



ALTERNATIVE REPORT

**FOLLOWING THE INITIAL REPORT FROM THAILAND ON THE
IMPLEMENTATION OF THE OPTIONAL PROTOCOL TO THE CONVENTION
ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD
PROSTITUTION AND CHILD PORNOGRAPHY**

PRODUCED BY

ECPAT International

End Child Prostitution, Child Pornography and Trafficking of children for sexual purposes

July 2011

ALTERNATIVE REPORT

Following the initial report from Thailand on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography

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Note on Methodology

In preparing this report, ECPAT International surveyed key secondary source material on the situation of child sexual exploitation in Thailand, including government (both Thai and foreign), NGO, and IGO reports; news reports; field studies; and academic research. The analysis in this report has been informed by ECPAT staff's considerable experience attending meetings and consultations with relevant government, civil society, and private sector stakeholders.

In order to supplement this desk research with invaluable firsthand knowledge and experience of child protection NGOs working in the field as well as the experiences and perspectives of children themselves, ECPAT organized a regional consultation session in Chiang Rai on June 11, 2011, which included 12 adults and 14 children representing 10 child protection organizations ("Northern Consultation Session"). This all-day session provided extensive insight into the situation faced by children and child protection workers on the ground, an imperative counterpoint to desk research on law and policy initiatives, which often provides a limited picture of the efficacy of these law and policy agendas on the lives of the children they aim to protect.

ECPAT acknowledges the input of its northern Thailand partners in preparing this report: YMCA Bangkok Foundation; Eden House Project LIFE Foundation; Centre for Girls; The Adventist Development and Relief Agency (ADRA); Sahasartsueksa School; New Life Centre Foundation; Christianpaisansart School; and Baan Huaykrai School. This report was compiled by Melissa Lonn, Jake Lucchi, Kritsana Pimonsaengsuriya, Pusa Srivilas, Francois-Xavier Souchet and Mark Capaldi.



Introduction

- Compared to neighboring countries, Thailand evidences relative prosperity and development, with poverty having fallen from its recent height of 21 percent, to 8 percent in 2009. Although significant improvements have been observed, social inequality and poverty, particularly in the Northeast and North region of Thailand, continue to pose a large barrier to the upward mobility of ethnic minorities, migrants, refugees and those residing in abject poverty¹. Children from these groups remain at a significantly higher risk of exploitation and abuse.
- The situation of children living in Thailand has greatly improved over the last decade. However, despite Thailand's laudatory efforts to extend terms of compulsory education, low-cost healthcare, and poverty reduction, a significant percentage of Thai children suffer the effects of disadvantaged socio-economic backgrounds². The spread of HIV/AIDS, dissolution of traditional family systems, exclusion from education, child labor and other forms of exploitation contribute to the vulnerability of Thai youth³. Growth in tourism in an environment with inadequate child protection mechanisms, coupled with poverty and the quest for a better life, has resulted in a great number of children being victimized through trafficking for sexual purposes, namely prostitution and pornography. According to *Thailand's Report on the Implementation of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography and on the Involvement of Children in Armed Conflicts*, growing materialism amongst children, even those from stable socio-economic backgrounds, has resulted in numerous instances of participation of middle class children in commercial sexual exploitation⁴. The child and youth participants in the Northern Consultation session confirmed the prominence of these vulnerability factors, and also cited debt bondage, in which parents are compelled by their creditors to allow their children to be exploited through labor or sex in order to pay off debt, as another serious concern.
- According to information collected by ECPAT, as well as displayed in *Thailand's Report on the Implementation of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography and on the Involvement of Children in Armed Conflicts*, it is acknowledged that the Thai government is making sustained and significant efforts to combat CSEC.
- However, a number of pressing problems remain. The government acknowledges an increased number of foreign children being trafficked into Thailand for sexual exploitation, cited by the Ministry of Social Development and Human Security⁵. The Northern Consultation Session indicated known cases of immigration officials allowing



trafficked across the border into Chiang Rai for a fee. Children trafficked to Thailand originate from Cambodia, Lao PDR, Myanmar the People's Republic of China and Vietnam. Within Thailand, there exists internal trafficking of children from rural areas to urban cities for the purpose of sexual exploitation⁶. UNICEF has noted a decrease in the number of Thai child victims of trafficking and an influx of children from bordering countries. The shift may be due to Thailand's lengthy compulsory education, as well as initiatives taken by the government and NGOs in the prevention of CSEC⁷. Stateless children continue to be one group particularly vulnerable to child sexual exploitation. As children of undocumented migrant groups born before 2008, they were not eligible for birth registration and thus susceptible to statelessness⁸. These Thai-born children account for 5% of newborns each year, numbering approximately 50,000 children annually⁹. Recent amendments in Thai citizenship law have restored citizenship to a number of minority groups who lost this status in 1972; however, there remain an estimated 480,000 stateless persons, including 66,000 school-age children.¹⁰ Though the Thai government has laudably withdrawn its reservation to section 7 of the CRC (providing birth certificates to all children regardless of status), it appears that there are a number of refugee groups with members born in Thailand that have yet to be issued these certificates.¹¹ Increased effort needs to be allocated to undocumented migrants who due to their unrecognized status and subsequent lack of access to higher education and employment are easy prey for sex traffickers¹².

General measures of implementation

- Thailand's domestic laws reflect the creditable success it has attained in upholding the principles of the CRC and the Optional Protocol. Stated in its 2007 Constitution, Thailand guarantees children and youth's right to freedom and protection from the state. Furthermore, article 152 of the Constitution of Thailand states that when a bill concerns children, youth, women, the elderly, the disabled or handicapped, a non-standing committee of representatives shall be appointed by the House of Representatives if the House does not use its full committee to consider the bill. This article exemplifies the Thai government's sensitivity and commitment towards vulnerable societal groups.
- Thailand has implemented the doctrine of the Optional Protocol with the introduction of the new Anti-Trafficking in Persons Act which came into force in 2008, improving the Measures in Prevention and Suppression of Trafficking in Women and Children Act of 1997. Legislation to suppress pornographic material is another significant initiative currently being discussed in parliament. Multiple governmental and non-governmental bodies are involved in the implementation of the CRC and the Optional Protocol on the



Sale of Children, Child Prostitution and Child Pornography, with the Office of Welfare Promotion, Protection and Empowerment of Vulnerable Groups under the Ministry of Social Development and Human Security acting as the primary coordinating agency.

- Thailand has been successful in involving agencies at the national, regional and international level to help implement and monitor the incorporation of the principles of the CRC and Optional Protocol in the country. Specific mechanisms in place include the National Youth Commission, the National Child Protection Committee and the National Human Rights Committee.
- The Optional Protocol has been translated into Thai and dispersed to governmental and non-governmental agencies, local administrative organizations and the media. Even prior to Thailand's ratification of the Optional Protocol, the Optional Protocol was disseminated to these bodies, highlighting Thailand's continued commitment to improving the status of its children. In 2006, when Thailand ratified the Optional Protocol, it ensured that relevant agencies be made aware of Thailand's responsibilities under the Optional Protocol by including a copy of it whenever disseminating the CRC. Conferences have also been held at the national and regional level, reaching different sectors of the country to educate them on the Optional Protocol¹³.
- Thailand has been training individuals and agencies at the national, international and local levels on child rights sensitization and has been conducting public awareness on child rights years before it ratified the Optional Protocol. With the signing of the Optional Protocol, the Thai government has conducted various training sessions annually¹⁴.
- In accordance with the obligations of the CRC and Optional Protocol, the Thai government produces reports on the implementation of the protocols in Thailand. There are two groups responsible for the preparation of the reports, with one group specifically focusing on the sale of children, child pornography and child prostitution. The groups comprise representatives from relevant agencies, experts and two children. Prior to submitting the report to the Cabinet, the group gathers input from other organizational bodies implemented in child's rights¹⁵.
- The Thai government has significant budget allocated for the implementation of the Optional Protocol, exemplifying the importance it attributes to combating child sexual exploitation. On August 6, 2003, Thailand announced human trafficking as a national agenda, allotting an initial budget of 100 million baht for the care and assistance of victims, protection, and prevention activities. The budget is controlled by the Ministry of Social Development and Human Security. According to a more recent Trafficking in Persons report, the Ministry of Foreign Affairs in Thailand reported spending \$185,000 on trafficking protection and prevention activities in 2009¹⁶. The most recent Trafficking in Persons report released in 2011, reported annual governmental spending of \$200,000



on victim assistance and anti-trafficking activities¹⁷. The amount allocated to child victims is not mentioned within the reports; however, funding has been institutionalized as required by the Trafficking Act (2008).

