commitment and galvanized international resolve to combat sexual exploitation of children and adolescents. In total, more than 3,000 people took part in the three-day gathering, including representatives from government, the private sector and civil society as well as 300 children and adolescents from around the world.<sup>19</sup>

## Trafficking in children for sexual purposes

Thailand is a source, transit, and destination country for children trafficked for the purpose of sexual exploitation. The Ministry of Social Development and Human Security acknowledges an increase of foreign children trafficked into Thailand for sexual exploitation.<sup>20</sup> Children are trafficked from Cambodia, the Lao PDR, Myanmar the People’s Republic of China and Vietnam for commercial sexual exploitation in Thailand. Thai victims of child sex trafficking are sent

abroad to Japan, Australia via Malaysia and Hong Kong.<sup>21</sup> In addition, Thai women and children are also trafficked to the Middle East via ‘recruiting’ agencies and end up forced into debt-bondage and slavery. Many repatriated Thai sex trafficking victims were trafficked to Bahrain and Malaysia.<sup>22</sup>

A recent news article published in April 2011<sup>23</sup> reports high numbers of Burmese women and girls, some as young as 13-

14 years old, being trafficked and sold to brothels in a small fishing port town in Ranong province, bordering southern Myanmar. Some were lured by human traffickers, tricked or forced into prostitution by false promises of high earnings by supposedly working in a restaurant in a Burmese town across the border from Ranong. After arriving in the town, they were forced to provide sex services to Burmese men and later sold to Thai brothel owners in Ranong. Some young women were approached by prostitution brokers and trafficked directly from their homeland in Myanmar to Ranong brothels. Others were sent to Phuket. Reports suggest anti-trafficking law enforcement in Ranong remains ineffective.<sup>24</sup>

Children are also trafficked internally within the country from ethnic minority groups in rural, northern Thailand to urban cities for sexual exploitation.<sup>25</sup> There are no reliable estimates of the number of child trafficking victims currently in Thailand. According to a Child Protection Officer at UNICEF, the number of Thai children victims of trafficking identified has decreased and instead there are more children from neighbouring countries such as Cambodia, the Lao PDR and Myanmar within the last decade. The decrease may be due to lengthening compulsory education as well as initiatives by the government and NGO sectors.<sup>26</sup>

Stateless children, those without citizenship in any country, remain one of the groups most vulnerable to CSEC. Children from some ethnic minority communities as well as children of undocumented migrants born in Thailand prior to 2008 are not yet

granted birth registration and thus prone to statelessness.<sup>27</sup> The questionable legal status of stateless persons prevents them from accessing state social services or sufficient employment. Economic hardship, fear of the legal system, and a lack of education render them vulnerable to those in positions of power ready to coerce stateless persons into exploitative positions, including CSEC. Refugees often face many of the same vulnerabilities. There have been some NGO reports of children from Myanmar being trafficked out of camps or camp vicinities in Thailand.<sup>28</sup>

According to a recent NGO Coalition report of the Universal Periodic Review of Thailand<sup>29</sup>, 2005-2010, the law on Thai Citizenship (B.E.2008) was amended to return Thai citizenship to those ethnic minorities who lost their Thai citizenship in 1972. However, it is claimed that 480,000 people remain stateless, including 66,000 school age children.<sup>30</sup>

In 2010, the Thai Government laudably withdrew its reservation to Section 7 of the CRC (provide a birth certificate to all children without any condition), it appears that there are a number of refugee groups with members born in Thailand that have yet to be issued these certificates.<sup>31</sup> Although the government has initiated procedures for classifying stateless persons as refugees through issuing certificates upon birth, there remain many groups to which this procedure has yet to be applied, leaving them without legal status.<sup>32</sup> It has been estimated that unregistered children in Thailand account for some 5% of newborns or 50,000 children each year.<sup>33</sup>

The US Department of State annually releases a *Trafficking in Persons Report* which categorises countries into different “tiers” based on the extent of government action to combat human trafficking. Countries that have the highest level of compliance with the *Trafficking Victims Protection Act’s* minimum standards for the elimination of trafficking are placed in **Tier 1**. Those that have made “significant efforts” to meet the standards are placed in **Tier 2** and countries that are not making significant efforts to combat human trafficking are placed in **Tier 3**.<sup>34</sup>

In the 2010 report, Thailand was placed in **Tier 2 (watchlist)**.<sup>35</sup>

## Child sex tourism

Tourism is a major source of income for Thailand, accounting for 6-7% of GDP and bringing approximately 14 million visitors per year.<sup>36</sup> Furthermore, some recent years have seen around 144 million domestic travellers within Thailand.<sup>37</sup>

Whilst Thailand continues to be one of the main destination countries for travelling child sex offenders in the ASEAN region, reports suggest that crackdowns on child prostitution by Thai authorities in cooperation with Interpol and several foreign law enforcement agencies have induced offenders to move to neighbouring countries such as Cambodia, Laos, Vietnam and even Bangladesh to look for children.<sup>38</sup> A number of changes in the characteristics of child sex tourism in Thailand have been noted in the last years. Organised crime appears to be less involved in the arrangement of child sex tourism, except in the case of very young children. However, the interface point for child sex tourism accordingly seems to be shifting to the streets rather than organised brothels.<sup>39</sup> Children are also often delivered directly to provide sex services to an adult based on a pre-arrangement made between the adult and an intermediary controlling the child.

Research by Johns Hopkins University, published in 2007, found that the largest group of foreign sex tourists in Thailand may be opportunistic perpetrators or situational offenders, without a specific preference for children and without a prior plan to engage in sex with children. However, when presented with the opportunity, these men take advantage of vulnerable children. Conversely, preferential child sex tourists and paedophiles, who in earlier years viewed Thailand as a safe haven for child sexual exploitation, may be less common than in the past. With regard to locations and trends, there appears to be a decrease in child sex tourism in Bangkok while in Pattaya, Phuket, and Chiang Mai the problem is still prevalent.<sup>40</sup>

In terms of law enforcement, according to the Royal Thai Police, a total of 42 and 72 reports pertaining to suspected CST offences were received on the National Hotline Number in 2007 and 2008 respectively. Fifteen foreign child sex offenders were arrested in 2008<sup>41</sup> and sixteen cases of arrests of foreign perpetrators occurred in Thailand in 2009.<sup>42</sup> Alleged travelling child-sex offenders arrested in 2007 – 2008 were mainly aged 50-59 and above while victims were mostly male children and youth aged between 12 and 20 years.<sup>43</sup>

## The need for better law enforcement

One recent episode of ineffective law enforcement provoked widespread criticism. The case involved a UK paedophile who was released on bail pending appeal and went on to commit at least six sex offences against children before being sentenced to jail. It was reported that the offender had paid “fines” to the police to evade previous allegations.<sup>44</sup> Cases such as these highlight the pressing need for better oversight and coordination within and among law enforcement agencies. Even if most officers fulfil their duties honestly and effectively, without such oversight and coordination, particular incidents of corruption or ineffectiveness can place numerous children at risk of exploitation and abuse. Alleviating such problems requires institutionalized coordination and well-formulated systemic checks and balances.

Recent cases, involving the arrest of foreign teachers for sexual abuse of children while working in Thailand<sup>45</sup> have highlighted the vulnerability of school children to sexual exploitation due to the absence of mechanisms to protect children in educational institutions. Foreigners who visit Thailand with the intention of sexually exploiting children take advantage of the Thai policy of visa on arrival. They can easily find employment in language schools or informal Thai schools where all that is required is being a native speaker and having a degree of any kind.<sup>46</sup> In 2006 and 2007 there were a series of high-profile arrests of foreign teachers in Bangkok, including John Mark Karr, a suspect in the well-known

murder of JonBenet Ramsey in the USA. Karr had recently been hired to teach at an international school in Bangkok.<sup>47</sup> The following year, two more arrests of foreign teachers for child pornography<sup>48</sup> prompted announcements that police may begin conducting background checks on foreign teachers; however it appears that no further action has been taken in this regard.

As appears from many reported cases of arrests, the use of children by foreign offenders is not limited to the purchase of sexual services but may also involve additional exploitative acts, including the production of child sexual abuse materials (see section on child pornography).<sup>49</sup>

## Child prostitution

Whilst the exact number of children exploited through prostitution in Thailand is unknown, in 2007 the government, university researchers, and NGOs estimated that there were as many as 60,000 children involved in prostitution under age 18.<sup>50</sup> The Children’s Rights Protection Center in Thailand likewise states that 40 percent of those involved in prostitution in Thailand are below 18 years of age.<sup>51</sup> These data show that child prostitution remains highly problematic in Thailand. In particular, there are certain parts of Thailand that are notorious for child

prostitution such as Pattaya,<sup>52</sup> Patong in Phuket,<sup>53</sup> and the northern city of Chiang Mai, in which children from a group of ethnic minorities often called “hill tribes” remain particularly vulnerable.<sup>54</sup>

There is no accurate profile of children involved in prostitution in Thailand but, according to research published in 2007, the most common age range for girls involved in commercial sexual exploitation tend to be those between the ages of 12 and 16.<sup>55</sup> It was also observed that the

majority of young Thai girls currently found in traditional prostitution (in bars, massage parlours, brothels etc.) originate from Northern Thailand and are pushed to provide sex services by the need to help their family survive. However, there is also an increasing number of adolescent girls who enter prostitution for other reasons, such as to pay for college costs which have risen consistently in the last years.<sup>56</sup>

In this context, “non-traditional” forms of prostitution are said to be on the rise, such as “relationships” between young Thai girls and adult males entailing a sexual interaction in exchange for compensation in the form of dinners, shopping trips, and travel paid for by the adult. According to local sources, one young Thai girl might have four or five men for this purpose at various points in time. Propelled by the desire to buy luxury goods they cannot normally afford (a new car, designer label clothing and accessories, etc.) and sometimes encountering social tolerance, these girls do not see themselves as involved in prostitution.<sup>57</sup> The prevalence of such arrangements reveals the need for enhanced public education, including targeted campaigns for Thai young people, families, and communities, about how these arrangements create the same harms as more traditional forms of child prostitution; the responsibility of all adults in society to protect children; and more effective ways of monitoring the safety of young people.

Recent media reports have shown that foreigners contribute to child prostitution not only by demanding sex services from children but also by directly running sex establishments catering to abusers seeking sex with minors.<sup>58</sup> A news article in February 2010 reported the arrest of a Canadian man (with US residency) who admitted to running a brothel-like establishment of boys aged 4-12 years old in Thailand for paedophiles seeking sex with young boys. The arrest was the result of collaboration with Interpol. After being

arrested at London’s Heathrow Airport, the defendant was extradited to New Jersey, where he was convicted and sentenced to 25 years in prison.<sup>59</sup>

Another news article in November 2010 reported the arrest of a Thai man, who owned an internet shop in Pattaya, which facilitated the sale of children to foreign exploiters for sexual gratification. Allegedly, after the children ran out of money whilst playing games in an often unlicensed internet café, they were lured into paying off debts by performing indecent sexual acts with foreigners. Photographs taken of the incidents were then uploaded to the internet. The children would then be pushed to continue performing these acts to fund their gaming habits.<sup>60</sup>

It is also important to note that demand for sex services from children does not only come from foreigners but also from locals. The domestic demand, however, seems to receive a degree of social tolerance due to a variety of contributing factors, including local constructions of gender norms and a lack of confidence in the authorities to act upon the issue. Addressing these underlying social issues is imperative in order to increase community protection of children from sexual exploitation.

Two recent cases illustrate the complexity of local demand and community tolerance. A 2010 report documents the arrest of a grandmother who prostituted her two grandchildren, aged 13 and 14. The exploiters were reported to be people from the same community, including a teacher of one of the girls.<sup>61</sup> Another news report in September 2009 reported the arrest of two young Thai men aged 19 and 16 years old in Ang-thong province for operating a prostitution ring of children aged 14-20 years old, whose exploiters reportedly included influential and reputable persons in the province, e.g. local politicians, government officers, businessmen, etc.<sup>62</sup>

## Child pornography

As exemplified by a number of media reports, child sexual abuse imagery in Thailand is frequently created and distributed by child-sex tourism offenders.<sup>63</sup> Recent research conducted by ECPAT International found that out of sixteen cases of arrests of foreign perpetrators that occurred in Thailand in 2009 collated from media sources, the presence of mostly self-produced child pornography and digital recording equipment was mentioned in 56.85% of the relevant reports.<sup>64</sup>

The volume of child pornography self-produced by abusers means that high numbers of child victims are being re-victimised during and after the initial sexual act - through recording, viewing, sharing and distributing images of the initial abuse. Furthermore, once child sexual abuse materials are posted on the internet, they cannot be eradicated and therefore are accessible permanently. This has severely damaged the recovery and reintegration of

child victims in their efforts to rebuild their lives and move beyond the exploitation they have suffered.

