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**ACTION PROGRAMME AGAINST TRAFFICKING IN MINORS
FOR SEXUAL PURPOSES**

Desk Review

**Trafficking in Minors for
Commercial Sexual Exploitation**

Thailand

by

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CHAPTER 1 COUNTRY PROFILE¹



Map No. 3853 Rev. 1 UNITED NATIONS
January 2004

Department of Peacekeeping Operations
Cartographic Section

¹ This section is based on: UNDP, Human Development Report, July 2004; US Department of State, Background Note: Thailand, March 2005; CIA, The World Factbook. Thailand, February 2005.

GEOGRAPHY

Area: total: 514,000 sq km.

Land boundaries: total: 4,863 km.

Coastline: 3,219 km.

Climate: tropical; rainy, warm, cloudy southwest monsoon (mid-May to September); dry, cool northeast monsoon (November to mid-March); southern isthmus always hot and humid.

Natural resources: tin, rubber, natural gas, tungsten, tantalum, timber, lead, fish, gypsum, lignite, fluorite, arable land.

Land use: arable land: 29.36%; permanent crops: 6.46%; other: 64.18% (2001est).

Environment - current issues: air pollution from vehicle emissions; water pollution from organic and factory wastes; deforestation; soil erosion; wildlife populations threatened by illegal hunting.

GOVERNMENT

Government type: constitutional monarchy.

Capital: Bangkok.

Independence: 1238 (traditional founding date; never colonized).

Constitution: new constitution signed by King PHUMIPHON on 11 October 1997.

Administrative divisions: 76 provinces (*changwat*, singular and plural); Amnat Charoen, Ang Thong, Buriram, Chachoengsao, Chai Nat, Chaiyaphum, Chanthaburi, Chiang Mai, Chiang Rai, Chon Buri, Chumphon, Kalasin, Kamphaeng Phet, Kanchanaburi, Khon Kaen, Krabi, Krung Thep Mahanakhon (Bangkok), Lampang, Lamphun, Loei, Lop Buri, Mae Hong Son, Maha Sarakham, Mukdahan, Nakhon Nayok, Nakhon Pathom, Nakhon Phanom, Nakhon Ratchasima, Nakhon Sawan, Nakhon Si Thammarat, Nan, Narathiwat, Nong Bua Lamphu, Nong Khai, Nonthaburi, Pathum Thani, Pattani, Phangnga, Phatthalung, Phayao, Phetchabun, Phetchaburi, Phichit, Phitsanulok, Phra Nakhon Si Ayutthaya, Phrae, Phuket, Prachin Buri, Prachuap Khiri Khan, Ranong, Ratchaburi, Rayong, Roi Et, Sa Kaeo, Sakon Nakhon, Samut Prakan, Samut Sakhon, Samut Songkhram, Sara Buri, Satun, Sing Buri, Sisaket, Songkhla, Sukhothai, Suphan Buri, Surat Thani, Surin, Tak, Trang, Trat, Ubon Ratchathani, Udon Thani, Uthai Thani, Uttaradit, Yala, Yasothon.

Legal system: based on civil law system, with influences of common law; has not accepted compulsory ICJ jurisdiction.

Suffrage: 18 years of age; universal and compulsory.

Executive branch: chief of state: King. Head of government: Prime Minister. Cabinet: Council of Ministers² Elections: none; the monarch is hereditary; prime minister is designated from among the members of the House of Representatives; following national elections for the House of Representatives, the leader of the party that can organize a majority coalition usually is appointed prime minister by the King.

Legislative branch: bicameral National Assembly or *Rathasapha* consists of the Senate or *Wuthisapha* (200 seats; members elected by popular vote to serve six-year terms) and the House of Representatives or *Sapha Phuthaen Ratsadon* (500 seats; members elected by popular vote to serve four-year terms)

Judicial branch: Supreme Court or *Sandika* (judges appointed by the monarch).

² Note: there is also a Privy Council (CIA, The World Factbook. Thailand, February 2005).

POPULATION

Population: 64 million: (2003 est.)³; population under age 15: — 24.1% (2004 est.)⁴.