- During the northern consultation, participants were asked to identify the key stakeholders involved in combating CSEC in their location and their perceptions of how committed and effective the key stakeholders were in responding to the problem, see **Annex I for Results Table**.

Prevention of the Sale of Children, Child Prostitution, and Child Pornography

Combating Child Prostitution

- Despite documented progress, there remain significant problems in Thailand's efforts to address the commercial sexual exploitation of children. Corruption and cases of police officers involved in the child sex trade¹⁸ contribute to the ongoing problem of CSEC in Thailand, as confirmed by the direct experience of ECPAT NGO partners, acknowledged during the Northern Consultation Session. Furthermore, the 2011 Trafficking in Persons Report found corruption amongst Thai law enforcement personnel is largely present. In certain areas where trafficking is common, police have formed relationships with traffickers, enabling human trafficking to prosper¹⁹. Although prostitution is technically illegal in Thailand, this law is mostly ignored and prostitution is practiced quite openly, with an estimated involvement of 60,000 children under the age of 18²⁰. According to the Children's Rights Protection Center in Thailand, 40 percent of those involved in prostitution are below 18 years of age²¹. In addition to the existence of child prostitution, there is a wealth of cases of child sexual abuse reported to the police each year; however, many of these cases still encounter ineffective law enforcement²². Furthermore, local officials who have a commercial interest in maintaining prostitution may sometimes safeguard the practice²³.
- According to information gathered by ECPAT, there is no accurate profile of children involved in prostitution in Thailand. As in many countries worldwide, statistics provided do not distinguish the prevalence by age, gender or type of sexual exploitation. Data is retrieved and compiled from numerous sources, including NGOs, university researchers and the government; however, the government has yet to publish accurate and comprehensive data on the explicit situation of CSEC in Thailand. In *Thailand's Report on the Implementation of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography and on the*



Involvement of Children in Armed Conflicts, figures were provided on the number of Thai and non-Thai assisted victims of trafficking, in addition to the number of assisted Thai victims of trafficking abroad. Data on the prevalence of Thai children involved in prostitution was also provided. The importance of gaining an accurate portrayal of the situation of child prostitution and child trafficking in Thailand is most visible when looking at the figures provided. According to the report, between 2005 and 2007, an annual average of 63.6 children were victims of prostitution and 151 children were trafficked for prostitution. Considering previous figures estimating that 60,000²⁴ Thai children are involved in prostitution, there appears to be a severe discrepancy between official data and third party estimates, highlighting the need for further research and sound data collection methods.

ECPAT AND ITS NORTHERN THAILAND PARTNERS RECOMMEND

Conduct a specific, in-depth study of the commercial sexual exploitation of children (CSEC) in Thailand in order to identify the state of affairs with respect to child prostitution, child pornography and the sale and trafficking of children, evaluating how CSEC evolves and how it manifests itself. An accurate picture of the CSEC situation in Thailand is imperative, both to raise awareness of the gravity of the issue and to efficiently combat the perpetuation of child sex trafficking.

- There has also been a shift from prostitution in brothels to street-based prostitution, which may be attributable to Thai authorities tackling many of the organized crime groups involved in the promulgation of child sex tourism²⁵. According to information gathered by ECPAT, Thai police are largely concentrating on foreigners travelling to Thailand to seek out sex with children, which is masking the reality of an even larger population of local people seeking sexual services. A lack of research into local demand makes the problem difficult to quantify; however, a number of recent reports have highlighted this problem.²⁶ Local demand, however, seems to receive a higher level of social tolerance due to a variety of contributing factors, including local constructions of gender norms.
- The prevention of CSEC requires a multifaceted approach, which the Thai government has pursued. Key barriers to the suppression and prevention of CSEC are poverty, social inequality and inadequate education, health and social services. Despite previously mentioned improved poverty rates, the large number of children still living in poverty remain vulnerable targets for CSEC. Discrimination against ethnic minorities, lack of



birth certificates, gender norms and certain images of masculinity, and traditional practices of some cultural groups render children vulnerable to adult exploitation. Increased efforts by the Thai government to address these broader social problems are an integral step to decreasing the vulnerability of children.

During the Northern Consultation Session, the ECPAT partners and youth participants reported experiences of police refusing to prosecute cases of traditional forced child marriage among “Hill Tribe” ethnic minority communities, citing a Thai legal requirement that law enforcement respect local customs. When training law enforcement, especially those operating in Northern regions, the Thai government must develop a clear and sustainable response to the need to respect local culture while also ensuring that cultural practices cannot be used to continue exploiting children.

- Public awareness, education and outreach programs are necessary elements in the prevention of CSEC. The Thai government, in 2000, enacted a law requiring all Thai children to attend school for at least 9 years. Thailand has extended education to vulnerable children, such as those living on the streets, under the World Fit for Children Action Plan²⁷. This initiative is a positive manifestation of the implementation of Article 9(1) of the OPSC; however, demand continues to exceed supply.
- The Thai government coordinates with NGOs and local industries to help train youth for different vocational placements and find them employment²⁸. Finding suitable employment for vulnerable youth helps reduce the incidence of commercial sexual exploitation. However, NGO partners and youth reported in the Northern Consultation Session that some of these initiatives provide only short-term solutions to the problem of unemployment and a lack of life opportunities, rather than equipping victims with a vision and skillset to achieve longer term employment and economic independence.
- To respond to stateless children, UNICEF is funding a Legal Assistance Center managed by the Payap University to help children without citizenship attain Thai status²⁹. Considering that stateless children are particularly vulnerable to CSEC, this is an important initiative and responds to article 9.1 of the OPSC, which states that particular attention should be given to children who are most vulnerable. However, this project is funded and implemented by the NGO and academic sectors. The Thai government has yet to adopt adequate legal and policy measures to remedy the substantial problem of statelessness in Thailand and the great vulnerability of stateless children to abuse and exploitation.
- The Thai government has created numerous nationwide prevention activities on human trafficking and supported NGOs who were campaigning against human trafficking. One



such initiative was the 2008 “Stop! Human Trafficking” awareness raising campaign which targeted mainly students and parents. The Ministry of Social Development and Human Security joined forces with UNIAP, World Vision, MTV EXIT, TK park and other concerned organizations to inform the Thai public on the situation of human trafficking, although there was no differentiation between adult and child forms of sexual exploitation. According to information provided by the Thai government to the U.S. Department of State, throughout 2010 and early 2011, awareness raising on human trafficking extended to roughly 3000 people from high-risk groups and 2000 employers involved in the labor industry³⁰. The government’s efforts and achievements are laudable; however, individual attention needs to be given to child trafficking and other forms of child sexual exploitation. According to article 9.2 of the OPSC, public awareness, especially information geared towards children, is essential to the prevention of CSEC. However, the lack of differentiation between adult and child victims is likely to reduce the benefit for children because it fails to shed light on the unique causes and impacts on both victims and broader society vis-à-vis the sexual exploitation of children. In addition, integrating CSEC and adult sexual exploitation under the same general heading has the effect of minimizing the gravity of CSEC.

- The Bureau of Anti-Trafficking in Women and Children has sought to involve media journalists in a program to promote victim-sensitive methods for reporting on trafficking cases, especially those involving sexual exploitation. The Ministry developed the joint training program through a bilateral cooperation framework with the Laotian government under their MOU. A bilateral workshop was organized to review situational analyses on effective tools for raising awareness to target groups. Training for community radio journalists along the Thailand and Laos border was selected to be continued between the two countries.
- A promising initiative adopted by the Thai Government is the six-year National Policy Strategy on human trafficking for 2011-2016. In July of 2010 the Prime Minister acknowledged weak interagency coordination in combating human trafficking and announced plans to coordinate anti-trafficking efforts among involved departments and increase trafficking prosecutions and convictions. As of May 2011, available data did not adequately distinguish between convictions involving trafficking and other crimes³¹.
- Child and youth participation is vital to the prevention of CSEC. Thailand has recognized the importance of the contribution of the younger generations in combating child sexual exploitation. In preparing Thailand’s second periodic country report on the CRC, 398 children from 76 provinces provided input at 4 regional meetings, and 85 child representatives from across Thailand, attended a national conference in Bangkok³². Since 1989, there has also existed “the Child Rights Forum” which extends the opportunity to



children to discuss their outlooks and convey their needs to adults and the public. Approximately 300 children attend the forum annually.³³ Child and youth participants in the Northern Consultation Session cited child and youth participation in public education efforts aimed at children as a key way to increase the effectiveness of these campaigns, as well as empowering all children involved.