Online grooming of children for on- and off-line sexual abuse and exploitation is common. According to the Pavena Foundation on Children and Women, a Thai organization that aids victims of abuse and violence, the number of child abuse and sexual assault complaints reported to this agency in 2008 was the highest for the decade. Noteworthy, many of the crimes resulted from youngsters aged between 12 and 15 years old being lured by people they “met” online.<sup>65</sup>

There has been continuing controversy surrounding the open sale of child pornography along Sukhumvit Road, one of the busiest thoroughfares in Bangkok. In 2010, the Bangkok Post reported that several stalls along this busy urban centre were selling pirated VCDs of pornography

### ITC evidence in prosecuting offenders

The proliferation of child pornography created with webcams, mobile phones, and other increasingly mainstream technological devices has created new challenges for law enforcement in efforts to end the production, dissemination, and possession of child pornography. However, such production has ironically also increased law enforcement capacity to prosecute the child abuse featured in such child pornography footage. Child abusers who document the abuse they perpetrate using such technologies often produce the most irrefutable evidence of their crimes for law enforcement. Such evidence can be especially important in cases involving respected or revered members of communities, such as teachers, coaches, or religious figures. Parents and communities may not closely monitor such respected individuals and children may be afraid to report, allowing child abuse to continue unnoticed.

In one 2010 Thai case, the head monk at a Wat Pothiwong in Ang Thong province filmed himself abusing a 15-year old boy working in the monastery using his mobile telephone. When a certain individual found the video clip, he blackmailed the monk with threats of exposing him. Once the monk stopped paying the bribes, the video was posted on the internet and the local people forced him to leave the monastery as well as referring him to the police for investigation for sexual abuse as well as extortion of temple funds.<sup>66</sup> Such cases reveal the importance of the internet as a tool for community and law enforcement monitoring of suspected cases of child abuse and exploitation.

involving children as young as seven for 80 baht (\$2.60).<sup>67</sup> Following a public outcry from community members and NGOs, Thai law enforcement began to crackdown on this open sale of child pornography, including the use of foreign and Thai undercover agents. However, questions remain about whether this heightened enforcement of laws will be maintained or manifest as merely a temporary response to a short-term public outcry.<sup>68</sup> This case reveals the disconnect that often exists between a country's law

and its enforcement. However, this case also illustrates the power of coordinated activism by civil society. When community members, the media, and NGOs work together to raise awareness and a sense of urgency around the enforcement of laws protecting children from exploitation, enhanced law enforcement will often follow. Increasing public participation in monitoring and law enforcement is an important part of ensuring sustained enforcement of CSEC laws.

## NATIONAL PLAN OF ACTION

Thailand's strategies and mechanisms to address the commercial sexual exploitation of children (CSEC) are heavily focussed on anti-trafficking and are contained in the *National Policy and Plan on Prevention, Suppression and Combating Domestic and Transnational Trafficking in Children and Women (2005-2011)* (the "Trafficking NPA"). Consequently, other manifestations of commercial sexual exploitation of children (i.e. child pornography) receive less focus. Since 2006, there have been plans to create an NPA addressing child sex tourism; however, at the time of writing, it appears that this has not yet been achieved.

The Trafficking NPA is largely compliant with the recommendations for NPAs contained in the Rio Declaration and Call for Action, in that it involves various stakeholders and contains strategies and policies to prevent trafficking, to promote recovery and reintegration of victims.<sup>69</sup> The National Coordinating Committee on Eradication of Trafficking in Children and Women operating under the Office for the Protection of Children, the Elderly and the Disadvantaged, the Ministry of Social Development and Human Security, is responsible for supervising the plan's implementation. Although monitoring and evaluation were to be conducted every two and three years respectively, it was not possible to identify any relevant reports of this kind. The current Trafficking NPA is due to expire in 2011 and it is reported that work has already started on drafting the next plan.<sup>70</sup> The Thai Government has

also reportedly held workshops in various regions to translate the Trafficking NPA into provincial plans of action to implement at both provincial and local levels.<sup>71</sup>

In mid-2006, the Ministry of Tourism and Sports, together with the MSDH and NGOs, began drafting another national plan focused on child prostitution facilitated by sex tourism and human trafficking. The plan is reported to address development of legal mechanisms and measures, awareness raising campaigns for the general public, capacity building of tourism personnel, establishment of a reporting hotline and strengthening of regional and international cooperation.<sup>72</sup> However, progress on this plan appears to have stalled since late 2006.

Although not directly aimed at addressing CSEC, Thailand has developed another national policy and plan of action (2005

– 2015) addressing child rights based on the outcome document of the UN Special Session on Children in 2002 known as “A World Fit for Children.”<sup>73</sup> One of the goals identified at the Special Session is to protect children against abuse, violence and exploitation<sup>74</sup> and efforts to meet this goal in Thailand include the enactment of the Child Protection Act in 2003 which is broad enough to cover measures to address social welfare for children that are victims of CSEC.<sup>75</sup> The reported strengths of the Thai World Fit for Children Action Plan is that it was created with extensive child input and several relevant stakeholders and also that it contains mechanisms for monitoring and coordination.<sup>76</sup>

In 2008, a Sub-Committee on Prevention and Elimination of Violence against Children and Youth was set up under the Office of Welfare Promotion, Protection and Empowerment of Vulnerable Groups, within the Ministry of Social Development

and Human Security. The Sub-Committee is comprised of representatives from government, local and international non-governmental organisations. The Sub-Committee has a responsibility to develop the National Strategic Plan to Prevent and Eliminate Violence against Children. At the time of writing this report, the drafting process is well underway and is expected to be presented for public hearings in 2011.

It is problematic that neither the Trafficking NPA nor any other national plan includes policies and strategies on the reduction of other manifestations of CSEC, such as child pornography, child prostitution and child sex tourism. This is a significant gap in Thailand’s national policy and may contribute to continuing gaps in coordination and cooperation to address the sexual exploitation of children. Thailand should reinvigorate efforts to ensure a national plan of action covering the unique issues involved in all manifestations of CSEC.

## COORDINATION AND COOPERATION

### Local and national levels

Coordination and cooperation are crucial for an efficient and effective fight against CSEC. In accordance with the Stockholm Declaration, close interaction and cooperation between government and non-government sectors is necessary to effectively plan, implement and evaluate measures to combat CSEC.

There is no responsible body in Thailand comprised of relevant stakeholders such as public authorities and NGOs that coordinates the elimination of all forms of CSEC. It is likely that this is due to the absence of a NPA that addresses all manifestations of CSEC. However, there are

*ad hoc* instances of inter-sectoral cooperation at national and local levels.

One area of established government and civil society cooperation is the administration of rehabilitation centres for victims of CSEC. The centres were established by the national police bureau and work in collaboration with NGOs to provide rehabilitation to women and children who have been victimised through commercial sexual exploitation. As well as providing rehabilitation, the centres are used to investigate the circumstances of abuse. There are committees and organisations at local and national levels to act as mechanisms for coordination and



performance evaluation.<sup>77</sup>

In an effort to enforce more effectively the laws to protect children from sexual exploitation, the Ministry of Justice has organized meetings with relevant local and foreign law enforcement agencies to discuss effective law enforcement mechanisms to prevent child sex tourism. The meetings particularly focused on preventing child sex abusers who have been released on bail from continuing their exploitative acts during the court process. The recommendations from the meetings include: improvement of the prosecution process by involving all agencies relevant to the justice system (taking into consideration tourism and child protection policy); improvement of relevant systems for contesting bail requests in court; and better coordination in the sharing of information regarding child sex offender bail status with relevant immigration offices.<sup>78</sup> This issue was also acknowledged in a recent special Tourism Sub-Committee Senate Report. The report recommended better data collection and screening methods and disclosure of such data when offenders are released on bail.<sup>79</sup>

The Rio Declaration and Call for Action, which is the outcome of the World Congress III against Sexual Exploitation of Children and Adolescents hosted by the Brazilian Government in collaboration with ECPAT International, UNICEF and other agencies working against CSEC in 2008, highlighted the need for effective cooperation between the various government agencies responsible for protecting children from CSEC. In terms of trafficking, Thailand has established Operation Centres on Prevention and Suppression of Human Trafficking at national, provincial and international levels, which are responsible for coordinating activities among relevant government agencies as well as NGOs.<sup>80</sup>

In 2008, the Royal Thai Government also initiated seven domestic Memorandums

of Understanding (MOUs) on Common Guidelines of Practices for Agencies Concerned with Cases of Human Trafficking, covering 75 provinces in total. The MOU guidelines address the full cycle of multi-disciplinary case management including prevention, protection, prosecution, repatriation and reintegration.<sup>81</sup> With the enactment of Anti-Trafficking in Persons Act 2008, a new Committee on Prevention and Suppression of Human Trafficking was established, comprising of representatives from various relevant ministries and four experts, including from the private sector. The committee's mandate includes developing policies, carrying out research, and proposing legal reforms on human trafficking.

Also following the enactment of the Anti-Trafficking in Persons Act 2008, there have been a number of examples of cooperation between law enforcement agencies and NGOs in organising training on the implementation of the Act for prosecutors, police officers, relevant government agencies and NGOs.<sup>82</sup> Efforts have also been made to improve the identification of trafficking victims. In 2009, by a recommendation of the Coordinating and Monitoring Committee on Prevention and Suppression of Human Trafficking, the Ministry of Social Development and Human Security (MSDHS) published a pamphlet entitled *Scope and Elements of Identification of Trafficked Persons* for public officials involved in victim identification<sup>83</sup>, as they also play an active role in this process, collaborating with police in some cases<sup>84</sup>. Although understanding of human trafficking and victim identification has been clearer among relevant agencies, further training is necessary to ensure enforcement and effective victim identification are applied throughout the country at all levels<sup>85</sup> and that trafficked victims, including child victims of sex trafficking, are well protected.

In recent years, the Ministry of Justice established the Centre Against International

Human Trafficking (CAHT)<sup>86</sup>, under the International Affairs Department of the Office of the Attorney General. Some of the key roles of CAHT are to coordinate the administration of human trafficking cases, including child sex trafficking, with other relevant agencies; and to suggest amendments to trafficking laws, including signing and ratifying international legal instruments.<sup>87</sup> Furthermore, an Anti-Human Trafficking Centre was established within the Department of Special Investigation (DSI), a division of the Ministry of Justice, to deal with the investigation of complex cases. The DSI process also involves public prosecutors and local police in the investigation and prosecution of all trafficking cases it receives.<sup>88</sup>

To complement these domestic apparatus, in the international realm, Thailand has established a Transnational Crime Coordination Centre (TCCC)<sup>89</sup> to coordinate and analyse intelligence as part of the Thailand Transnational Crime Coordination Network (TCCN) established by the Thai Royal Police. The organisational members of the TCCN are 17 key law enforcement transnational crime coordination units (TCCUs) and 10 sub-TCCUs located across the country. Offences within the jurisdiction of these units include human trafficking, computer crimes and other crimes involving organised-criminal groups/networks.

The National Human Trafficking Operations Centres mentioned above are also responsible for collecting data on trafficking. However, it appears that there is no similar body responsible for collecting data on CSEC more generally. It was recommended during the last review by the Committee on the Rights of the Child that Thailand strengthen its data collection procedures, particularly in relation to vulnerable groups of children such as victims of CSEC.<sup>90</sup> Though Thailand has made impressive strides in creating coordination and cooperation mechanisms to combat trafficking, there is no similar

body focused on other manifestations of CSEC. During the previous review by the Committee on the Rights of the Child, concerns were raised that there is a lack of coordination among government bodies particularly at the provincial and local levels.<sup>91</sup>

In 2009, the Office of Welfare Promotion, Protection and Empowerment of Vulnerable Groups (OPP), a sub-branch of the Ministry of Social Development and Human Security (MSDHS), worked with the National Training Curriculum Development Taskforce to create the National Anti-Human Trafficking Training Curriculum and distribute it to relevant bodies at both the national and provincial level. In October of the same year, this curriculum was used to conduct a National Training Program for both the governmental and non-governmental sectors in Kanchanaburi province.<sup>92</sup>

Under the Child Protection Act<sup>93</sup>, a National Child Protection Committee and Provincial Child Protection Committees are established and chaired by the Minister of Social Development and Human Security. Members include senior representatives from relevant Ministries, law enforcement agencies, and distinguished experts in the fields of social welfare, education, psychology, law, medicine and child welfare. The Committee focuses its work on child welfare, protection and safe behaviour promotion. It is assigned to coordinate and collaborate with other government and private agencies for implementation of its focus areas; to develop systems, modules, procedures, and provide services; and to collect data and analyses relating to monitoring and evaluation of relevant policy measures<sup>94</sup>.

In the past years, Committees have been working with relevant professionals, law enforcement agencies, and NGOs to administer child protection cases, including cases related to child sex trafficking, sexual exploitation and abuse. Moreover,

through the collaboration between relevant government agencies and NGOs, Child Protection Committees at District and Community levels have additionally been established in priority provinces for the prevention, monitoring and reporting of children affected by abuse, neglect, exploitation and violence, including child trafficking and sexual exploitation, and enabling appropriate responses where needed.<sup>95</sup> These additional levels in the system support the work of the Child Protection Committee at National and Provincial levels and increase the protection of children nationwide.