Religions: Buddhist 94-95%, Muslim 4-5%, Christian, Hindu, Brahmin, other⁵.

Languages: Thai (official language); English is the second language; regional dialects⁶.

Literacy: Male — 97.1%, female — 93.9% (2005 est.); adult literacy rate (ages 15 and above) — 92.6%, youth literacy rate (ages 15-24) — 98.0% (2002 est.)⁷.

Education level: Years compulsory — 9⁸.

Health: Infant mortality rate — 21.14 deaths/1,000 live births. Life expectancy - men 69.23 years, women 73.71 years (2004 est.)⁹.

HIV prevalence: 1.5% (0.8-2.8) (ages 15-49) (2003 est.)¹⁰.

Human Development Index (HDI): Rank - 76; value — 0.768 (2002 est.)¹¹.

Gender Empowerment Measure (GEM): Rank -57; value — 0.461¹².

Gender-related Development Index (GDI): Rank -61; value —0.766¹³.

Economy

GDP: US \$477.5 billion (2003 est.)¹⁴.

GDP - annual growth rate: 6.7% (2003 est.).

GDP - per capita: \$2,237(2003 est.)¹⁵.

GDP - composition by sector: Agriculture: 9.8%; industry: 44%; services: 46.3% (2003 est.)¹⁶.

Population below poverty line: 10.4% (2002 est.).

Inflation rate (consumer prices): 1.8% (2003 est.).

Labour force: 34.9 million (2003 est.).

Labour force - by occupation: Agriculture 49%, industry 14%, services 37% (2000 est.).

Unemployment rate: 2.2% (2003 est.).

Agriculture – products: rice, cassava (tapioca), rubber, corn, sugarcane, coconuts, soybeans.

Exports: US \$75.99 billion free on board (f.o.b.) (2003 est.) - computers, office machine parts, transistors, rubber, vehicles (cars and trucks), plastic, seafood (2002 est.).

Exports – partners: US 17%, Japan 14.2%, Singapore 7.3%, China 7.1%, Hong Kong 5.4%, Malaysia 4.8% (2003 est.).

3 US Department of State, Background Note: Thailand, March 2005

4 CIA, The World Factbook. Thailand, February 2005

5 US Department of State, Background Note: Thailand, March 2005

6 Ibidem.

7 UNDP, Human Development Report, 2004

8 Human Trafficking, ILO/Mekong Sub-Regional Project to Combat Trafficking in Children and Women (Thailand Country Office), 2005a; ILO/IPEC, ILO Mekong Sub-regional Project to Combat Trafficking in Children and Women, 2005

9 CIA, The World Factbook. Thailand, February 2005

10 UNDP, Human Development Report, 2004

11 Ibidem

12 Ibidem

13 Ibidem

14 CIA, The World Factbook. Thailand, February 2005

15 US Department of State, Background Note: Thailand, March 2005

16 CIA, The World Factbook. Thailand, February 2005

Imports: US \$65.3 billion f.o.b. (2003 est.) - capital goods, intermediate goods and raw materials, consumer goods, fuels (2000 est.).

Imports – partners: Japan 24.1%, US 9.5%, China 8%, Malaysia 6%, Singapore 4.3%, Taiwan 4.2% (2003 est.).

CHAPTER 2 LEGAL FRAMEWORK

Legislation, be it international, regional or national, is one of the major tools to combat trafficking in persons.

2.1 INTERNATIONAL LEGAL INSTRUMENTS

Thailand is party to the major UN binding instruments on the issue:¹⁷

- The Universal Declaration of Human Rights (1948);
- The ILO Convention No. 29 on Forced Labour (ratified on 26 February 1969);
- The ILO Convention No. 105 on the Abolition of Forced Labour (ratified on 2 December 1969);
- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (accessed on 9 August 1985);
- The Convention on the Rights of the Child (accessed on 27 March 1992);
- The International Covenant on Civil and Political Rights (CCPR) (accessed on 29 October 1996);
- The International Covenant on Economic, Social and Cultural Rights (accessed on 5 September 1999);
- Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (ratified on 14 June 2000);
- The ILO Convention No. 182 on the Worst Forms of Child Labour (ratified on 16 February 2001);
- International Convention on the Elimination of All Forms of Racial Discrimination (accessed on 28 January 2003).