- 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, Thailand, in collaboration with Save the Children, who took a leading role, ECPAT International and a number of other NGOs, organised youth consultations in each of four designated regions in Thailand. These sessions included participation from 142 children, and during the final session children presented their recommendations to senior members of Sub-Committee charged with developing the plan³⁴.
- Recently, Thai children provided recommendations for policy improvements at the Mekong Youth Forum. The forum brings together children from the Mekong sub-region to participate in national and regional conferences. Some of the children who attended were survivors of CSEC³⁵. Issues such as access to quality education, victim protection, youth participation and prevention methods at the community and governmental level were addressed. The most recent meeting of this forum occurred in Bangkok in October 2010.
- Youth participation has also been observed through initiatives taken by national and international NGOs and youth groups. Despite efforts to extend children's opinions to the public, age stereotypes can be a barrier to child participation, as children are sometimes expected to conform to norms of subservience and obedience. This has resulted in many children who have attempted to advocate for CSEC measures being silenced by adults who will lead discussions and have children attend as mere token symbols³⁶. It should be noted, however, that the Youth Forum in Preparation of the World Congress III prepared recommendations to the Congress and explained how youth can positively contribute to the fight against CSEC³⁷. One of the recommendations was indeed increased attention to the voices of youth when deciding how to better address human trafficking, as echoed by the 6th COMMIT ministerial meeting held in November 2008³⁸. Child and youth participants in the Northern Consultation Session highlighted the importance of child and youth participation in the policymaking process, because it allows children's firsthand experience to inform the policymaking progress, providing better data than secondhand accounts. Furthermore, it provides children an opportunity to be educated about this process as well as their legal rights and privileges, information that they can pass on to other children in their communities.



Children and youth during the Northern Consultation identified that there remain many communities without senior high schools, or with insufficient capacity to meet the demand of all students. Children from these communities who wish to further their education at the senior high school level are often required to move to other communities away from their homes and families. The associated costs with living away from home as well as the lack of familial and community support and monitoring leave such children highly vulnerable to sexual and other forms of exploitation. Improving access to education in every community is a key measure to ensure that children can improve their life chances by advancing their education without having to put themselves in conditions of great vulnerability.

ECPAT AND ITS NORTHERN THAILAND PARTNERS RECOMMEND

Increase and institutionalize opportunities for child and youth participation in the drafting of policies addressing trafficking and prostitution of children.

Extend involvement in discussions surrounding CSEC to include the contributions of survivors of CSEC who can provide a more nuanced portrait of the issues involved. Recommendations emerging from victims and youth at-risk are vital to the prevention of CSEC and to the protection of vulnerable youth.

Train officials on the importance of child contributions to the development of new laws and action plans so that their opinions and recommendations may be implemented in a useful manner.

Conduct thorough research into the incidence and manifestations of child sexual exploitation as well as the efficacy of prevention measures.

Conduct further research into local demand for child prostitution and formulate measures specifically targeted to end this local demand.

Ensure that all children receive birth certificates and other necessary documentation and that questionable immigration status does not prevent children from accessing support services. Conduct sufficient trainings to ensure that all officials respect the rights of children with questionable immigration status.

Increase the number of schools in local communities so that children don't have to leave their families and communities or find extra funds to further their education.

Radio journalist training programs should be replicated in other media, such as cable TV and newspaper. The government should encourage professional journalists to create a code of ethics when reporting on the sensitive issue.



suspected offences were reported in 2007 via the National Hotline Number, and 72 were reported in 2008. Fifteen foreign child sex offenders were arrested in 2008⁴⁰ and 16 in 2009⁴¹. The profile of the sex offenders were individuals between the age of 50-59 and the victims were mostly boys between the ages of 12 and 20 years⁴².

- The Ministry of Justice has recently hosted meetings on improving child sex tourism measures, especially formulating a policy response to known cases of child sex abusers continuing to abuse children while out of prison on bail awaiting court proceedings. Meeting recommendations included: involving all relevant justice agencies and considering tourism and child protection policy in the prosecution process; updating and enhancing procedures for considering bail requests; and enhanced information sharing of child sex offender bail status with immigration officials.⁴³ This issue was also addressed 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.⁴⁴ As part of initiatives taken to prevent child sexual exploitation, the tourism sector of Thailand has begun to sign the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism. Organizations who sign the Code agree to inform customers about child sex tourism and train staff on how to recognize it. The Accor hotel chain in Thailand has been collaborating with ECPAT since 2002 to educate their customers and train their staff⁴⁵. Nearly 6000 Accor employees have received training on child sex tourism and the chain has generously funded local initiatives to help CSEC victims. ECPAT works with numerous other hotel chains, training staff and conducting workshops with tourism associations, spas and resorts⁴⁶. However, the Thai government has so far had an extremely limited role in engaging the private sector to help combat child sex tourism, with most initiatives implemented by NGOs and IGOs.



ECPAT AND ITS NORTHERN THAILAND PARTNERS RECOMMEND

Mandatory police checks on any individual, whether foreign or native to Thailand, seeking to work directly with children under the age of 18. Such a provision would be in conformity with article 9.1 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

Adopt recommendations from Ministry of Justice and Senate Tourism Subcommittee regarding improved monitoring of alleged sex offenders released on bail, information-sharing among officials, and assessment of bail consideration procedures in the justice system.

Awareness-raising campaigns relating to CSEC issues ought to be strengthened, for example, posters, flyers, brochures, etc. ought to be made visible at airports and other border crossings.

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 attitudes towards child sexual exploitation and reduce demand for sexual services from children.

The Thai government should make sustained efforts to engage the private sector in awareness raising, prevention, and monitoring activities against child sexual exploitation.

Combating Child Pornography

- With increasing mainstream technology, there has been a significant proliferation of child pornography which has become increasingly difficult for law enforcement officials to regulate. Many cases of possession of child pornography come from foreign perpetrators. In a recent study conducted by ECPAT International, out of 16 cases of arrests of foreign perpetrators in 2009 in Thailand, 56.85% were found to have child abuse images that were mostly self-produced⁴⁷. Digital technology has also had the positive effect of



contributing to the capacity of law enforcement to prosecute child abusers. Evidence is more easily retrievable due to mobile phones, webcams and other recording devices.

- Child pornography was recently openly sold on the busy streets of Bangkok⁴⁸. With pressure from the public and NGOs, the government has responded by cracking down on the sale of child pornography through the use of foreign and local undercover agents. However, it remains uncertain whether these efforts will serve as merely a short-term response to public outcry or a sustainable change in standards by Thai law enforcement.
- In an effort to prevent the production and dissemination of child pornographic materials, Thailand has made some progress. The Thai Hotline, established through cooperation between 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, is used as a database to report inappropriate images, including child pornography⁴⁹. Hotline staff participated in the East Asia and Pacific Regional training on hotline operation organized by ECPAT International.
- Microsoft Thailand and the Ministry of Education, as part of their “Partner in Learning” program, have collaborated to extend internet safety and training to 20,000 student internet users⁵⁰. Similar initiatives have been taken by the National Broadcasting Commission under the Public Relations Department and the Federation of Broadcasters Association which introduced in 2006, an age classification system for radio and TV programs⁵¹.
- The government of Thailand has taken its own initiatives as well to promote internet safety. The creation of “Cyber Clean” allows for the notification of inappropriate websites and the “Gatekeeper Project” has installed filters which bar harmful websites from Thailand⁵². In addition, the Ministry of Culture and the Ministry of Information and Communication Technology have developed “Web Guard”, software which blocks illegal sites, and they have also conducted numerous training sessions on internet safety throughout the country⁵³. These initiatives further address Article 9.5 of the OPSC, which requires State Parties to take appropriate measures to prevent the production and dissemination of sexual images of children.
- Internet technologies evolve at an unprecedentedly rapid pace, and children and young people now participate in these technologies in increasingly sophisticated ways. Furthermore, the fact that children and youth often understand these technologies better than the adults responsible for supervising them, it is imperative for governments to equip parents, teachers, and community members with the tools necessary to effectively monitor and protect children and young people.