Under the Promotion of the Development of Children and Youth Act, in March 2011, the National Committee on Promotion of the Development of Children and Youth, with support from UNICEF Thailand, formed a Sub-Committee to study, develop and pilot a Child Protection System for Thailand aimed at increasing the effectiveness, coordination, and sound use of resources for child protection. The Sub-Committee membership includes representatives from

relevant government agencies, provincial and district administration, law enforcement agencies, and NGOs. The Secretariat of the Sub-Committee is the Office of Welfare Promotion, Protection and Empowerment of Vulnerable, Ministry of Social Development and Human Security. This sub-committee will collaborate with UNICEF Thailand, the ECPAT Foundation, and other relevant stakeholders in its first meeting in June 2011.<sup>96</sup>

Though Thailand has pursued a nationally coordinated approach to human trafficking for some time, until recently there was almost no attention to the pressing need for a coordinated approach to address other manifestations of CSEC. Recent developments suggest this trend is beginning to change; however, the sustainability and efficacy of these new efforts remains to be seen. It is urgent for Thailand to streamline these new mechanisms and create coordinated efforts specifically focused on child pornography, prostitution, and sex tourism.

## Regional and international levels

At an international level, effective cooperation is required between countries and international organisations, including regional organisations, to ensure a concerted and coordinated approach is taken in eliminating CSEC.

Thailand has been active in regional cooperation to address anti-trafficking in persons, in particular through initiatives under the Coordinated Mekong Ministerial Initiative against Trafficking (“COMMIT”) supported by United Nations Inter-Agency Project against Human Trafficking (UNIAP) as well as through the entry into bilateral cooperation agreements with neighbouring countries.<sup>97</sup>

The UNIAP and COMMIT initiative aims to develop close cooperation among the 6 governments of the Greater Mekong Sub-region (Cambodia, China, Lao PDR, Myanmar, Thailand, and Vietnam) to combat human trafficking in all forms, including the trafficking of children for sexual purposes. Annual reports aim to monitor the progress made by each of the countries in relation to the COMMIT sub-regional plan of action.<sup>98</sup>

One of the flagship activities arising from the first COMMIT Sub-regional Plan of Action (SPA) is the Regional Training Programme to Combat Human Trafficking (RTP), which includes an eight-day course

for policymakers, mostly mid to senior level government officials, from throughout the COMMIT region. Between 2005 and 2008, eight such sessions were held, culminating in an evaluation process in September 2008 involving input from government, UN, and civil society stakeholders to improve the training program to maximize benefit. The output from this evaluation led to a revamped five-day session, conducted twice in June and October 2009 in Ayutthaya. These sessions garnered approximately 50 participants from governments and NGOs throughout the region. The final session also included a delegation from Malaysia, to expand coordination efforts to other affected countries outside the Mekong region.<sup>99</sup>

Under the COMMIT initiative, there is a focus on engaging the tourism sector in addressing human trafficking. As part of this plan, Thailand hosted a regional seminar on “Protecting Children from Trafficking and Sexual Exploitation in Tourism” in 2007. At the end of the seminar, a Letter of Intent was adopted by the participants to reinforce collaboration among the six countries at regional level by working towards introducing measures including: a regional registry of child sex offenders; creating a regional child-safe campaign by airlines; and setting up a child sensitive regional hotline. In the framework of this initiative, the Royal Thai Government Ministry of Tourism and Sports is reportedly in the process of developing tourism information packages to raise awareness on child sexual exploitation and human trafficking in the tourism sector.<sup>100</sup> It is hoped that commitment to the Letter of Intent will lead to more follow-up action at national and regional levels to address the issue of child sex tourism as well as trafficking.<sup>101</sup>

Thailand has signed a Memorandum of Understanding on Bilateral Cooperation for Eliminating Trafficking in Children and Women and Assisting Victims of Trafficking (“MoU”) with Cambodia, the Lao PDR

and Myanmar.<sup>102</sup> The MoUs provide for cooperation in: providing services to trafficking victims, establishing mechanisms to decrease trafficking, prosecuting traffickers and taking preventive actions such as implementing vocational and educational programmes. A joint task force is also established under each MoU to ensure safe repatriation of women and children.

Within the framework of the MoU between Vietnam and Thailand, the two countries have adopted a joint plan of action which includes 1) working group establishment, 2) situation study, 3) cooperation on protection and repatriation of trafficked victims, 4) cooperation on prevention and 5) cooperation on investigation and apprehension of perpetrators.<sup>103</sup>

In March 2009, Cambodia-Thailand workshops on bilateral cooperation against human trafficking enabled information sharing among provincial-to-provincial stakeholders concerning their roles and achievements in combating cross-border human trafficking, and assisted in the identification of areas needing greater bilateral cooperation.<sup>104</sup>

Under the Lao-Thai MoU, a cross-border meeting focusing on enhancing cooperation on victim identification and repatriation in the border provinces took place. A joint training workshop for community radio staff was also arranged to strengthen knowledge and skills on producing radio programs and spots on human trafficking issues. A joint case management meeting between Lao and Thailand was held twice during the year, to exchange lessons learned and improve cooperation.<sup>105</sup>

Another project known as Thai-Lao Cross Border Collaboration on Tracing Missing Trafficked Victims in Thailand (THALACC) project was implemented to create a bilateral mechanism for coordination and effectively identifying and tracing

missing persons. It continues to implement activities involving both countries in close collaboration with international agencies. To date, coordinating mechanisms have been improved, and 31 missing persons have been found and provided with welfare assistance.<sup>106</sup>

Beginning in 2009, Thailand and Myanmar enhanced their joint law enforcement efforts by holding quarterly Case Management meetings between Myanmar's Department of Social Welfare and Thailand's Department of Social Development. In 2009, the two governments agreed on victim protection targets and other shared objectives for the next eighteen months. Myanmar social workers along with several civil society representatives conducted visits to Thai shelters to support Myanmar victims and assist with interpretation. The COMMIT Secretariat assisted both governments to create a system for acquiring and sharing information between law enforcement agencies.<sup>107</sup>

This enhanced collaboration between Thailand and Myanmar stands out as an exception to one of the common criticisms of bilateral agreements, that implementation of the MOUs has been erratic, due to insufficient training of law enforcement officials and their unfamiliarity with the law. Additionally, between October 2007 and September 2008, the MSDH made efforts to

address this issue by implementing training workshops for police, public prosecutors, public health officers, labour officers, immigration officers, and NGOs.<sup>108</sup>

As part of the same preparatory process, an Expert Meeting on Child Abuse Images and Sexual Exploitation of Children Online was also held in Bangkok, Thailand on 14-15 August 2008. Organised by ECPAT International, the expert meeting provided an opportunity for experts working in various related fields - law enforcement, research, rehabilitation of victims, advocacy, technology, etc. - to share their knowledge and highlight the issues that needed to be urgently addressed to more effectively counter child sexual abuse materials and the sexual exploitation of children online. In this framework, important recommendations were made on how to tackle the issue in view of its current manifestations.<sup>109</sup>

As a member State of the Association of South East Asian Nations (ASEAN), in 2007, Thailand endorsed the 2007-2009 Workplan to Implement the ASEAN Declaration against Trafficking in Persons, particularly Women and Children,<sup>110</sup> while in 2008 the country signed the ASEAN specific guidelines for responding to child trafficking victims.<sup>111</sup> Furthermore, Thailand was involved in Phase II of the ASEAN 'Regional Education Campaign to Combat Child Sex Tourism,' operating

## Thematic and Regional Preparatory Meetings for World Congress III

In preparation for the World Congress III against Sexual Exploitation of Children and Adolescents, the East Asia and Pacific (EAP) Regional Preparatory Meeting was held in Bangkok on 18-19 August 2008. Organised by the Inter-Agency Group (ECPAT, UNICEF and UNESCAP), the regional consultation brought together government delegates, NGO representatives, UN representatives, law enforcement officials, and children and youth delegates of 22 countries. As well as providing an important opportunity for the region to review progress in addressing CSEC issues and to reiterate the importance of multi-stakeholder partnerships for combating the sexual exploitation of children, the EAP Regional Preparatory Meeting was used as a platform to elaborate regional recommendations on strengthening protection of children from CSEC.<sup>112</sup>

since 2006 with full support from the ASEAN Secretariat. In this framework, Thailand undertook a number of activities, including, among others, two seminars to prevent child sexual exploitation in tourism for 134 relevant personnel in tourism held in 2008.<sup>113</sup> In addition, ASEAN developed the Treaty on Mutual Legal Assistance in Criminal Matters (AMLAT) serves as a legal vehicle for enhancing law enforcement cooperation among Thailand and nine other Southeast Asian parties. However, so far this legal instrument has yet to be used in any trafficking-related or CSEC related cases.<sup>114</sup>

Intense collaboration has been gradually established between law-enforcement agencies from Western countries and Thailand to counteract child sex tourism and child pornography. The support to investigations provided by US Immigration and Customs Enforcement (ICE) is reflected in a number of successful cases which led to the arrest and prosecution of several travelling child sex offenders and child pornography producers. Another

example is the Advisory Panel for the exchange of information and expertise which has been established in Thailand (as well as in Vietnam and Cambodia) by the U.K.'s multi-sector Child Exploitation and Online Protection (CEOP) Centre.<sup>115</sup> This includes both representatives of government (ministries, local government – e.g. Pattaya – and the Royal Thai Police) and civil society (including ECPAT).<sup>116</sup> In addition to bilateral initiatives, a working group, the Foreign Anti-Narcotic and Crime Community (FANC), has been formed in Bangkok by a number of police liaison officers in order to provide further advocacy with the aim of promoting more proactive and effective pursuit of perpetrators of child-sex tourism by the Thai government.<sup>117</sup>

The Anti-Trafficking Division of the Royal Thai Police has also established the International Cooperation Centre (ICC) to work with international agencies to gather information and share evidence in trafficking cases as well as monitoring the progress of international trafficking cases.<sup>118</sup>

## PREVENTION

The effective prevention of CSEC requires multi-faceted strategies and policies that simultaneously address the different elements of the problem. These strategies should target both vulnerable children and those who engage in sexual activities with children, while also addressing the root causes of CSEC such as poverty and lack of education.

Long term prevention strategies include improving the status of children who are most vulnerable to CSEC by implementing policies to reduce poverty and social inequality and improving access to education, health and social services. Effective short to medium term strategies include awareness

raising campaigns and education and training initiatives for the general public, vulnerable groups and government officials.

The resources, expertise and influence of the private sector, particularly the tourism and IT industries, should also be engaged in prevention measures, in particular in awareness raising activities.

Furthermore, information, education and outreach programmes should be directly engaging men and boys, as well as communities and the wider public, to promote changes in social norms and behaviour and reduce the demand for child

victims of CSEC. Factors such as the lack of birth registration, discrimination endured by some ethnic minorities, and perspectives on gender and masculinity (that sometimes maintain social tolerance on demands for sex involving children), all render children even more vulnerable to commercial sexual exploitation. Thai prevention efforts should address all of these factors. Prevention measures must curb the demand for sex with children generated by both the local and foreign sex exploiters and ensure sustainability through allocation of adequate resources.

In terms of long term prevention, in 2000 Thailand enacted a law providing that all children must undergo nine years of compulsory education.<sup>119</sup> Furthermore, under the World Fit for Children Action Plan discussed above, Thailand has made efforts to increase access to education particularly for vulnerable children such as street children.<sup>120</sup> A January 2009 Cabinet resolution increased the Ministry of Education's budget to support the provision of free education for all children.<sup>121</sup> This additional budget will provide for course books, facilities, school uniforms, and costs related to educational and development activities. Accordingly, schools are no longer permitted to call for payments from parents on these items

provided by the government.<sup>122</sup>

Additionally, the government has continued cooperative arrangements with NGOs and local industries (especially the hotel industry) to encourage youth (particularly girls) to find employment outside the sex industry and other exploitative lines of work. Vocational training programs aimed at high school students also received funding. Although the vocational training was not intended explicitly to prevent CSEC, a result was that it increased the range of choices for recent school graduates, an important social objective for decreasing child vulnerability to CSEC.<sup>123</sup>

In an effort to reduce vulnerability to trafficking and sexual exploitation of children without citizenship, UNICEF is supporting a Legal Assistance Center, managed by Payap University, to help stateless residents in northern Thailand acquire Thai nationality or other legal status. Through this assistance, stateless persons have obtained appropriate documents from civil registration offices, including birth certificates, and stateless youth were trained on legal status issues, enabling them to work with local authorities on resolving their own legal status problems.<sup>124</sup>

## AWARENESS RAISING

Thailand has initiated a spectrum of activities to raise public awareness about issues surrounding CSEC. It is reported that the Thai government is also working on revising entertainment industry laws in the hope that problems related to exploitative commercial sex can be alleviated.<sup>125</sup>

In 2009, the National Operation Centre on Prevention and Suppression of Human Trafficking (NOCHT) collaborated with UNIAP and several NGOs, private sector partners, and academics, to host a national

mascot design competition for public relations materials. The competition was intended to spread awareness of issues surrounding human trafficking throughout educational institutions, the private sector, and civil society.<sup>126</sup> Though more traditional awareness raising and public advocacy campaigns are often effective, creative ways of sensitising the general public to engage with CSEC issues is an important way of bringing new stakeholders who might otherwise be unaware or disinterested in these issues.