In addition, Thailand has accessed and ratified two relevant multilateral treaties and two regional declarations:

- ASEAN Declaration on Transnational Crime (signed in Manila on 20 December 1997);
- Bangkok Declaration on Irregular Migration (signed in April 1999 at the International Symposium on Migration in Bangkok)¹⁸;
- Convention on the Civil Aspects of International Child Abduction (accessed on 14 August 2002);

¹⁷ For further details, see UN, Multilateral Treaty Framework: An Invitation to Universal Participation – Focus 2005: Responding to Global Challenges, April 2005, available at <http://untreaty.un.org/English/TreatyEvent2005/focus2005.pdf>

¹⁸ This Declaration encourages regional cooperation on undocumented or irregular migration). For further details, see <http://www.thaiembdc.org/info/bdim.html>

- Convention on Protection of Children and Co-operation in respect of Inter-Country Adoption (ratified on 29 April 2004).

Thailand has also signed Memorandums of Understanding (MoUs) with neighbouring countries to prevent and combat trafficking in human beings. They are:

- MoU on Employment Cooperation with Lao PDR with an emphasis on preventing illegal migration, illegal labour trade, child labour and trafficking (signed in 2002)¹⁹. The MoU addresses the repatriation of Lao trafficking victims. This agreement is the first of its kind in the Mekong region and commits governments to regularize the return of victims.
- MoU between the Governments of Cambodia and the Kingdom of Thailand on Bilateral Cooperation for Eliminating Trafficking in Children and Women and assisting Victims of Trafficking, (signed on 31 May 2003)²⁰. Measures in the MoU include cooperation in providing services to trafficking victims, establishing mechanisms to decrease incidents of trafficking, instituting legal reforms and prosecuting traffickers (Human Trafficking, 2005c).
- MoU on Cooperation against Trafficking in Persons in the Greater Mekong Sub-Region (from the Coordinated Mekong Ministerial Initiative against Trafficking - COMMIT) (signed in 2004)²¹.

Thailand became a member of Interpol in 1951. The main aim of Interpol is to promote the widest possible mutual assistance between all criminal police authorities²².

Thailand follows the civil law system bringing together principles of traditional Thai and Western laws (US Department of State, 2005a). Thailand, has as its Head of State the King, and bases its judicial and legal systems on the democratic nation's Constitution²³, which recognizes four courts: the Constitutional Court, the Courts of Justice, the Administrative Court, and the Military Court (Charunon Sathitsuksomboon). Article 28 of the Constitution provides that a person can invoke the provisions of the Constitution to bring a lawsuit or to defend oneself in court. Furthermore, in addition to access to judicial system, Thailand has set up new mechanisms, to guarantee the effective protection of human rights such as: the Parliamentary Ombudsmen, the Administrative Tribunal, the Constitutional Court and the National Commission on Human Rights (The Ministry of Foreign Affairs of Thailand, 2003)²⁴.

19 For further details, see: <http://www.humantrafficking.org/countries/eap/thailand/ngos/intl/ilo.html>

20 For further details, see: <http://www.arcppt.org/docs/MOU%20Trafficking%20CAM-TH%20English.pdf>

21 For further details, see: <http://www.arcppt.org/docs/MOU%20COMMIT.pdf>

22 For more information, see Interpol website available at <http://www.interpol.com/>

23 "The Thai Constitution B.E. 2540 (1997) is renowned for its democratic and participatory drafting process from the beginning. Consequently, the Constitution fully reflects the people's aspiration towards human rights and human dignity. It is known as the "People's Constitution" among Thais" (The Ministry of Foreign Affairs of Thailand, 2003).