- Child and youth participants in the Northern Consultation Session stated that children and young people still lack knowledge about safe practices for internet usage. Parents, unaware of the risks, often pay little attention to how their children use the internet.

ECPAT AND ITS NORTHERN THAILAND PARTNERS RECOMMEND

Continue surveillance of areas known for child pornography distribution. Assess the efficacy of current law enforcement strategies, such as monitoring stands and shops selling DVDs. Where effective, take measures to institutionalize these practices throughout law enforcement divisions to ensure that positive changes are enduring. By decreasing the supply of child pornography and the ease in which it can be attained, there may be an observed decline in the market for child pornography, and consequently a reduction in its production, dissemination and possession.

In order to improve family and community monitoring, the Thai government should create a dedicated division to researching and responding to developments in internet technology and provide sustained initiatives to ensure that prevention and protection efforts keep pace with changes in Internet technology.

Conduct a sustained campaign on the dangers of the internet and safe practices in schools throughout the country.

Install software to block harmful websites for children in schools as well as internet cafes.

Prohibition of the Sale of Children, Child Pornography and Child Prostitution

- Over the past few years, Thailand has made significant progress in harmonizing national law with its obligations under the OPSC to define and penalize the commercial sexual exploitation of children. However, important gaps remain, especially regarding legal provisions for child pornography.

Legislation Concerning Child Prostitution

- Thailand's primary law to protect children against prostitution is the Prevention and Suppression of Prostitution Act 1996. The law prohibits the act of sexual activity in



return for monetary or other forms of consideration. This act conforms to article 2(b) of the OPSC. Specifically, the 1996 Act prohibits engaging in sexual acts in a “prostitution establishment” with a person below the age of 18, regardless of consent⁵⁴. The penalty for an adult offender who commits such an act is imprisonment from 1 to 6 years and/or a fine ranging from 20,000 to 120,000 Baht, depending on the age of the victim⁵⁵.

Luring a child into prostitution is punishable by a heavier fine, 5 to 20 years imprisonment and/or a fine of between 100,000 to 400,000 Baht⁵⁶. Similar penalties are afforded to those who own, supervise or manage a prostitution business or establishment⁵⁷. The 1996 Act also extends punishment to parents of child victims of prostitution if the parent has knowledge or was an active participant in the illegal activity⁵⁸.

- The 1996 Act attests to the Royal Thai Government’s concern for prostitution involving youth. However, it is widely regarded that these laws are rarely enforced⁵⁹. Furthermore, there are some gaps that merit review. The penalty for committing an act under section 6, which criminalises associating with another person for the purpose of prostituting oneself or another individual, is a maximum of one month in jail, a 1000 Baht fine, or both⁶⁰. Considering that child trafficking for sexual purposes often relies on a network of individuals working together, an adequate legal response that fully deters all traffickers requires strong punishment for anyone contributing to the crime. Increasing such punishments would be more consistent with articles 3.2 and 3.3 of the OPSC. In addition, the 1996 Act does not describe what is meant by a “prostitution establishment,” which may be a gateway to exonerating guilty perpetrators, as some establishments supporting prostitution but primarily engaged in other activities may utilize legal “loopholes” to evade application of the law. Finally, the 1996 Act does not clearly confirm that children under the age of 18 will not be treated as offenders. The Ministerial Regulation on implementing the Act states mandates the protection of children under 18 and differentiates a more protective procedure for children than adult victims⁶¹; however, there are no clear guarantees that children will not end up with a criminal record or be treated as criminally complicit by some law enforcement.

Legislation Concerning Child Trafficking

- Thailand has not yet ratified the UN Trafficking Protocol; however, in 2008 it enacted the Anti-Trafficking in Persons Act B.E. 2551, which largely conforms to the standards of the UN Trafficking Protocol⁶². Section 6.2 of the 2008 Act specifically addresses what constitutes child trafficking and conforms to the definition set out by the OPSC. Section 7, which punishes those who assist or enable the trafficking of children, establishes



penalties for assisting or enabling in the same range as those for trafficking. These provisions conform to section 3.3 of the OPSC. The Act addresses strategies and mechanisms of prevention, victim protection and assistance, as well as victim compensation, which are all key focal points of the OPSC.

- There has been sustained cooperation between law enforcement agencies and NGOs to train relevant government and law enforcement officials as well as NGOs working in the field on implementing this statute. The Ministry of Social Development and Human Security has also published a pamphlet entitled *Scope and Elements of Identification of Trafficked Persons* initiated and drafted by the Royal Thai Police and multi-disciplinary team agencies to help officials improve their victim identification efforts.⁶³ There were also trainings on these pamphlets in accordance with the 2008 Trafficking Act. These efforts have improved understanding and capacity among Thai officials, but further efforts should be undertaken to achieve effective and consistent implementation throughout the country.
- The government has reported strengthening screening checkpoints at airports and border crossings in order to identify victims of trafficking. The Bureau of Anti-Trafficking in Women and Children (BATWC) has collaborated with the Thai Airport Authority and Immigration Bureau to provide a victim-friendly investigation space, known as “Safe Room,” in which to conduct screening interviews for suspected victims of trafficking, including the participation of social workers. However, the 2011 US TIP Report found that during the preceding year a mere 52 trafficked victims were identified in immigration detention centers⁶⁴. The report did not specify whether these cases involved child victims. Considering the high prevalence of CSEC and sex trafficking in Thailand, more efforts needs to be allocated to victim identification.

Legislation Concerning Child Sex Tourism

- The Thai Penal Code has specific sanctions for individuals involved in the sale, prostitution and pornography of children. The severity of punishment depends on the age of the child. Sections 282 and 283 of the Thai Penal Code Amendment Act have expanded the territorial jurisdiction of Thai courts to cover "indecent sexual acts" and "trafficking offences" regardless of where such offences are committed. This means that Thai courts have jurisdiction to prosecute both Thai citizens who exploit children abroad as well as foreigners who have exploited children in Thailand.
- Considering the high prevalence of commercial sex tourism and foreigners who sexually abuse children in Thailand, such broad jurisdiction is an important tool for combating CSEC. However, according to information gathered by ECPAT, since 2008, only 3 foreign and 20 domestic child sex tourists have been convicted under Thai law,



suggesting that law enforcement continues to face difficulties adequately implementing the law⁶⁵.

Legislation Concerning Child Pornography

- Thai law regarding child pornography fails to comply with requirements under the OPSC. There is no definition of child pornography, rather there is a general obscenity law regulating printed material, photographs, films, audio and videotapes⁶⁶. The law prohibits producing, possessing, transporting or causing the transportation in or out of Thailand for the purpose of trade, public distribution or exhibition any obscene materials. Informing others of the availability of obscene material is also considered a crime, punishable with up to 3 years in prison and/or a fine of up to 6000 Baht⁶⁷. It is unclear whether simulated images of child sexual exploitation are considered obscene material under section 287 of the Penal Code.
- The Computer Crime Control Act of 2007 criminalizes the dissemination of online pornographic material or accessing such materials on public computers⁶⁸. Section 26 of the Act requires that service providers and organizations who provide internet services to their employees maintain computer traffic and client data for 90 days. This act could be used as a tool to increase law enforcement's ability to locate and eliminate online child pornography. The office which regulates the Act has compiled and disseminated a handbook to internet providers and organisations on how to comply with the guidelines in this, as well as drafted rules and consequences for violating the Act⁶⁹.
- The Publishing Registration Act of 2007 has the effect of eliminating material which is 'deemed to affect the people's peace and good morals'. Child pornography would presumably fall under this Act, which makes it mandatory for publishers, advertisers, editors or owners of newspapers to include their names on all publications to ensure that they comply with the Act. The Commander of the Royal Thai Police has the ability to confiscate and destroy any printed material which does not conform to the Act's permissibility standards and can imprison an offender for a maximum of 3 years and/or a maximum fine of 60,000 Baht⁷⁰.
- Though these provisions could be used as a legal basis for regulating child pornography, none specifically mentions child pornography, requiring a particular official to interpret the law's applicability. Though this may not be a problem in the typical case, officials with less motivation or conflicts of interest may use the law's vagueness as a justification for failing to apply it to materials they are disinclined to enforce. Furthermore, punishing the production and dissemination of child pornography at the same level as other "obscene" material fails to acknowledge the heightened harm created by exploiting children definitionally incapable of consenting to participation in pornography. A clear



definition of child pornography and enhanced penalties are imperative for Thailand to fulfill its obligations under the OPSC.