Furthermore, it is reported that, through Thailand's participation in the ASEAN Regional Education Campaign to Combat Child Sex Tourism, the Ministry of Tourism will push for stronger campaigns to raise awareness among tourists against the exploitation of children. However, a continuing gap in this strategy is the lack of awareness among foreigners of reporting mechanisms for reporting suspected cases of sexual exploitation.<sup>127</sup>

A number of prevention and sensitisation activities on human trafficking have been promoted by the Thai Government. As well as supporting NGO-run campaigns and organising "public dialogues" on trafficking, the Government has embarked on nationwide public education initiatives.<sup>128</sup>

For example, in 2008, the Ministry of Social Development and Human Security, together with UNIAP, World Vision, MTV Exit, TK Park and other concerned agencies, launched the "Stop! Human Trafficking" Awareness Raising Project, aimed at changing the attitudes and perceptions of Thai society toward human trafficking and migrant exploitation. The main target groups were Thai children and accompanying parents, students from schools and universities in Bangkok, and anti-human trafficking agencies.<sup>129</sup> While these programs are notable, nearly all Thailand's trafficking measures are general with limited specific focus on child trafficking, which may result in insufficient awareness and understanding of the unique issues involved in child trafficking.

## PRIVATE SECTOR INVOLVEMENT

The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism is an increasingly important global tool for involving the tourism sector in the prevention and monitoring of child sex tourism, with several companies in Thailand currently as signatories. By signing the Code, organisations commit themselves to providing information to customers about child sex tourism and training staff at all levels, including housekeepers and guards, to recognise and report suspicious activity. The Accor hotel chain in Thailand has been working since 2002 with the ECPAT network to train staff on the sexual exploitation of children in tourism and raise awareness among customers. Accor also assists with fundraising to help local organisations working with child victims of sexual exploitation. Nearly, 6000 Accor staff members have received training on child sex tourism. Accor is also a signatory to the Code of Conduct to Protect Children from Sexual Exploitation in Travel and Tourism.<sup>130</sup>

The Code of Conduct has also been signed in October 2009 by Centara Group, a major

Thai hotel chain,<sup>131</sup> as well as Samui Villas and Homes.<sup>132</sup> With support from ECPAT, two properties of the spa and resort group Six Senses in Thailand, Evason Phuket and Hideaway Yao Noi, have recently joined the Code initiative and begun implementing it at both their resorts.<sup>133</sup>

Beyond the Code, the ECPAT Foundation Thailand has been conducting a number of training activities targeting the tourism private sector. For example, in cooperation with the Chiang Rai Tourism Association, it organised a workshop to raise awareness within the Chiang Rai tourism industry.<sup>134</sup> Further workshops to promote the adoption of the Code in the province have been conducted with hotels and travel agencies. To date, the Legend Hotel (Chiang Rai province) and Chiang Rai Tourism Society have signed the Code as well as including relevant provisions in their policies on corporate social responsibility (CSR). Launches of the companies' CSR on Child Protection were also organized with the participation of media and local communities.



The two signatory hotels disseminated educational materials, posters and brochures entitled “Travel with Care, Care for Children in Thailand” in their hotels to raise guest awareness of child sex tourism and to encourage reporting of suspicious activity connected to child sexual abuse and exploitation. Furthermore, the Legend Hotel (Chiang Rai province) disseminates the educational training materials related to the Code to its sister chain hotels in other provinces in Northern Thailand in order to raise awareness on child sex tourism and the prevention role played by its hotel.

Under the Make-IT-Safe campaign, ECPAT International cooperated with ECPAT Foundation and three partner agencies to educate and train young people to lobby Internet cafes to undertake measures to make their environments safe for children. The campaign involved training young people to understand the risks associated in the online environment and using them as active advocates to call for action for safeguarding their rights to protection. The ongoing campaign, which was well received by the Internet cafes approached, is now set to expand to Chiang Rai city, Phayao and Bangkok.

In addition to child sex tourism, there have been notable joint public and private efforts in preventing and combating child pornography. For example, Microsoft Thailand and the Ministry of Education have joined in a five-year partnership to administer the “Partner in Learning” programme. Main activities undertaken as part of this initiative include the establishment of an online community ([www.pil.in.th](http://www.pil.in.th)) to promote information sharing on online safety and training for 20,000 student users of the Internet.<sup>135</sup> Cooperation has also been established between the National Broadcasting Commission under the Public Relations Department, six television stations and the Federation of Broadcasters Association, which has led to

the introduction in 2006 of an age-based classification system for radio and TV programs.<sup>136</sup>

In April 2009, the Thai Hotline ([www.thaihotline.org](http://www.thaihotline.org)) was founded through a joint effort by the National Electronics and Computer Technology Centre (NECTEC) and the Internet Foundation for the Development of Thailand, with support from National Telecommunications Commission (NTC) and Thai Internet Service Provider Association. The Thai Hotline can be used to report any inappropriate content, including child pornography.<sup>137</sup> To improve the effectiveness of their services, the Thai Hotline members attended a special International Hotline training workshop organized by ECPAT International in Taiwan in May 2010. Subsequently, the Thai hotline amended their operational procedures to reflect international standards and has worked to strengthen their relationship and clarify cooperative procedures with local law enforcement in efforts to respond effectively to the reports. In March 2010, the CEOP launched a partnership with the British Chamber of Commerce in Thailand to encourage businesses to work together to help protect young children from online abuse. In the framework of this project, CEOP will share resources that they have used successfully in the UK to educate young people – which range from leaflets to films – aiming to engage and empower youth to take control of risky situations.<sup>138</sup>

A number of actions to prevent and counteract child sexual abuse materials and promote child safety on the Internet have also been implemented by the Thai Government. The “Cyber Care Project,” launched nationwide by the Ministry of Information and Communication following the enactment of the Computer Control Act in 2007, includes a number of initiatives to monitor the internet. “Cyber Clean,” a website created in cooperation among several relevant agencies, serves as a platform for

notification of any inappropriate websites (<http://www.ictkeeper.com/>). Additionally, the “Gatekeeper Project” has been implemented with the aim to bar harmful websites from outside Thailand by installing gateway filters.<sup>139</sup> Furthermore, the Ministry

of Culture and the Ministry of Information and Communication Technology have developed a software programme called “Web Guard” to block access to illegal sites<sup>140</sup> and delivered several training sessions on safe use of the Internet throughout the country.<sup>141</sup>



## STOP Sex Trafficking of Children & Young People Campaign

Conducted in partnership between The Body Shop and ECPAT, this three year campaign launched in 2009, seeks to provide immediate relief to child victims with funds raised and to create long-term changes through engaging the public in awareness raising and lobbying decision makers to strengthen concerted action against child trafficking for sexual purposes.

The ECPAT and The Body Shop ‘Stop Sex Trafficking of Children and Young People Campaign’ launched in August 2009 with the release of the campaign base-line report in Bangkok, Thailand. The report, *Their Protection is in Our Hands – the State of*

*Global Child Trafficking for Sexual Purposes*, reiterates that the trafficking of children and young people for sexual purposes in many countries is increasing and governments need to do more to tackle the problems and protect children and young people. A key note speaker at the launch was Ms Najat M’jid Maalla, UN-Special Rapporteur on the sale of children, child prostitution and child pornography, who committed to sharing the Report’s findings with the Committee on the Rights of the Child and other UN Rapporteurs and expressed her commitment to continue to support the campaign.

There was also a separate campaign launched at Central World, one of the most popular shopping centres in Bangkok. The event started with Thai celebrities discussing the issue of child sex trafficking and support for the campaign. After brief summary of the campaign, there was a panel discussion on how child sex trafficking occurs in Thailand, its scopes and the campaign’s importance. In addition, it was announced at the event that

popular Thai mobile phone network provider DTAC will send out SMS messages about the campaign and the hotline reporting number for reporting possible cases of child trafficking to all their post pay customers. These messages reached millions of people across Thailand. In addition, MTV supported the campaign by re-airing the pro-bono campaign video on MTV Thailand’s popular shows.

The campaign was re-launched in mid 2010 by The Body Shop and ECPAT International to highlight the campaign petition with key calls to action, which will be presented to the Thai government near the end of the campaign. The petition for Thailand specifically calls for the Thai government to ratify the UN Trafficking Protocol, strengthen its enforcement of anti-trafficking laws and to implement initiatives to prevent, protect and provision of specialized care services for child victims. At the time of writing this report, The Body Shop and ECPAT have collected over 50,000 signatures for the campaign petition.

## PROTECTION

Comprehensive and effective legislation is essential to protect children from CSEC. Specific laws must be developed, implemented and/or strengthened to combat the various manifestations of CSEC. These laws must be reviewed and updated regularly to incorporate evolving forms of CSEC, such as grooming or viewing and accessing child pornography online, and changes in the international legal framework. As well as enacting legislation that is compliant with international standards and obligations, national laws must be effectively enforced. Policies and procedures to protect child victims and/or witnesses are also essential.

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

Coordinated Mekong Ministerial Initiative against Trafficking, as discussed in the Coordination and Cooperation (Regional and International) section above.

Regional CSEC measures in which Thailand participates focus mostly on child trafficking. For example, Thailand has entered into bilateral agreements with neighbouring countries which aim to establish mechanisms to combat trafficking and has also participated in activities under the COMMIT initiative. See the Coordination and Cooperation Section (Regional and International) for more details on this.

Furthermore, Thailand has entered into an extradition agreement and Mutual Legal Assistance Agreement with South Korea.<sup>142</sup> As well as addressing general cooperation in criminal matters between the two countries, these agreements can also be used to assist in the prosecution of child sex tourists; however, it appears that there have yet to be any cases of extradition for child-sex offences.

International instruments	
Human rights bodies related to child rights	Comments
<b>Charter-based bodies</b>	
Working Group of the Universal Periodic Review – Human Rights Council	Scheduled to review in the 12 <sup>th</sup> session, October 2011.
<i>Special Rapporteur on the sale of children, child prostitution and child pornography</i>	2004 - Visit requested
<i>Special Rapporteur on trafficking in persons, especially in women and children</i>	Visit requested.
<b>Treaty-based bodies</b>	
Committee on the Rights of the Child	2006 – main conclusions relating to CRC: <ul style="list-style-type: none"> <li>• ratify the Trafficking Protocol</li> <li>• improve enforcement of anti-trafficking laws</li> </ul>

Children's rights instruments	Date of ratification	Date of submitted reports
Convention on the Rights of the Child - 1989	27/03/1992	2005 – 2nd periodic report submitted; 1996 – 1st periodic report submitted.
Optional Protocol on the sale of children, child prostitution and child pornography – 2000	11/01/2006	State Report Submitted, Review scheduled October 2011.
ILO Convention on the Worst Forms of Child Labour - 1999 (No. 182)	16/02/2001	N/A (No reporting requirements)
UN Convention against Transnational Organized Crime	Only signed	
UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and children – 2000 (supplementing the UN Convention against Transnational Organized Crime)	Only signed	N/A (No Reporting Requirements)
Regional instruments		
ASEAN Declaration against Trafficking in Persons Particularly in Women and Children.	Signed in 2004 (no ratification required)	

## Legislation

Thailand has comprehensive laws in place that address child prostitution and has recently made progress in implementing laws to deal with trafficking in children for sexual purposes. The main gap in Thai law is in the area of child pornography, where there is

very little protection available. There remain significant concerns about the lack of law enforcement in Thailand surrounding some crimes of commercial sexual exploitation of children.

### CHILD PROSTITUTION

Thai law contains an adequate definition of child prostitution as well as provisions that prohibit and punish those who engage in sexual activities with victims of child prostitution and those who facilitate child prostitution. However, the enforcement of these laws appears to be very lax.

Thailand's primary law to protect children against prostitution is the Prevention and Suppression of Prostitution Act 1996 (the "1996 Act"). Prostitution is defined as sexual intercourse or any other act to gratify the sexual desire of another person in return for money or any other benefit, regardless

of the gender of the people involved. This definition complies with the standard under the OPSC. However, it is widely reported that these provisions are rarely enforced.

Under the 1996 Act, it is prohibited to engage in sexual intercourse or sexual acts

in a “prostitution establishment” with a person under 18 years of age, regardless of consent.<sup>143</sup> Public soliciting,<sup>144</sup> advertising,<sup>145</sup> or associating with another person in such an establishment are also prohibited.<sup>146</sup>

Any person who engages in prostitution in a prostitution establishment with a child of 15 years of age or younger may be punished with 2-6 years’ imprisonment and fined 40,000-120,000 Thai Baht (US\$1,200-3,600); if the child is over 15 and under 18 years of age, the offender may be punished with 1-3 years’ imprisonment and fined 20,000-60,000 Thai Baht (US\$600-1,800).<sup>147</sup>

The 1996 Act also makes it illegal to procure, seduce, or take away any person for purposes of prostitution, even if done with the person’s consent. The penalty for offenders is between 5-20 years imprisonment and a fine of between 100,000-400,000 Thai Baht (US\$3,000-12,000) depending on the age of the victim.<sup>148</sup> The penalty is increased if the offence is committed with fraud, violence or coercion.

The 1996 Act also punishes the parents of child victims of prostitution when the parents contributed to the child’s exploitation. If the parent of a child knows or connives to have a child under 18 years of age procured, seduced or taken away for purposes of prostitution, the parent may be punished with 4-10 years’ imprisonment and fined 80,000-400,000 Thai Baht (US\$2,300-12,000).<sup>149</sup> If a parent violates the provisions related to soliciting, associating or advertising, parental rights may be removed and the child assigned a guardian.<sup>150</sup>

There are also penalties under the 1996 Act for those who own, supervise or manage

a prostitution business or establishment. Offenders under this provision may be punished with 5 -20 years’ imprisonment and fined between 100,000-400,000 Thai Baht (US\$3,000-12,000) where children under 18 are involved.<sup>151</sup> The law also prohibits detaining, confining, causing bodily harm or threatening to commit violence in order to compel a person to engage in prostitution. If the offence results in grievous bodily harm to the victim, the punishment may be life imprisonment. If the offence results in death, the punishment may be death or life imprisonment.

Despite the broad scope of the 1996 Act, it is not expressly stated that all children under the age of 18 years will not be treated as offenders. In practice, child victims and also child offenders are dealt with by the Department of Juvenile and Family Litigation, and generally subject to the provisions of the Act on the Establishment of Juvenile and Family Courts. Within this framework, children are normally not subject to imprisonment.<sup>152</sup> However, it is important to clarify legally and throughout law enforcement training that children involved in prostitution are victims rather than offenders and should be treated through a rehabilitative rather than punitive approach in all interactions with the justice system.

In addition to the 1996 Act, Thai criminal law contains several provisions related to sexual offences. Thailand’s rape law prohibits sexual intercourse with a girl 15 years of age or younger, with or without her consent.<sup>153</sup>

While Thai laws on child prostitution are fairly comprehensive, it is reported that child prostitution is still widespread<sup>154</sup> and law enforcement remains weak.

Thailand has not yet ratified the UN Trafficking Protocol; however, it recently enacted the Anti-Trafficking in Persons Act 2008,<sup>155</sup> which is largely in compliance with international standards.

The Anti-Trafficking in Persons Act B.E. 2551, which took effect in 2008, is a stronger statute than The Measures in Prevention and Suppression of Trafficking in Women and Children Act of 1997 and is a positive attempt to harmonise domestic law with the international standards set by the Trafficking Protocol, even though Thailand has yet to ratify this protocol.

Section 6 (2) of the 2008 Act contains a specific definition of trafficking in children. Under this provision, procuring, buying, selling, vending, bringing from or sending to, detaining or confining, harbouring or receiving a child (*any person under 18 years of age* according to Section 4) for the purpose of exploitation is prohibited. This provision clearly stipulates that child trafficking does not have to include deception, coercion or fraudulent means, as stipulated in the definition of adult trafficking.

Under Section 4, the term “exploitation” includes sexual exploitation, prostitution, production or distribution of pornography, slavery, forced begging, forced labour or services, coerced removal of organs and any other practices resulting in forced extortion, regardless of the consent of the person. The definitions contained in both Section 4 and 6 are in harmony with the standards in the Trafficking Protocol.

Section 7 imposes criminal liability on those who assist or support trafficking in children (e.g. those who aid by procuring a meeting place or lodge for offenders) and, under Section 8, those who prepare to commit the offence of trafficking in persons.

The Act (Section 15) provides for an Anti-Trafficking in Persons Committee to

formulate strategies and measures for the prevention and suppression of trafficking in persons, including children, and to monitor the implementation of international obligations.

The penalty for committing a trafficking offence under the Anti-Trafficking in Persons Act varies according to the age of the victim. Where the victim is between 16-18 years of age, the statute imposes prison terms of 6-12 years and a fine of 120,000 – 240,000 Baht (approximately USD 3,800 – 7,500) (Section 52). Where the victim is under 15, the penalty is imprisonment for 8-15 years and a fine of 160,000 – 300,000 Baht (approximately USD 5,000 – 9,400) (Section 52). The same penalty is imposed on those who assist or support trafficking in children (Section 7), while those convicted of preparing to commit the offence are liable for prison terms and fines of one third of the above (Section 8).

The Act provides a comprehensive framework regarding assistance and protection of safety of victims of trafficking. Section 33 sets out provisions for the assistance of trafficking victims, such as food, shelter, medical treatment, physical and mental rehabilitation, education, training, legal aid, return to the country of origin or domicile and legal proceedings to claim compensation for damages resulting from the commission trafficking in person. Sections 34 and 35 describe in detail the procedure for claiming compensation. The statute also specifies that victims of trafficking will not be prosecuted under anti-prostitution or immigration laws unless there is special permission from the Minister of Justice.<sup>156</sup>

The enforcement of the laws and prosecution

of offenders is one crucial aspect in the fight against child trafficking. However, investigating and prosecuting trafficking of children for sexual purposes still faces a number of difficulties in Thailand, especially regarding evidence gathering and testimonies surrounding victim identification and protection. There also continues to be

problems maintaining effective collaboration with relevant agencies within the country and regionally, despite the notable efforts outlined in the Coordination and Cooperation section above. Reports indicate that only three sex traffickers have been convicted in Thailand since 2008.<sup>157</sup>

## CHILD PORNOGRAPHY | CHILD ABUSE IMAGES

Thailand is not in compliance with its obligations under the OPSC in relation to child pornography. There is no definition of child pornography and no prohibition and punishment for those who disseminate, offer, or possess child pornography. There are, however, a number of legal provisions that, interpreted appropriately, provide some utility in the prevention and prosecution of child pornography.

Thailand has a general obscenity law that regulates any obscene material contained in printed matter, photographs, films, or audio or video tapes.<sup>158</sup> In relation to such obscene material, the law prohibits production, possession, transporting or causing the transportation in or out of Thailand or circulating by any means, for purposes of trade, public distribution or exhibition. It also prohibits promoting circulation of the obscene material by informing others of its availability.<sup>159</sup> Violators may be punished with up to 3 years' imprisonment, a fine of up to 6,000 Thai Baht (US\$180), or both.<sup>160</sup> The law is still unclear as to whether the general obscenity law discussed above covers simulated images involving children.

Additionally, Section 4 of the 2008 Anti-trafficking in Persons Act 2551 defines "exploitation" to include the "production or dissemination of pornographic materials" but it does not cover other acts related to child pornography (distribution, importing, exporting, offering, selling or mere possessing). The Child Protection Act (2003) also prohibits threatening, inducing,

or in any way encouraging or even allowing a child to "behave in a pornographic manner", whether for the purpose of financial gain or any other.<sup>161</sup>

In an effort to counteract cybercrime, the Computer Crime Act B.E. 2550 (2007) was enacted. The law includes a provision aimed at preventing and suppressing the use of a computer system to disseminate computer data that contains pornographic materials and criminalises any person committing such an act. More specifically, Section 14 stipulates that whoever enters any obscene computer data into a computer system that may be accessed by the public or sends or forwards such obscene materials shall be liable to imprisonment for a term of not exceeding 5 years or a fine up to 100,000 (approximately 3,100 USD) or both.<sup>162</sup> This provision complements Section 287 of the Penal Code which does not cover digital data. Section 26 of the Act stipulates that service providers shall maintain computer traffic and client data for ninety days, and this extends not only to ISPs but to any organisations that provide Internet services, for example, to their employees.<sup>163</sup> It is important to note that the first draft of the Computer Crime Bill from May 2002 provided that the publication of child pornography would result in imprisonment for 5 years and a fine.<sup>164</sup> However in the final version of the Computer Crime Act, specific references to child pornography were omitted.<sup>165</sup>

In addition, the Publishing Registration Act B.E. 2550 (2007) empowers the Commander

of the Royal Thai Police to prohibit the import of any print materials which will affect the good morals of people.<sup>166</sup>

Though these various provisions do provide some coverage for child pornography, they fail to meet Thailand's obligations to define and prohibit the dissemination of child pornography under the OPSC. The applicability of these various provisions to child pornography and the various issues embedded within are left open to the interpretation of particular officials in

particular cases. There is no institution clearly mandated to coordinate and follow up on strategies and activities developed by the government and other key stakeholders from the civil society and the private sector to combat child pornography. Such an approach rarely leads to an efficient, consistent, and comprehensive law enforcement regime. The Thai government should pass detailed laws facilitating such a regime as well as provisions prohibiting and punishing the online grooming of children and the accessing and viewing of child pornography.

## CHILD SEX TOURISM

Section 282 of the Thai Penal Code criminalizes luring, procuring, or trafficking persons for the purpose of sexual gratification and specifies heightened penalties for children under age 18, up to twenty years imprisonment for children under 15. Section 283 heightens these punishments in cases in which the defendant used deceit, threats, assault, or any form of coercion to perpetrate said crimes, up to life imprisonment or even the death penalty for children under 15.

The 1997 Thai Penal Code Amendment Act clarifies that consent of the victim is no defense for children under 18. This amendment also adds offenses committed under these Sections to the narrow list of crimes that can be prosecuted extraterritorially under Thai law, regardless of the location where the offense is committed or the nationality of the offender.<sup>167</sup>

In a special Tourism Sub-committee report

to the Thai senate, it was acknowledged that the Ministry of Tourism and Sports still hasn't worked with civil society to take serious action against child sex tourism and still doesn't have a dedicated subdivision to be in charge of this issue. There remains a lack of clarity about which branch of the police is responsible for handling this issue. Though there is a division of the police focused on eliminating crimes against children, youth and women, they have a wide array of responsibilities and don't have the capacity to emphasize on child sex tourism and related forms of CSEC.<sup>168</sup>

Since 2008, 3 foreign and 20 domestic child sex tourists have been convicted under Thai law.<sup>169</sup> It may be noted that there has been particular criticism relating to ineffective law enforcement in relation to the prosecution of foreign child sex tourists. Please see the child sex tourism section above for further details.<sup>170</sup>

## CHILD PROTECTION UNITS

While there are no law enforcement agencies in Thailand that deal solely with all manifestations of the sexual exploitation of children, there is specialisation with regard to human trafficking.

Following the enforcement of the Anti-Trafficking in Persons Act B.E. 2551 (2008), the Royal Police of Thailand has established a special police unit named the 'Anti-Human Trafficking Division (AHTD), originally



known as the 'Crime Against Child, Juvenile and Women Suppression Unit, to deal with crimes related to human trafficking, including child trafficking. This Special Police Unit has a nationwide coverage and police officers attend training on trafficking in persons, including on victim identification and how to deal with children to avoid the criminalization of child victims of trafficking and to refer them to state shelters rather than detention centres. This Special Unit works in collaboration with the provincial/ district police units and is able to act independently from the provincial/ district units to progress the cases when needed. The unit can also carry out work relating to the suppression of CSEC crimes such as child pornography and child prostitution. It is reported that the AHTD made 867 arrests in 2009 relating to sexual exploitation offences; however, it is unclear how many of those offences involved children.<sup>171</sup>

The Department of Special Investigations (DSI), part of the Ministry of Justice, also investigates crimes of trafficking, although its' particular focus is on high-profile cases or those with a clear transnational organised crime dimension.<sup>172</sup> The Office of the Attorney General contains a Centre Against International Human Trafficking (CAHT) dedicated to the prosecution of trafficking cases. There is also a special Anti-Trafficking in Persons Fund for the prosecution of cases of trafficking between countries.<sup>173</sup>

Thai law allows for the protection of witnesses, victims, and offenders under the age of 18. Where the judge consents, procedures exist which allow children to testify on videotape in private surroundings in the presence of a psychologist, psychiatrist, or social worker. However it is reported that some judges decline to use videotaped testimony, citing technical problems and the inability to question accusers and defendants directly in court.<sup>174</sup>

While significant progress has been made, particular efforts are still needed to improve identification of child victims and nationwide implementation of 'best-interest of the child' procedures and child-friendly legal process, including child witness protection to ensure that all trafficking cases are investigated and perpetrators are charged and punished.<sup>175</sup> It is also worth noting that since the transfer of the Crimes Against Children, Juveniles and Women Suppression Unit to the Anti-Human Trafficking Division (AHTD), there is no law enforcement agency in Thailand that deals solely with issues related to children and young people. Treatment of CSEC remains focused mostly on trafficking. The government should undertake research on the extent and causes of continuing enforcement gaps and formulate targeted measures to ensure a consistent and comprehensive law enforcement response.

## Support services for children

Strategies for the recovery and reintegration of victims of CSEC should contain immediate and long term policies. Immediate assistance can include medical and psychological care, provision of adequate shelter and legal assistance; whereas longer term assistance could include reintegration into school, return to the family or community when possible, and sound plans for social and economic rehabilitation and reintegration. In relation to child victims who have been trafficked into Thailand from other countries, it is also important to have in place specific support mechanisms for children without Thai nationality.