- With the rapid expansion of “smart phone” use among young people in Thailand, there is increasing concern that children will share pornographic images of themselves with their boyfriends, girlfriends, or friends privately, without understanding the risk that such images will be disseminated to a wider audience. Increasing awareness about the risks of using smart phone technologies in this way is important for protecting children from inadvertently facilitating the distribution of pornographic images of themselves or others.

ECPAT INTERNATIONAL AND NORTHERN PARTNERS RECOMMEND

Initiate research to understand continuing barriers to full enforcement of child prostitution and child sex tourism laws.

Formulate a plan for national coordination and cooperation specifically focused on child prostitution and child sex tourism to ensure law enforcement effectiveness.

Implement further training and monitoring mechanisms to improve victim identification and ensure that law enforcement treat all child victims of sexual exploitation under 18 as victims rather than offenders. The government should assign a monitoring and evaluation (M&E) team to assess successes and failures on victim identification, including establishing a specific CSEC victim screening checklist to respond better to CSEC victims’ needs. The M&E team would provide consultation to each frontline agency identifying victims, including Ministry of Foreign Affairs bodies. The M&E team would also help collect information on victim identification problems to consider more effective identification skills.

Pass new law clearly defining child pornography, including computer-simulated images of children. Such offenses should carry heightened punishments above those for general obscenity offences.



ECPAT INTERNATIONAL AND NORTHERN PARTNERS RECOMMEND

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.

Create a National Taskforce or other National legal body to ensure the legal response to child pornography remains up to date with changes in computer technology and Internet usage.

Ensure that future Mutual Legal Assistance Treaties include better measures for rapid criminal proceedings, evidence exchange, and extradition.

Expand informal channels for information exchange among law enforcement from participating countries. In the experience of ECPAT staff informal exchanges, such as dinner discussions among Thai, Australian, and Japanese law enforcement, can sometimes be more effective than formal channels.

Strengthen cooperation among ASEANAPOL international law enforcement, the Mekong Police Network, and other international fora.

Protection of the Rights of Child Victims

- The government of Thailand has undertaken numerous initiatives to safeguard the rights of child victims; however, important gaps remain. Having ratified the principal international treaties addressing child rights, namely the Convention on the Worst Forms of Child Labour, the OPSC and the CRC, Thailand has committed itself to extending aid to child victims of sexual exploitation and protecting youth from falling victim to sexual



exploitation. It has also signed the ASEAN Declaration against Trafficking in Persons, and is involved in the Coordinated Mekong Ministerial Initiative against Trafficking.

- Thailand has established the Coordinating and Monitoring Committee on Prevention and Suppression of Human Trafficking which formulates policy and plan for the prevention and suppression of trafficking. The Sub-Committee is compiled of state agencies, NGOs and international organizations. The coming together of different groups implicated in combating trafficking strengthens the implementation and dissemination of initiatives to prevent trafficking and is in conformity with Articles 9 and 10 of the OPSC.
- Further international cooperation includes Thailand's bilateral agreements with neighboring countries combating trafficking, its participation in COMMIT, extradition agreements and Mutual Legal Assistance Agreement with South Korea⁷¹. International and regional cooperation contributes to the prosecution of child exploiters and child sex tourists and is a requirement under article 6 of the OPSC.
- The Royal Police of Thailand have a specialized unit, the 'Anti-Human Trafficking Division (AHTD)' to locate and identify trafficked victims. Although not exclusively a child trafficking police unit, in 2009, AHTD made 867 arrests related to sexual exploitation offenses⁷². The unit is trained in victim identification, treatment and in how to approach child victims in order to ensure that they are subsequently placed in state shelters rather than detention centers. This is in conformity with article 8 of the OPSC which responds to the vulnerable situation of child victims. The Department of Special Investigations (DSI), which is part of the Ministry of Justice, also investigates trafficking crimes but focuses its efforts on high profile cases involving organized crime⁷³. Although law enforcement training has significantly improved the ability to detect and respond to child victims of CSEC, a uniform method of determining children's status is non-existent, thus contributing to inconsistency and inefficiency⁷⁴.
- A continuing problem identified by ECPAT field staff is that each law enforcement office will often designate its own specific unit to deal with human trafficking, with no clear guidelines for collaboration and cooperation among various offices in overseas cases, many of which require cooperation with the Ministry of Foreign Affairs, Ministry of Labour, the Office of Anti-Money Laundering, and/or the Ministry of Justice. This process would be greatly facilitated by clear operating procedures and prosecution guidelines.
- Thai law attempts to protect victims, witness and offenders under the age of 18 by allowing them to provide their testimony on video, in the presence of a psychologist or social workers. Despite this victim-sensitive policy, evidence suggests that some judges are reluctant to admit video recordings during trials without actual in-person testimony⁷⁵.



- The Amended Criminal Procedure Code No. 26 of 2007, which concerns the interrogation, investigation and identification of victims and witnesses under the age of 18, allows for the presence of a psychologist, social worker or any other person asked for by the child during the process; however, there has been criticism that the type of criminal cases that merit the presence of a third party are not explained in this Act and therefore the process may be lengthy, which contradicts article 8.1(g) of the Optional Protocol⁷⁶. Provision for child protection participants conforms with article 8.1 of the Optional Protocol; however, there are reports that these procedures are not always implemented, as judges doubt the validity of video testimonies and often require the presence of the child victim during the court hearing for cross-questioning⁷⁷.
- NGO participants in the Northern Consultation Session commented that, based on their direct experience, police often avoid taking cases involving children, because the process involves so many multi-disciplinary actors, and thus creates a more complicated resolution. As a result, police will often interview child victims themselves as soon as the case is reported and attempt to settle the case through “mediation” immediately to avoid having to involve other parties. Furthermore, police are reluctant to get involved in cases that may involve influential people in the community or nationally. Police officers may use the questionable immigration status of some victims of trafficking as leverage to ensure a quick resolution to their cases. In some cases, officers have displayed an attitude that the child has “consented” to the exploitative situation, and thus do not see it as a crime, despite Thai law to the contrary. See **Annex II for Northern Consultation**

ECPAT INTERNATIONAL AND ITS NORTHERN PARTNERS RECOMMEND

While progress is being made, the Thai government should continue to expand its efforts at victim identification.

Justice procedures and law enforcement approaches must work to ensure ‘best interest of the child.’ Clear policy measures that require all officials to implement child friendly justice procedures as well as treating children only as victims rather than offenders are integral steps toward meeting Thailand’s obligations under the OPSC and other international legal instruments.

Secondary data and feedback from the northern consultation confirmed that the Thai government is making progress in victim support and assistance.