In 2009, there were reported a total of 138 reception centres throughout Thailand, provided by both the government and NGO sectors, for adult and child victims of abuse, exploitation, violence and human trafficking.<sup>176</sup> As for the long term shelters, the Bureau of Anti-Trafficking in Women and Children under the MSDHS has established 8 welfare protection and occupational development centres across each region in the country that also accommodate Thai and foreign victims of trafficking (four shelters for children and women, three shelters specifically for children – one for girls and the other two for boys, and four newly opened shelters for male victims). Services provided in the welfare protection and occupational development centres include: medical care, counselling, education, vocational training, family tracing and assessment, return and reintegration, follow-up and evaluation, and legal assistance.<sup>177</sup>

In order to provide initial services to victims of trafficking in a comprehensive manner, one-stop crisis centres (OSCC) have been established in relevant government units and/or hospitals at provincial or community levels around the country. The centres provide

initial assistance and medical services for abused and exploited children and women, including cases involving trafficking of children for sexual purposes.<sup>178</sup> In recognition of the needs for protection of child and adult victims, the centres work with relevant professionals through a multidisciplinary approach when handling cases of sexual and physical abuse and exploitation of children and women, as well as applying necessary protective mechanisms in this regard. However, these medical services are not necessarily accessible to all child victims of trafficking, especially boy victims of trafficking for sexual purposes.

Furthermore, many of these centres have limited care services that do not differentiate the needs of adults and children as well as between different types of social problems the victims are experiencing. It is also reported that the government and NGOs could provide shelter to only 5,000 children each year. Generally, children are referred to government-ran centres, but many, especially foreign migrants, reportedly avoid the shelters due to fear of being detained and expelled from the country.<sup>179</sup>

## HOTLINES & COUNSELING SERVICES

There are government agencies and law enforcement agencies as well as NGOs operating 24-hour free hotlines, which also accept reports related to human trafficking, including child sex trafficking. For example, the 1191 hotline operated by the Anti-Human Trafficking Division (AHTD) under the Royal Thai Police and the 1300 hotline (also known as 1300 Prachabodi Call Centre) operated by the Ministry of Social Development and Human Security (MSDHS).<sup>180</sup>

The 1300 state-run twenty-four hour free hotline was established according to the state policy to provide initial services to populations experiencing social problems. This hotline takes reports on social issues of adults and children related to physical and sexual abuse, exploitation, and violation, including human trafficking. This service is staffed by trained personnel operating at its central call centre in Bangkok and at the 76 government-run Families and Children Homes (reception centres) located in provinces nationwide.

Although this hotline is not exclusively focused on children, vulnerable children receive priority assistance. In the past few years, efforts and resources have been allocated to improve the operation of the hotline. Though the hotline is principally accessible by anyone, including child victims

of trafficking, its operation has limited child-friendly services and limited language sensitivity to meet the needs of child victims. Child victims of transnational trafficking mostly speak Khmer, Burmese, Laos or Vietnamese, languages which are unavailable on the hotline.

## REPATRIATION OF VICTIMS

Thailand has sought to develop both formal and informal procedures for repatriation of trafficking victims, primarily under the bilateral agreements with neighbouring countries such as Cambodia, Lao, Myanmar, Vietnam and Yunnan Province of China. Repatriation programs have been arranged under these agreements and reintegration activities in Thailand include building and supporting a network for the process of repatriation conducted at community, provincial, national and international levels.<sup>181</sup>

Thai law specifies that all foreign victims of trafficking (including child victims) may be allowed to stay temporarily in Thailand for medical, rehabilitation or legal reasons.<sup>182</sup> However, there appears to be a lack of information on the extent to which these provisions are applied in actual cases. In general, foreign child victims awaiting repatriation in Thailand are taken to government shelters. In relation to Thai national victims of trafficking, the Thai Ministry of Foreign Affairs reportedly assisted 403 women and girls, most victims of sexual exploitation, to return from abroad in 2007.<sup>183</sup>

According to a UNICEF study published in 2009, “unreasonably long placement in shelters result in children and others sometimes being held against their will, while those who have learned to navigate the ‘system’ shape their replies to the police to avoid the shelters, which is significant in itself, and opt for quick deportation via the IDC. The questionable ‘protection’ services offered in the shelters and the lengthy stay against the wishes of the children leave the Thai Government, at best, open to charges of effectively providing a more friendly but lengthy form of deportation service for irregular migrants.”<sup>184</sup>

These problems with the administration of shelters are problematic not only for the rehabilitation of child victims but also for the integrity of the justice process in Thailand. Ensuring consistently adequate standards of care at shelters as well as regular repatriation procedures operating on a predictable timetable is essential to ensure that victims have the opportunity to begin rebuilding their lives as well as guaranteeing effective administration of the legal process.

The Thai government has recognised the need to carry out training and awareness raising exercises amongst relevant officials.<sup>185</sup> Current efforts focus on cross-border trafficking enforcement for police, public prosecutors, public health officers, labour officers, immigration officers, and NGOs.<sup>186</sup>

Based on the guidelines for identifying a trafficked person developed by the Thai Government in line with the new Anti-Trafficking in Persons Act B.E. 2554 (2008), training sessions were also conducted nation-wide to enhance the knowledge of police officers, public prosecutors, social workers and other officials responsible for trafficking victim identification.<sup>187</sup> In 2008, the Thai government created a technical working group to examine the Regional Training Programme curriculum as well as the multi-disciplinary team curriculum, both focused on trafficking, in order to formulate a new curriculum for training Thai officials.

The first two trials of the output from this process were tested in late 2008 with 77 participants from relevant governmental and non-governmental bodies on prevention, protection, prosecution, and policy issues within anti-trafficking work.<sup>188</sup>

Despite these capacity building efforts, it was reported that child victim identification in Thailand remains challenging as there is still no uniformity among officials on how to determine children's status.<sup>189</sup>

To strengthen law enforcement, more resources are needed to enhance the capacity of law enforcement officials, prosecutors and judges to achieve effective investigation and prosecution of child trafficking cases. This would also include improving victim identification, especially child victims, child witness protection and collaboration among stakeholders within the country and across borders.

## CHILD AND YOUTH PARTICIPATION

Thai children were given an opportunity to take part in the implementation of the CRC. Child representatives, as members of the CRC Preparatory Committee, were involved in preparing Thailand's second periodic country report on the CRC, which was submitted in May 2005. There were 398 children from 76 provinces who participated in 4 regional meetings, convened in 4 regions of Thailand. In addition, a national meeting was organised in Bangkok, attended by 85 child representatives across the country.<sup>190</sup>

The Thai government has also engaged children and youth in the development of its National Strategic Plan to Prevent and Eliminate Violence against Children, which began in 2008 and is expected to

be presented for public hearings in 2011. During development of the plan in 2010, the government, in collaboration with ECPAT International and a number of other NGOs, organised youth consultations. The Youth Network for Development, a network of local NGOs, produced a detailed report based on the consultations organised in each of four regions of Thailand, i.e. Northern, Northeastern, Central and Southern Regions. Ten child representatives from each region then participated in the National Consultation organised in Bangkok in December 2010. There were 142 child participants (95 girls and 47 boys), representing organisations working in various sectors, including organisations working with children in schools and in communities,

children of ethnic minorities, children with disabilities, child labourers, street children, children affected by HIV/AIDS, etc. At the National Consultation in Bangkok, children presented their recommendations to the senior representatives of the Sub-Committee who came and participated in the event.<sup>191</sup>

The recommendations of children included educational activities in schools and communities to raise awareness on different forms of violence against children and encourage corrective actions; a study to assess the degree of violence against children in society; establishment of surveillance mechanisms to protect children from violence, including violence through media, and as a channel to report on violence against children; and to follow up on the development and implementation of the National Strategic Plan.<sup>192</sup>

Thailand has also organised “the Child Rights Forum” annually since 1989. The forum provides an opportunity for children to send messages expressing their views and needs to adults and the public. There are about 300 children who attend the forum every year.<sup>193</sup>

Children and young people from Thailand have also been involved in the Mekong Youth Forum (originally known as Mekong Childrens Forum) since 2004. More recently, the Third Mekong Youth Forum was organised in Bangkok in October 2010 by the Mekong Youth Forum (MYF) 2010 Regional Organising Committee, consisting of the Royal Thai Government, Save the Children UK, the International Labour Organization, World Vision International and the United Nations Inter-Agency Project on Human Trafficking through the support of the European Union. The forum allows young people from the Mekong sub-region (Cambodia, China, Lao PDR, Thailand and Vietnam) to participate in national and regional consultations to examine current work to prevent human

trafficking and make recommendations for improvements in policy. Some of the children involved in the process were survivors of commercial sexual exploitation.<sup>194</sup> National forums took place, which looked at various issues including: participation of young people and accountability to young people by policy makers; victim protection; access to quality education and prevention methods at community and family levels supported by governments and civil society.<sup>195</sup>

The recommendations of the Mekong Youth Forum 2010 were presented in an international meeting in Bangkok entitled “Review on Progress of World Congress III against Sexual Exploitation of Children and Adolescents,” organised by ECPAT International, in October 2010. Participants included the Special Representative of the UN Secretary General on Violence against Children and other child rights experts. Furthermore, the youth recommendations have contributed to the COMMIT framework through the engagement of NGOs involved in the regional organising committee. During the 6<sup>th</sup> COMMIT ministerial meeting held in November 2008, one of the recommendations included continuing to listen to children and considering how to better involve them in addressing human trafficking (such as through the Mekong Youth Forum).<sup>196</sup>

Children and young people from Thailand and other East Asian countries were actively involved in the preparation for the World Congress III against Sexual Exploitation of Children and Adolescents, organised in 2008 in Brazil. The East Asia and the Pacific Children’s Forum was held from 14-16 August 2008 in Bangkok, just before the EAP Regional Preparatory Meeting. Attended by 15 children and young people from the EAP region (and 11 accompanying adults and translators), the Forum provided an arena for participants to discuss and explore ideas of violence against children, identify ways to address CSEC, present

a picture of the situation of children in the EAP region and prepare for their involvement, including through drafting 23 recommendations to government, for the EAP Regional Preparatory Meeting.<sup>197</sup>

ECPAT's Global Youth Partnership Project for Child Survivors and Youth at Risk of Commercial Sexual Exploitation (YPP) is a unique programme that engages the most at-risk and marginalized groups of children through training and leadership development to become advocates for their own rights. YPP also seeks to build institutional mechanisms to ensure that child and youth participation has a meaningful impact and becomes a sustainable part of the policymaking process. In Thailand, the YPP has been active since 2009 and focuses on building partnerships with local groups, conducting leadership trainings and capacity building, and peer-to-peer approaches to CSEC prevention. In the first two years of the program, the YPP directly involved 627 children and indirectly affected nearly 4,000. In 2010, three child representatives of the YPP had the opportunity to meet with Thai Prime Minister Abhisit Vejjajiva to present examples of child-led best practices from the YPP, including awareness raising campaigns in vulnerable ethnic minority communities.

Child and youth participation initiatives

such as the YPP have potent benefits in the realms of prevention, protection, and rehabilitation. Involving victims of CSEC in prevention and protection efforts ensures that measures take into account the unique concerns and experiences of children who have been impacted by the issues in question. This involvement also serves to rehabilitate the child participants by developing their leadership skills, self-confidence, and sense of empowerment.

NGOs, national and international, and youth groups have also made efforts to promote the participation of children in public opinions and in matters concerning their rights and well-being. However, it is reported that, the concept of child participation is considered occidental and not fully appreciated by Thai adults in general, especially some parents and older family members, some teachers and policy makers due to the cultural characteristics of Thai society and the social norm that children are expected to show obedience towards adults and those in authority. Another complication is that existing forms of participation are often adult-led, token or event-oriented more than integrated into lifestyle and social systems. More often than not, only selected groups of more educated children and young people have the opportunity to participate and express themselves.<sup>198</sup>

## STOP Sex Trafficking of Children & Young People Campaign



An important advocacy component of The Body Shop and ECPAT 'Stop Sex Trafficking of Children and Young People Campaign' is the country progress card system, which ECPAT and The Body Shop has created to assess the progress of state action on specific commitments and promises to uphold the rights of the child to protection from sex trafficking and all forms of commercial sexual exploitation. In line with the 2008 Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children from the World Congress III against Sexual Exploitation of Children and Adolescents, this innovative tool provides readers with information on states' action to combat child trafficking, specifically towards the three goals of the campaign:

1. Community-base prevention programmes to stop child trafficking are reaching at-risk populations;
2. International legal standards for protecting children from trafficking have been incorporated into the national legal framework; and
3. Specialised government services for child victims of trafficking are integrated into national policies.