- In-line with article 9.3 of the OPSC, the Thai government has placed increasing importance on the role of centers and shelters as a means of attaining the social reintegration of child victims of CSEC. In 2009, 76 temporary shelters and 8 protection centers (4 for female victims and 4 for male victims were reported to exist throughout Thailand⁷⁸. One-stop crisis centers (OSCC) exist around the country in varying governmental units and hospitals, but not all OSCCs will deal with CSEC or trafficking cases. There are no clear guidelines on referrals of trafficking cases from OSCCs, which deal mostly with domestic violence and sexual abuse cases, to temporary shelters. There is no specific training on CSEC and trafficking in persons provided for OSCC practitioners. These centers offer a wide variety of services as well⁷⁹. The Thai government and NGOs have demonstrated significant efforts in ensuring that the best interest of child victims is maintained. These centers enable victims, which have been rendered extremely vulnerable, to seek assistance speedily and efficiently.
- Multiple centers extending victim assistance offer educational and occupational aid. In the north and north-east of Thailand, the Department of Social Development and Welfare, operates a vocational assistance program, informal schooling and job training to girls in the commercial sex trade⁸⁰. For foreign cases, the Department was criticized for holding victims too long in the shelter resulting from a long period of legal proceeding and victims' families tracing and assessment. The lack of ability to differentiate between adult and child needs for care and services remains a concern.
- Hotlines are an effective way of extending immediate support and assistance to victims of CSEC. 24-hour free hotlines addressing human trafficking and child sex trafficking have been established by government agencies, law enforcement and NGOs. Under the Royal Thai Police, 1191 is a hotline managed by the Anti-Human Trafficking Division (AHTD). The 1300 Soon Prachabodi Center, another hotline, is operated by the Ministry of Social Development and Human Security (MSDHS) and has trained personnel recording incidences of physical and sexual abuse, including exploitation and trafficking. It services both adult and child victims and has 76 government-run Families and Children Homes acting as reception centers throughout Thailand. Although the hotline prioritizes children in need, a significant limitation is that many child victims speak limited Thai, having originated from families of neighboring countries⁸¹. According to recent reports, this limitation has begun to be addressed through collaboration between the government and NGOs, with the creation of a "Centre to Suppress, Arrest and Prosecute Alien Workers Working Underground and Human Trafficking Processes"⁸². Interpreters have been hired to assist the government with foreign language hotline calls and inquiries. This is an important initiative; however, challenges remain due to the government's decentralized call system⁸³. In order to ensure that calls can be adequately responded to,



the government must focus efforts on forming a centralized call system so that calls are diverted to those able to properly respond.

- ECPAT requested participants in the Northern Consultation Session to rate the quality of a range of victim support services within the Thai system, based on their experience and knowledge. See **Annex III** for their responses.

ECPAT AND ITS NORTHERN THAILAND PARTNERS RECOMMEND

Expand support service capacity to ensure that all victims of CSEC have access. Many of the shelters also fail to distinguish between the needs of adults and children, and the different types of social services their clientele is facing. In an effort to implement a child-centered approach, as required by the OPSC, it is essential that these limitations be addressed. The government should allocate more funding to shelters and centers housing victims of CSEC and increase efforts to provide distinguished services needed by child victims, including boy victims of CSEC.

Educational support for victims of CSEC should also be expanded to ensure that children have life opportunities as they grow into adults and exit from the cycle of poverty and vulnerability that contribute to continued exploitation. Prevention of CSEC and social reintegration of CSEC victims are a primary focus of the OPSC. Education and vocational training are two means by which these goals may be attained.

The government must put in place effective systems to ensure that child victims of CSEC are able to reintegrate into mainstream education.

Ensure that children with non-Thai legal status have access to rehabilitative services and understand their rights to a level comparable with that of their Thai peers.

There should be capacity building for government-run hotline operators to respond to child sex tourism and online exploitation cases. A guideline to assist in identification of exploited children, referral mechanisms and services for these specific types of cases should be set up.

- Thailand has attempted to establish procedures for repatriation of trafficked victims, mostly through bilateral agreements with neighboring countries. These include the monitoring of rehabilitation and evaluation of repatriation at the community, provincial, national and international level⁸⁴. A continuing barrier to efficacy is inadequate training of law enforcement personnel, resulting in inconsistent application of the process of repatriation⁸⁵.



- One problem highlighted in a recent UNICEF study is that during the process of repatriation, children are often held for very long periods of time against their will, which results in them ‘shaping’ their testimonies to police in order to attain permission to leave shelters and return to their home countries⁸⁶.
- According to Thai legislation, any foreign victim of trafficking, children included, is entitled to remain in Thailand temporarily for medical, rehabilitation or legal reasons⁸⁷. Most foreign child victims are placed in government-run shelters to await repatriation. Thai children who have been taken outside of the country to be used for the purpose of sexual exploitation are assisted by the Thai Ministry of Foreign Affairs to return to Thailand. In 2007, a reported 403 women and girls were returned from abroad⁸⁸.

ECPAT AND ITS NORTHERN THAILAND PARTNERS RECOMMEND

Improve law enforcement personnel’s ability to understand CSEC, address victims appropriately, identify victims of sexual exploitation and trafficking, through increased training seminars, sensitization programs and collaboration with local NGOs specializing in CSEC.

Systems must be put in place to ensure that child friendly procedures are followed by the judiciary nationwide.

It must be ensured that services for victims are adequate and are available in all required areas. Research ought to be conducted on the adequacy of the shelters and other services currently available for victims of CSEC.

Place increasing focus on the process of repatriation of children so that victims can feel comfortable in their placement shelters and not feel the need to tailor their testimonies to police priorities in order to assure swift exit from shelters. Allocate additional funding and resources to homes that provide shelter to these children while they wait to return to their country of origin.

International Assistance and Cooperation

- In accordance with article 10 of the OPSC, international cooperation is imperative in the effort to eliminate CSEC. Thailand evidences regional and international collaboration, primarily through COMMIT⁸⁹. Annual reports portraying the situation of human



trafficking in each country provide an opportunity for COMMIT members to exchange information and techniques used to combat CSEC, which is in accordance with article 6 of the OPSC emphasizing mutual state assistance. As part of its activities, COMMIT has held several conferences for policymakers on human trafficking. Between 2005 and 2008, 8 week-long regional training courses on combating human trafficking were held for participatory countries. Program input is derived from governments, the UN and civil society stakeholders. Following these sessions, 50 participants from NGOs and government officials partook in a five-day session, twice in June and October of 2009 to evaluate the information gained from the 8 sessions. COMMIT is supported by UNIAP and has been working towards developing close collaboration with the governments of Cambodia, China, Lao PDR, Myanmar, Thailand, and Vietnam in the fight against human trafficking, including CSEC. The 6 countries present an annual report to COMMIT as a means of monitoring their collaboration and progress of the COMMIT sub-regional plan of action⁹⁰. Another initiative by COMMIT is the engagement of the tourist sector, including regional seminars addressing child sex tourism. In 2007, Thailand hosted a regional seminar on “Protecting Children from Trafficking and Sexual Exploitation in Tourism,” which resulted in the development and dispersal of a Letter of Intent adopted by participants from the 6 regional countries as an attestation to their commitment to join forces to combat CSEC. The Thai Ministry of Tourism and Sports is also reportedly compiling an information package to be dispersed to the tourism sector⁹¹.

- The training of law enforcement officials on human trafficking is a positive initiative adopted by the Thai government⁹². Article 8.4 of the OPSC states that appropriate training for individuals working in CSEC is crucial. Victim identification continues to be an area that requires improvement. Inconsistencies among law enforcement officials’ perceptions of the legal status of child victims need to be better addressed so that all child victims are equally supported by all parties involved in their protection and not re-victimized by the legal process⁹³.
- Law enforcement cooperation has progressed in Thailand, with the signing of a Memorandum of Understanding of Bilateral Cooperation for Eliminating Trafficking in Children and Women and Assisting Victims of Trafficking (MOU)⁹⁴. In addition to providing services to trafficked persons, prosecuting traffickers, implementing educational and vocational opportunities and taking preventative measures, there exists under the MOU a joint task force to ensure safe repatriation of women and children. Vietnam and Thailand have adopted a joint plan of action under their MOU and Cambodia and Thailand hold workshops on bilateral cooperation against human trafficking. These workshops focus on border control, sharing of information and area that are in need of increased bilateral cooperation⁹⁵. Thailand has signed a MOU with



Lao PDR and Myanmar as well. The Lao-Thai MOU has positively resulted in a meeting on victim identification and repatriation, and the development of joint initiatives such as case management and the strengthening of public awareness in each country⁹⁶. Similarly, since the beginning of 2009, Myanmar and Thailand have joined efforts in victim identification and protection. The countries exchanged targets and objectives for victim protection and Myanmar social workers travelled to Thailand to visit Myanmar victims seeking aid in Thai shelters and to help with translation⁹⁷. Thailand is also a member state of ASEAN. There have been some efforts to create linkages between COMMIT and ASEAN.

- Thailand also initiated government cooperation with destination countries like Japan and Malaysia. Cooperation with Japan was conducted through Ministry of Foreign Affairs in the form of a joint task force to monitor the joint plan of action. The taskforce adopted its first Standard Operating Procedures on Protection, Assistance, Repatriation and Reintegration of Victims of Trafficking in Persons. A draft MOU between Thailand and Malaysia is in negotiation.
- There remains concern among field workers that these agreements have not consistently translated into action on the ground. Monitoring and evaluation mechanisms and system should be conducted and reported periodically, as there is no progress report from the government and no common clear indicators to measure achievements.
- Collaboration with Western countries has increased in the last few years as efforts to counteract child sex tourism expand. A number of arrests of travelling child sex offenders have resulted from investigations conducted by US Immigration and Customs Enforcement (ICE).

Local and National Assistance

- In order to ensure effective and efficient improvements in the battle against CSEC, close interaction and collaboration between governmental and non-governmental sectors is imperative.
- One area in need of significant improvement in Thailand is the National Plan of Action (NPA), which is currently lacking. There is no responsible body in Thailand which oversees the inner-workings of all the organizations in the country addressing CSEC. Strategies to address CSEC are primarily contained in the National Policy and Plan on Prevention, Suppression and Combating Domestic and Transnational Trafficking in Children and Women (2005-2011). Also known as the “Trafficking NPA”, this policy does not differentiate between the multiple forms of CSEC, and, therefore, areas such as child pornography and child sex tourism do not receive adequate attention.



- The second trafficking national plan of action, Policies, Strategies, Measures in Prevention and Suppression of Trafficking in Person (2011 – 2016) has already been approved by the Cabinet in March 2010, through in-country regional consultation with partners. The NPA was distributed to provincial multi-disciplinary teams, The Provincial Committee of the Operational Center on Prevention and Suppression of Trafficking in Persons has drafted its own provincial plan of action to combat human trafficking. There is no clear information on how the budget will be allocated. It mentioned only that any proposal can be submitted to the anti-trafficking fund to be approved by the consideration committee. This budgetary system does not facilitate rapid resolution of urgent needs and initiatives.
- Thailand has developed a national policy and plan of action addressing child rights according to the UN Special Session on Children in 2002 known as “A World Fit for Children”⁹⁸. Although aspects of CSEC would fall under this policy, a national plan adopted by the Thai government, specifically addressing the different manifestations of CSEC, is necessary. In 2006, work was proceeding on an NPA focused on child sex tourism⁹⁹, but progress on the plan has stalled.
- As previously mentioned, the Thai government has collaborated with NGOs and communities to provide recovery centers for victims of CSEC and to investigate situations of abuse. Coordination in terms of program evaluation at these centers has also been noted as part of the interdisciplinary collaboration adopted by the Thai government¹⁰⁰. The monitoring of centers providing care and assistance is essential to the recovery and reintegration of victims of CSEC. As victims of significant trauma, it is vital that centers are sensitized to the situations of the children. Child Protection Policy and Procedures that are well-designed and effectively implemented within the operation of care and recovery centers is also needed as a mandate for shelter operation.
- The Thai government has made progress with regard to human trafficking in general. The National Operation Center on Prevention and Suppression of Human Trafficking at the national, provincial and international levels are responsible for coordinating NGO and government activities addressing human trafficking¹⁰¹. In 2008, the Thai government established seven domestic MOUs on Common Guidelines of Practices for Agencies Concerned with Cases of Human Trafficking which provided guidelines on prevention, protection, prosecution, repatriation and reintegration for case management on human trafficking¹⁰². Prior to that, there were already three MOUs to improve cooperation between and among government organizations, NGOs, and IGOs. The Operational Guideline on the Prevention, Suppression, Assistance and Protection of Trafficked Persons for Labour Purposes was also adopted and signed in 2008.
- There are also child welfare agencies set up around Thailand as part of the Child Protection Act. Governmental agencies collaborate with one another to implement child



welfare programs and training in both governmental and non-governmental sectors¹⁰³. One promising initiative taken by the Thai government is the formation of the Child Protection Sub-Committee concentrating on the establishment of Child Protection Systems in Thailand. There is a scheduled meeting in June 2011 for relevant stakeholders, where focus will be placed on increasing the effectiveness, coordination and implementation of resources for child protection¹⁰⁴. The advancement in combating human trafficking in general, and growth in child protective resources are commendable efforts being taken by the Thai government; however, there is a significant need for a coordinating unit focusing specifically on CSEC. In fact, the lack of an organizational body in Thailand, concentrating exclusively on combating CSEC, was a concern raised during a previous review by the Committee on the Rights of the Child¹⁰⁵.

- The National Human Trafficking Operations Centres mentioned are charged with collecting national trafficking data. However, Thailand still lacks a data collection mechanism for other manifestations of child exploitation. In its last review, the CRC recommended strengthening data collection systems, particularly surrounding vulnerable groups of children such as CSEC victims.¹⁰⁶

ECPAT AND ITS NORTHERN THAILAND PARTNERS RECOMMEND

A National Plan of Action specifically focusing in the different manifestations of CSEC should be developed, in particular to tackle child sex tourism, child pornography, prostitution of children and local demand

Thailand must ratify the Trafficking Protocol and accelerate implementation of the ASEAN Declaration against Trafficking of Women and Children.

A coordinating body to oversee and manage the various initiatives being taken by governmental and non-governmental organizations addressing CSEC should be created.

Stronger data collection procedures to establish an accurate picture of CSEC in Thailand should be implemented.

It must be ensured that services for victims are adequate and are available in all required areas. Research ought to be conducted on the adequacy of the shelters and other services currently available for victims of CSEC.