Thailand: summary of progress card *			
Goal 1: community-based prevention programmes			
Prevention	Collaboration	Awareness raising	Teacher training
Green	Green	Yellow ★	Red ★
Goal 2: legal framework			
Optional Protocol	Trafficking Protocol	National legislation	Special police units
Green	Yellow	Green	Yellow
Goal 3: specialised services for child victims			
Helpline	Shelters	Medical services	Psychological counselling
Yellow	Yellow	Yellow	Yellow

Green = significant action taken by state; Yellow = partial action taken by state;  
Red = inadequate level of state action; Star = work undertaken by NGOs

From the global assessment of the Progress Cards, Thailand is among the 51% of countries reviewed which have made some progress to stop sex trafficking of children and young people. Thailand has taken important steps to combat child trafficking for sexual purposes by strengthening the legal framework and adoption of policies to address human trafficking, which includes child trafficking. However, measures to ensure effective implementation of commitments and specialized care and protection for child victims of trafficking in the country are still needed. Specifically, Thailand should develop community-base awareness raising activities on child trafficking that targets the most vulnerable children (without birth registration, poor families and ethnic minorities), ratify the UN Trafficking Protocol and reduce demand of sex services involving children through stricter law enforcement and greater awareness of this crime in entertainment and tourism venues.

\* The Thailand Progress Card is available at [www.ecpat.net](http://www.ecpat.net)



## PRIORITY ACTIONS REQUIRED

### National plans and policies

- It is necessary to urgently develop a comprehensive National Plan and policy addressing all forms of CSEC, in particular, child pornography and child prostitution.
- In accordance with the Rio Declaration and Call for Action, child participation ought to be emphasised and facilitated in the new national plan and children ought to be involved in contributing to the design of the plan.
- The Thai Government must renew the planning process and complete the National Plan involving the tourism sector in addressing child sex tourism.

### Coordination and cooperation

- Thailand ought to create a body in charge of coordinating the anti-CSEC activities carried out by state agencies, NGOs and the private sector at the national and international levels to ensure policy standards are met throughout the country and that all relevant actors are engaged in the process.
- To comply with the Rio Declaration and Call for Action, Thailand must strengthen systems for data collection in relation to all forms of CSEC, not only trafficking. The government should undertake independent research using sound methodology to better understand the causes and prevalence of all manifestations of CSEC. In particular, it is imperative to gather data about local demand for sex with children and the unique enforcement barriers faced in this area.
- Thailand must sustain efforts to ensure compliance amongst relevant officials with the Bilateral Agreements on trafficking.

### Prevention

- Awareness raising campaigns relating to CSEC issues ought to be strengthened, for example, posters and flyers ought to be made visible at airports and all border crossings. Adequate prevention of CSEC requires expanding knowledge and a sense of responsibility to all members of society to monitor and report on the welfare of all children. Building this culture of responsibility among citizens aware of the problem provides an extra layer of support for children.
- There is a need to conduct research into the locations used by child sex offenders, in order to develop strategies to engage property managers, brokers, and others in communities/ neighbourhoods in counteraction against sexual exploitation of children.
- To ensure prosecution of foreign child sex offenders, Thailand should establish a child sex offender registry in order to share such information with other countries based on bilateral agreements to prevent and monitor child sex offenders entering the territory.
- Strategies must be developed to change social attitudes towards child sexual exploitation, and reduce the sense of tolerance or hopelessness among some communities and reduce demand for sexual services from children.



- ✎ Ensure that all children are issued birth certificates and other relevant documentation and that immigration status does not prevent children from accessing basic social services or otherwise leave them in a position of vulnerability to abuse and exploitation.

## Protection

- ✎ Thailand must ratify the Trafficking Protocol and accelerate implementation of the ASEAN Declaration against Trafficking of Women and Children.
- ✎ It is imperative to enact legislation defining child pornography and prohibiting its production, dissemination, sale and possession.
- ✎ Thailand must enact adequate legislation to prevent and punish the grooming of children for sexual purposes.
- ✎ Legislation should also be enacted to prevent and punish knowingly accessing and viewing child pornography.
- ✎ It is necessary to work to reduce corruption amongst the police forces in order that the existing laws addressing CSEC (Penal Code; Anti-Trafficking in Persons Act 2008; Prevention and Suppression of Prostitution Act 1996) are effectively enforced.
- ✎ Systems must be put in place to ensure that child friendly procedures are followed by the judiciary, including video testimony and interviewing involving social workers, psychologists, or other professionals with knowledge of child-friendly approaches to interrogation.
- ✎ It must be ensured that services for victims are adequate and are available in all required areas and meet all the necessary support needs. Research ought to be conducted on the adequacy of the shelters and other services currently available for victims of CSEC. It is important to improve monitoring systems for these shelters to guarantee they provide an appropriate standard of care.
- ✎ The Thai government should adopt and implement the Ministry of Justice and Senate Subcommittee recommendations on improving coordination in the administration of justice for suspected child sex tourism offenders. This includes better information sharing with immigration officials, evaluating the adequacy of current standards for granting bail, and better monitoring of those released on bail awaiting court proceedings to ensure they do not continue to abuse and exploit children.
- ✎ The Thai government must put in place effective systems to ensure that child victims of CSEC are able to reintegrate into mainstream education and develop the skills needed to create sustainable livelihoods. Training programmes that create a sense of purpose and possibility among survivors is imperative to prevent children from falling back into a cycle of vulnerability.
- ✎ Repatriation procedures should be speedy and ensure that foreign victims are housed in supportive environments with an adequate standard of living.

## Child participation

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

## The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents\*

*Note: This is a condensed version. The full Rio Declaration and Call to Action also contains: Preamble; A. Review of progress and outstanding challenges; and B. Declaration.*

### C. Call for Action

We call on all States, with the support of international organizations and civil society, including NGOs, the private sector, adolescents and young people to establish and implement robust frameworks for the protection of children and adolescents from all forms of sexual exploitation, and we call upon them to:

#### I - International and Regional Instruments

- (1) Continue working towards ratification of relevant international instruments, including as appropriate the United Nations Convention on the Rights of the Child and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, ILO Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Convention on the Elimination of All Forms of Discrimination against Women.
- (2) Continue working towards ratification of relevant regional instruments, including as appropriate the African Charter on the Rights and Welfare of the Child, the ASEAN Charter,

the Inter-American Conventions on International Traffic in Minors and on the Prevention, Punishment and Eradication of Violence against Women, the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, and the Council of Europe Conventions on Action against Trafficking in Human Beings, on Cybercrime and on the Protection of Children against Sexual Exploitation and Sexual Abuse, conventions which can be ratified by States that are non-members of the Council of Europe.

- (3) State Parties should take all necessary measures to implement the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, taking into due accounts the conclusions and the recommendations of the Committee on the Rights of the Child in the context of its review of State Parties' reports. All countries are encouraged to use this as an important reference.

#### II – Forms of Sexual Exploitation and its New Scenarios

*Child pornography/child abuse images*

- (4) Criminalize the intentional production, distribution, receipt and possession of child pornography, including virtual

- images and the sexually exploitative representation of children, as well as the intentional consumption, access and viewing of such materials where there has been no physical contact with a child; legal liability should be extended to entities such as corporations and companies in case the responsibility for or involvement in the production and/or dissemination of materials.
- (5) Undertake specific and targeted actions to prevent and stop child pornography and the use of the Internet and new technologies for the grooming of children into online and off-line abuse and for the production and dissemination of child pornography and other materials. Victim identification, support and care by specialized staff should be made a high priority.
  - (6) Conduct educational and awareness-raising campaigns focusing on children, parents, teachers, youth organizations and others working with and for children with a view to improve their understanding of the risks of sexually exploitative use of the Internet, mobile telephones and other new technologies, including information for children on how to protect themselves, how to get help and to report incidences of child pornography and online sexual exploitation.
  - (7) Take the necessary legislative measures to require Internet service providers, mobile phone companies, search engines and other relevant actors to report and remove child pornography websites and child sexual abuse images, and develop indicators to monitor results and enhance efforts.
  - (8) Call upon Internet service providers, mobile phone companies, Internet cafes and other relevant actors to develop and implement voluntary Codes of Conduct and other corporate social responsibility mechanisms together with the development of legal tools for enabling the adoption of child protection measures in these businesses.
  - (9) Call upon financial institutions to undertake actions to trace and stop the flow of financial transactions undertaken through their services which facilitate access to child pornography.
  - (10) Set up a common list of websites, under the auspices of Interpol, containing sexual abuse images, based on uniform standards, whose access will be blocked; the list has to be continuously updated, exchanged on international level, and be used by the provider to perform the access blocking.
  - (11) Undertake research and development, in the realm of the private sector, of robust technologies to identify images taken with electronic digital devices and trace and retract them to help identify the perpetrators.
  - (12) Promote public/private partnerships to enhance the research and development of robust technologies to investigate and to trace the victims with a view to immediately stop their exploitation and provide them with all the necessary support for full recovery.
  - (13) Make technologies easily available, affordable and usable for parents and other caregivers, including to assist with the use of filters to block inappropriate and harmful images of children.
- Sexual exploitation of children and adolescents in prostitution*
- (14) Address the demand that leads to children being prostituted by making

the purchase of sex or any form of transaction to obtain sexual services from a child a criminal transaction under criminal law, even when the adult is unaware of the child's age.

- (15) Provide specialized and appropriate health care for children who have been exploited in prostitution, and support child centered local models of recovery, social work systems, realistic economic alternatives and cooperation among programmes for holistic response.

*Sexual exploitation of children and adolescents in travel and tourism.*

- (16) Encourage and support the tourism, travel and hotel sectors in adopting professional Codes of Conduct, for example by joining and implementing the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism; encourage the use of businesses that put in place appropriate child protection-focused corporate social responsibility strategies; and/or provide other incentives for those participating.
- (17) Ensure that all stakeholders pay specific attention to unregulated tourism to prevent domestic and international travellers from sexually exploiting children and adolescents.
- (18) Cooperate in the establishment of an international travel notification system, such as the Interpol 'green notice' system, in accordance with applicable law and human rights standards.
- (19) Ensure investigation and, where sufficient evidence exists, that appropriate charges are brought and vigorously pursued against the State's nationals who are reported or alleged to have sexually exploited a child in a foreign country.

- (20) Prohibit the production and dissemination of material advertising the sexual exploitation of children in tourism; and alert travellers to criminal sanctions that will apply in cases of sexual exploitation of children.

- (21) Monitor new and emerging tourist destinations and establish proactive measures to work with private sector partners involved in the development of tourism services on measures to prevent the sexual exploitation of children and adolescents, including the use of socially and environmentally responsible strategies that promote equitable development.

*Trafficking and the sexual exploitation of children and adolescents*

- (22) Mobilize communities, including children and adolescents with a view to engaging them in dialogue on and a critical review of social norms and practices and economic and social conditions that make children vulnerable to trafficking, and establish procedures that involve them in developing strategies and programmes where they participate, where appropriate, in the planning, implementation and monitoring of such programmes.
- (23) Pilot and adapt or replicate successful models of community-based prevention and rehabilitation and reintegration programmes for child victims of trafficking.
- (24) Establish policies and programmes that address not only cross-border but also internal trafficking of children and that include, among other elements, a standard operating procedure for the safe repatriation and return of children based on the child's view and on a careful assessment of the needs and risks to the child of returning to her/his place of origin to ensure that the best interests of the child are taken into account.

- (25) Continue strengthening cross-border and internal cooperation of law enforcement officials, for example by establishing coordinating units with a mandate to issue clear guidelines for child centered investigation of cases of trafficking of children and for treating trafficked children not as criminals but as victims in need of protection.
- (26) Take legislative and other measures to ensure that a guardian is appointed without delay for every unaccompanied trafficked child, that an effective system of registration and documentation of all trafficked children is established, and that every trafficked child is provided with not only short-term protection but also with the necessary economic and psycho-social support for full and long-lasting recovery and social reintegration (in line with the *UNICEF Guidelines on the Protection of Child Victims of Trafficking and UNHCR Guidelines on Formal Determination of the Best Interests of the Child*).
- (27) Undertake and/or support, with the involvement of civil society and children, the regular evaluation of programmes and policies to prevent and stop the trafficking of children and of legislation that may have a conducive impact on trafficking, for example laws on marriage, free education, adoption and migration, birth registration, accordance of citizenship, refugee or other status.
- (28) Define, prohibit and criminalize, in accordance with existing international human rights standards, all acts of sexual exploitation of children and adolescents in their jurisdiction, irrespective of any set age of consent or marriage or cultural practice, even when the adult is unaware of the child's age.
- (29) Establish effective extraterritorial jurisdiction, abolishing the requirement of double criminality for offences of sexual exploitation of children and adolescents, and facilitate mutual legal assistance, in order to achieve effective prosecution of perpetrators and appropriate sanctions. Make all acts of sexual exploitation of children and adolescents an extraditable offence in existing or newly established extradition treaties.
- (30) Designate a lead law enforcement agency, where appropriate to national circumstances, to proactively enforce extraterritorial laws related to sexual exploitation of children and adolescents.
- (31) Ensure that child victims of sexual exploitation are not criminalized or punished for their acts directly related to their exploitation, but are given the status of victim in law and are treated accordingly.
- (32) Establish special gender sensitive units/ children's desks within police forces, involving when appropriate other professionals like health care and social workers and teachers, to address sexual crimes against children, and provide specialized training to judicial and law enforcement personnel.
- (33) Address corruption in law enforcement and the judiciary, as well as other authorities with a duty of care to children, recognizing corruption as a major obstacle to effective law enforcement and protection for children.
- (34) Establish and implement international, regional and national legal mechanisms and programmes for addressing sex offender behaviour and preventing recidivism, including through risk assessment and offender management programmes, the provision of voluntary extended and comprehensive rehabilitation services (in addition to but not in lieu of criminal sanctions)

### **III – Legal Frameworks and Enforcement of the Law**

as appropriate), safe reintegration of convicted offenders and the collection and sharing of good practices and establish where appropriate sex offenders registers.