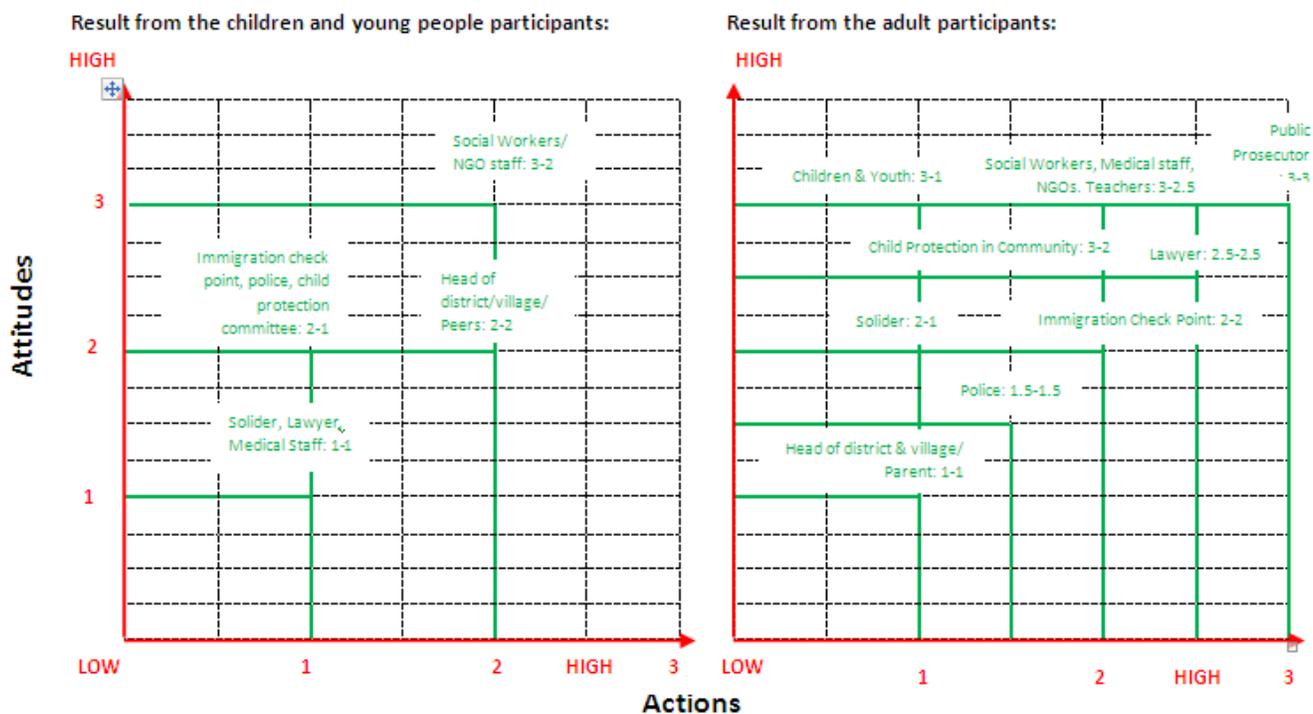
Other Legal Provisions

- In 2003, Thailand adopted the Child Protection Act which is largely founded on the principles of the CRC. The ministry of Interior, Ministry of Education, Ministry of Justice and Ministry of Social Development and Human Society oversee the implementation of the Act. The Act defines welfare assistance, safety protection and behavior development of the child for relevant agencies to ensure consistency and collaboration amongst the differing bodies involved in child welfare.
- The Child Protection Act¹⁰⁷ establishes a National Child Protection Committee and Provincial Child Protection Committees, chaired by the Minister of the Social Development and Human Security Ministry. The committee includes senior representatives from relevant Ministries, law enforcement agencies, and experts in the fields of social welfare, teaching, psychology, law, medicine and child welfare. The Committee focuses its work in the areas of child welfare, safety protection and behaviour promotion. Its mandate includes coordinating and collaborating with other government agencies, public and private actors involved in implementing its focus areas; developing systems, modules, procedures, and providing services in the focal areas; and collecting data from the monitoring and evaluation of various policy initiatives¹⁰⁸.
- In past years, Committees have worked with relevant professionals, law enforcement agencies, and NGOs to handle child protection cases, including cases related to child sex trafficking and child sexual exploitation and abuse. Moreover, through collaboration between relevant government agencies and NGOs, Child Protection Committees at District and Community levels have 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.¹⁰⁹ These additional levels of child protection assist in supporting the work of the Child Protection Committee at National and Provincial levels and increasing the protection of children at all levels.
- Regarding CSEC cases, the Anti-Prostitution Act of 1996 and the Anti-Trafficking in Persons Act of 2008 will be employed more often than the Child Protection Act. A continuing challenge has been overlapping and duplication of efforts at the provincial level, because each of these Acts includes Committees to oversee implementation. Though these multi-disciplinary committees have worked collaboratively, there has been criticism from those working in the field that meetings are overly frequent and sometimes overlap, and the proper channel for reporting or resolving cases is sometimes unclear. This overly complex bureaucratic structure seems to be hampering efficient and effective resolution of cases.



Annex I

During the northern consultation, participants were asked to identify the key stakeholders involved in combating CSEC in their location and their perceptions of how committed and effective the key stakeholders were in responding to the problem:



Youth appeared to score staff of government services lower than the adults, showing less confidence in the availability of effective, child friendly support services. The adults identified a need for greater awareness and preventative action within the local communities.



Annex II

Survey on Perceptions of Police Practices from Northern Consultation Session:

(1 – good, 2 – average, 3 – poor):

Police Practices are Child Friendly	Rate	Reason for rating	Recommendations on the identified gaps
Children have access to legal assistance	2	<ul style="list-style-type: none"> - Police tend not to believe children; - By law, parents or authorized officers must sign to endorse the account that child victims report to the police. This makes it difficult if the abuser is the child's parent. - Children do not know about authorized officers and are often too afraid to report their cases. 	<ul style="list-style-type: none"> - Include laws relevant to children in school curricula to increase children's knowledge about the laws that are related to them. - Educate children on their rights
Child victims of CSEC interviewed by police officers of their own sex	3	<ul style="list-style-type: none"> - No choice, as there are very few female investigators (or nearly none); - Female police officers are often assigned to work in administrative or secretariat functions, rather than investigative. - Police officers take turns to serve as investigators based on a shift system. Therefore, it remains only a matter of luck if the case of a girl victim happens to be 	<ul style="list-style-type: none"> - Mandate that each police station have female investigators in their police operation; - Mandate that female police deal with cases of girls sexually abused/exploited, regardless of whether she is on duty during the time of reporting.



		reported when a female officer is on duty.	
Children heard by trained police officers	2	- Usually, a child is questioned by whichever officer is on duty, regardless of whether this officer has any relevant training on child-friendly techniques.	Include a curriculum for all officers on how to interview children in relevant police schools and institutes.
Use of video-recording during trial as testimony.	3	<p>- Not adequate and often it is done for 'a show' that the process is compliance to laws</p> <p>- The investigation room is only available at the provincial office of the public prosecutor, and all relevant professionals, police and child victims must travel record the interview with the child there.</p> <p>- Some courts still refuse to accept video testimony of children, instead beginning their own interview with the child in an investigation room located separately from the court (but within the court compound or building).</p>	<p>- Improve facilities to support child friendly procedures in the court process</p> <p>- Identify the reasons why some courts do not accept the use of video testimony.</p>



Protection of child witnesses	3	<ul style="list-style-type: none"> - There seems to be a lack of witness protection (this area does not seem to receive adequate attention from police). - In some cases, abuser and witness end up staying in the same community (especially when the abuser is out on bail). - There is no consensus among police officers about whether it is their duty to protect witnesses or merely investigate cases. 	<ul style="list-style-type: none"> - Improve the mechanisms and functions of police to ensure that all officers know it is their duty to protect witnesses, and that they are equipped with the knowledge and resources to fulfill this responsibility.
Police victim identification processes (in collaboration with other agencies)	2	<ul style="list-style-type: none"> - Although guidelines for victim identification are in place, the implementation has yet to be achieved nationwide. 	<ul style="list-style-type: none"> Ensure equal treatment in the operation of victim identification.

Annex III

Survey on Victim Support Services at Northern Consultation Session:

(1 – good, 2 – average, 3 – poor):

Care and Service Operation	Rate	Reasons why giving those rates	Recommendations on the identified gaps
MEDICAL SERVICES			
Child-friendly approach in provision of Medical services (OSCC)	1	<ul style="list-style-type: none"> - Services are provide in a speedy manner. - There is a good information system related to child victims. - However, not many sectors in the society are aware of OSCC - Children can access the services, although in most cases access is via NGOs rather than directly by the victim. - There seems to be limited access for stateless children. 	<ul style="list-style-type: none"> - Better promote the availability of the services to wider society. - Should engage relevant existing units in community to work in collaboration with OSCC, e.g. medical units in community also under the Ministry of Public Health, District Administration, etc.)
Accessibility of medical services for boy victims of CSEC	2	<ul style="list-style-type: none"> - Boy victims seem to have less access to medical services, though the reasons for this phenomenon remain unclear (Participants knew of almost no examples of boys accessing these services). 	<ul style="list-style-type: none"> - Need to ensure that the service is equally accessible for boy victims. - Promotion of services available to boys.
Accessibility of medical services for foreign child victims	2	<ul style="list-style-type: none"> - Generally, organizations provide equal access to medical services for all child victims. However, there are still some gaps in 	<ul style="list-style-type: none"> - Change attitudes of some medical staff to ensure the rights of all child victims are guaranteed within their



		practice	operations.
HOTLINES			
Knowledge of Thai child victims on the Hotline 1300	1	- There have been significant advertisements and events to promote this hotline.	- Should work in collaboration/ cooperation with existing mechanisms in community, e.g. medical unit in villages, District Administration, etc
Knowledge of Foreign child victims on the Hotline 1300	2	- Limited language availability and accessibility for foreign child victims	- Promote the availability of the services in different languages - Make the services available in common area languages. For example, in Chiang Rai, the services should be available in Burmese and Chinese languages.
Effectiveness of 1300 in dealing with reporting cases and referrals	2	- Good referral system of reporting cases; however, the case management process seems to take a long time (maybe due to limited personnel to follow up on reporting cases).	- Need to change the case management framework to apply a child-centered approach in the operation of the hotline, focused on the best interest of the child.
Any other state-run hotline: Telephone number of the provincial office of the MSDHS & of Gov. Children and Family Homes	2	- These hotline numbers are only known to governmental and non-governmental organizations.	- Need to promote these hotline numbers to public and wider sectors in society.



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