#### **IV – Integrated Cross-Sectoral Policies and National Plans of Action General**

- (35) Develop and implement comprehensive National Plans of Action on the sexual exploitation of children and adolescents, or include these in existing relevant planning frameworks, such as National Development Plans and ensure that these Plans are based in a cross-sectoral approach which brings all stakeholders together in a coherent and comprehensive framework for action. These Plans should incorporate gender-sensitive strategies, social protection measures and operational plans, with adequate monitoring and evaluation targeted resources and designated responsible actors, including civil society organizations for implementation of initiatives to prevent and stop the sexual exploitation of children and adolescents and provide support for child victims of sexual exploitation.
- (36) Promote and support multi-sectoral policies and programmes, including community-based programmes, within the framework of a comprehensive national child protection system to address phenomena that contribute to the sexual exploitation of children and adolescents including, for example, discrimination (including on the basis of sex), harmful traditional practices, child marriage and social norms that condone sexual exploitation.
- (37) Promote and fund meaningful child and youth participation at all levels in the design, monitoring and evaluation of policies and programmes, in campaigns and through peer-to-peer youth programmes, aimed at raising

awareness and preventing the sexual exploitation and trafficking of children and adolescents.

- (38) Initiate and support the collection and sharing of reliable information and cross-border cooperation, and contribute to databases on victims and perpetrators, to enhance assistance to children and address the demand for sex with children, in accordance with applicable laws.

#### *Prevention*

- (39) Ensure that all children born on their territory are registered immediately and for free after their birth and pay special attention to not yet registered children and children at risk and in marginalized situations.
- (40) Strengthen the role of educational institutions and staff to detect, denounce and help address sexual abuse and exploitation of children in all forms and sources.
- (41) Emphasize prevention of sexual exploitation of children and adolescents, through e.g. awareness raising and educational campaigns, support for parents and eradication of poverty while reinforcing or establishing multi-sectoral referral mechanisms to provide comprehensive support and services to children who have been victimized in sexual exploitation.
- (42) Support children to gain deeper knowledge of their own rights to be free from sexual exploitation, and the options available to help them to address abuse, so that they are empowered, with the partnership of adults, to end sexual exploitation.
- (43) Engage children in meaningful and critical examination of changing contemporary values and norms and their potential to increase vulnerability

to sexual exploitation; and promote education to enhance children's understanding of these issues in relation to sexual exploitation.

- (44) Undertake research on contemporary patterns of socialization of boys and men across different contexts to identify factors that promote and strengthen boys' and men's respect for the rights of girls and women and engage them in action initiatives that inhibit and discourage them from engaging in sexual exploitation of children and adolescents.

#### *Protection of the child*

- (45) Increase efforts to address the sexual exploitation of children and adolescents through the development of comprehensive and integrated national child protection systems, including the necessary budget allocations and based on identifications of settings where children are most at risk that aim to protect children from all forms of violence and abuse.
- (46) Establish by 2013 an effective and accessible system for reporting, follow up and support for child victims of suspected or actual incidents of sexual exploitation, for example by instituting mandatory reporting for people in positions of responsibility for the welfare of children.
- (47) Develop or enhance accessibility of existing telephone or web-based help lines, in particular for children in care and justice institutions, to encourage children and require care givers to confidentially report sexual exploitation and seek referral to appropriate services, and ensure that the operators of such reporting mechanisms are adequately trained and supervised.
- (48) Strengthen existing national child protection services or establish new

ones in order to provide all child victims of sexual exploitation, girls and boys, without discrimination, with the necessary economic and psychosocial support for their full physical and psychological recovery and social reintegration, and when appropriate, family reunification and interventions that support and strengthen families to mitigate the risk of further exploitation; such services to be provided by well trained multi-disciplinary teams of professionals.

- (49) Ensure that these services are accessible, appropriately resourced, comprehensive, child- and gender-sensitive, and reach all children without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex (or orientation), and social origin and including children with disabilities, from ethnic minorities, indigenous or Aboriginal children, refugee or asylum-seeking and children in domestic service or living on the streets and children displaced by conflict or emergency situations.
- (50) Develop programs that provide children of sex workers and children living in brothels with support and protection.
- (51) Promote and defend the privacy of the child victims and child perpetrators of sexual exploitation, taking into account relevant national laws and procedures, to protect their identity in investigatory or court proceedings or from disclosure by the media and ensure that these proceedings are child friendly and allow the child to participate in a meaningful way in the process of bringing the perpetrator to justice.
- (52) Ensure that children and adolescents exhibiting acts of sexual violence harmful to others receive appropriate care and attention as a first option through gender-sensitive and child-focused measures and programmes that balance their best interest with

due regard for the safety of others, and ensure compliance with the principle that depriving children of liberty should be pursued only as a measure of last resort, and ensure that those responsible for the care of such children are equipped with relevant and culturally appropriate training and skills.

## **V – International Cooperation**

- (53) 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 of sexual exploitation of children and adolescents; and for the assistance of child victims in their physical and psychological recovery, social reintegration and, as appropriate, repatriation.
- (54) Establish and/or improve by 2013 concrete mechanisms and/or processes to facilitate coordination at national, regional and international levels for enhanced cooperation among government ministries, funding bodies, UN agencies, NGOs, the private sector, workers' and employers' organizations, the media, children's organizations and other representatives of civil society with a view to enabling and supporting concrete action to prevent and stop the sexual exploitation of children and adolescents.
- (55) Strengthen and improve the effectiveness of existing regional mechanisms for exchange, coordination and monitoring of progress on child protection including against sexual exploitation in order to review progress and strengthen follow-up on the implementation of the recommendations made.
- (56) Provide, when in a position to do so, financial, technical and other assistance through existing multilateral, regional, bilateral and other programmes for addressing the sexual exploitation of children and adolescents; and explore the potential of a fund for child and youth initiatives in this area.
- (57) Develop, where appropriate with the support of UN agencies, NGOs, civil society organizations and the private sector, workers' and employers' organizations, policies and programmes to promote and support corporate social responsibility of enterprises operating inter alia in tourism, travel, transport and financial services, and of communication, media, Internet services, advertising and entertainment sectors; so that child-rights focused policies, standards and codes of conduct are implemented throughout the supply chain and include an independent monitoring mechanism.
- (58) Support and contribute to the Interpol international child abuse images database and nominate a responsible national focal point person or unit to collect and update promptly national data on sexual exploitation of children and adolescents, and systematically share this information with Interpol in order to support cross-border (international) law enforcement action and strengthen its effectiveness, and adopt multilateral agreements especially for police investigation work.
- (59) Undertake national and international coordinated measures to curb and stop the involvement of organized crime



in commercial sexual exploitation of children and bring persons and/or legal entities responsible for this form of organized crime to justice.

## **VI – Social Responsibility Initiatives**

We encourage the private sector, employers' and workers' organizations, to proactively engage in all efforts to prevent and stop the sexual exploitation of children and adolescents, and to use their knowhow, human and financial resources, networks, structures and leveraging power to:

- (60) Integrate child protection, including the prevention of sexual exploitation of children, into new or existing corporate social responsibility policies of enterprises operating inter alia in tourism, travel, transport, agriculture and financial services, and of communication, media, Internet services, advertising and entertainment sectors, and ensure appropriate implementation of such policies and widespread public awareness.
- (61) Incorporate the prevention and protection of children from sexual exploitation in human resources policies, such as Codes of Conduct and other corporate social responsibility mechanisms throughout the supply chain.
- (62) Join efforts with Governments, UN agencies, national and international NGOs, and other stakeholders to prevent the production and dissemination of child pornography, including virtual images and the sexually exploitative representation of children, and stop the use of the Internet and new technologies for the grooming of

children into online and off-line abuse; undertake actions to trace and stop the flow of financial transactions for sexual exploitation of children through the services of financial institutions; support efforts to address the demand for sexual exploitation of children in prostitution and the strengthening of services for children victims and their families, including the establishment of accessible telephone or web-based help lines; and provide support for educational and awareness-raising campaigns targeting children, parents, teachers, youth organizations and others working with and for children, on the risks of sexual exploitation of children, sexually exploitative use of the Internet, mobile phones and other new technologies as well as on protective measures.

## **VII – Monitoring**

- (63) Establish by 2013 independent children's rights institutions such as children's ombudspersons or equivalents or focal points on children's rights in existing human rights institutions or general ombudsperson offices, highlighting the importance for States Parties to the Convention on the Rights of the Child of General Comment No 2 of the Committee on the Rights of the Child; these bodies should play a key role in the independent monitoring of actions taken for the prevention of sexual exploitation of children and adolescents, protection of children from such exploitation and the restoration of the rights of sexually exploited children, in advocating for effective legal frameworks and enforcement and in ensuring, where necessary, that child victims have effective remedies and

redress, including the possibility of filing complaints before these institutions.

We encourage the Committee on the Rights of the Child to:

- (64) Persevere with reviewing progress of States Parties' fulfilment of their obligations to uphold the right of children to protection from sexual exploitation and pay special attention to the recommendations in the Rio Call for Action in its examination of reports under the Convention on the Rights of the Child and its Optional Protocols.
- (65) Adopt as a matter of priority a General Comment on the right of the child to protection from sexual exploitation, trafficking for sexual purposes, and the abduction and sale of children, including detailed guidance to States on the development, implementation and enforcement of national legislation and policies in this regard.
- (66) Continue to work with the Office of the High Commissioner for Human Rights in protecting child rights, and raising awareness of relevant international and regional human rights mechanisms.

We encourage other United Nations human rights treaty bodies, special procedures of the Human Rights Council and special representatives of the United Nations Secretary-General, as well as regional human rights mechanisms, to:

- (67) Pay particular attention to combating the sexual exploitation of children and adolescents, within their respective mandates and during their examination of State Parties' reports, country visits, in their thematic work and/or other activities.

We urge the Human Rights Council to:

- (68) Ensure that the Universal Periodic Review process includes rigorous examination of States' fulfilment of their obligations to children, including preventing and stopping the sexual exploitation of children and adolescents and to respectfully the rights of child victims of such exploitation.

We urge the yet-to-be-appointed Special Representative of the Secretary-General on Violence against Children, the Special Representative of the Secretary-General for Children and Armed Conflict, the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography and the Special Rapporteur on Trafficking in Persons, especially in Women and Children, together with other appropriate mandate holders and in collaboration with the Committee on the Rights of the Child, to:

- (69) Work together to avoid duplication and to maximise their impact in preventing and stopping the sexual exploitation of children and adolescents and, through their work, map experiences in the area of prevention and response to sexual exploitation of children and assess their effectiveness.

We encourage UN agencies, NGOs and human rights institutions to:

- (70) Support and provide information on the extent of and responses to sexual exploitation of children and adolescents to these bodies.
- (71) Work with the media to enhance their role in education and empowerment, and in protecting children from sexual exploitation, and to mitigate the harmful potential of the media, including

through the sexualization of children in advertising.

We call on international financial institutions such as the World Bank and the International Monetary Fund to:

- (72) Review their current macro-economic and poverty reduction strategies with a view to counteracting any negative social impact on children and their families, including loan conditionality which essentially limits social services and access to rights and minimizing the risk for children to sexual exploitation.

We call on religious communities to:

- (73) Reject, in the light of their consensus about the inherent dignity of every person, including children, all forms of violence against children including sexual exploitation of children and adolescents and establish, in that regard, multi-religious cooperation and partnership with other key stakeholders such as governments, children's organizations, UN agencies, NGOs, media and the private sector using their moral authority, social influence and leadership to guide communities in ending sexual exploitation of children and adolescents.

## C. Call for Action

(1) We commit ourselves to the most effective follow-up to this Call for Action:

- At the national level, inter alia, by biennial public reporting on the measures taken for the implementation of the Rio Declaration and Call for Action and promoting/initiating discussions on the progress made and the remaining challenges to named responsible mechanisms for monitoring implementation while also integrating such requirements into State reporting to the Committee on the Rights of the Child.
- At the international level, by encouraging and supporting coordinated actions by the relevant human rights treaty bodies, special procedures of the Human Rights Council and Special Representatives of the Secretary-General of the United Nations with a view to maintaining awareness of the Rio Declaration and Call for Action and promoting its implementation.

- (2) Encourage the private sector to join the United Nations Global Compact and communicate their implementation progress with regard to addressing the sexual exploitation of children and adolescents and supporting the realization of this platform for coordinated corporate efforts and sharing of best practices.

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