24 Parts of the Constitution related to children's rights and forced labour are:

Chapter 3: Section 5124, Section 5324;

Chapter 5: Section 8024, Section 8624. For more information, please see: <http://www.tipinasia.info/TH/law-info.php?l=en&id=41&t=N>

Thailand's National Policy on Children and Youth has been drawn up by following the standards and norms of the Convention on the Rights of the Child (CRC). In addition, a Sub-Committee on Adaptation of National Legislation on Children to the provisions of the New Constitution and the Convention on the Rights of the Child was established in 2000. The Sub-Committee has the objective of revising, modifying and drafting related laws, ministerial regulations pertaining to the development, assistance, protection, correction and rehabilitation of children in conformity with the Constitution of the Royal Kingdom of Thailand (1997) and the CRC (The Sub-committee on the Rights of the Child, 2000).

2.2 THAI LEGISLATION ON CHILD TRAFFICKING

Thai law has an arsenal of measures to suppress trafficking in women and children. Thailand passed two relevant laws dealing with trafficking. They are:

- The Prostitution Prevention and Suppression Act, B.E. 2539 (1996);
- The Measures in Prevention and Suppression of Trafficking in Women and Children Act, B.E. 2540 (1997) (Human Trafficking, 2005b).

In 1996, the national parliament passed the **Prostitution Prevention and Suppression Act, B.E. 2539**, replacing the Prostitution Suppression Act of 1960²⁵. The new Act eradicated the former Act's focus on criminalizing prostitutes (Ecpat International, 2001a). The 1996 law reduced the penalties prostitutes may face, while procurers²⁶, traffickers²⁷, pimps²⁸, brothel owners²⁹, customers³⁰, parents³¹ and

25 In the new Act, 'Prostitution' means:

'The acceptance of sexual intercourse, the acceptance of any other act, or the commission of any act for sexual gratification of another person in a promiscuous manner, in order to gain financial or other benefit, no matter whether the person who accepts such act and the person who commits such act are of the same or opposite sex.'

For further information please see <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaThailand.asp>

26 Section 9 of the 'Prostitution Prevention and Suppression Act' states

'Whoever procures, seduces, or traffics the other person to commit the act of prostitution, even with consent of the other person, no matter whether the commission of various acts which constitute the offence are committed inside or outside the territory of the Kingdom, shall be punished with imprisonment of one to ten years and a fine of twenty thousand to two hundred thousand baht.

If the commission of the offence as specified in the first paragraph is against a person who is over fifteen (15) years but not yet over eighteen (18) years of age, the offender shall be punished with imprisonment of five to fifteen years and a fine of one hundred thousand to three hundred thousand baht.

If the commission of the offence as specified in the first paragraph is against a child not over fifteen (15) years of age, the offender shall be punished with imprisonment of ten to twenty years and a fine of two hundred thousand to hundred thousand baht.

If the commission of the offence as specified in the first, second or third paragraph is perpetrated by using deceitful means, threat, physical assault, immoral influence, or mental coercion by any other means, the offender shall be punished with imprisonment one-third heavier than the punishment accordingly specified in the first, second, third or fourth paragraph as the case may be.'

For more information please see <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaThailand.asp>

27 Section 9 of the 'Prostitution Prevention and Suppression Act'. See Section 9 quoted in the above footnote.

Section 12 of the 'Prostitution Prevention and Suppression Act' states

'Whoever detains or confines the other person, commits any other act that deprives the liberty of the other person, assaults the other person, or threatens with any other means to use physical force to commit a violent act against the other person, in order to force the other person to perform the prostitution activity, shall be punished with imprisonment of ten to twenty years, and a fine of two hundred to four hundred thousand baht.

If the commission of the offence as specified in the first paragraph causes to the other person:

- 1) serious bodily injury, the offender shall be punished with life imprisonment.
- 2) death, the offender shall be punished with the death penalty or life imprisonment.

(...).'

For more information, please see <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaThailand.asp>

28 Section 11 of the 'Prostitution Prevention and Suppression Act' states:

guardians³² can, however be severely punished through fines and imprisonment. Previously, prostitutes could be imprisoned for two years, while brothel owners faced only one year, and procurers only three months. Noteworthy are two new offences in the Act:

1. Customers who buy sex from children under eighteen years old will be imprisoned from between one to six years.
2. Parents who sell their child to a procurer or customer for prostitution are liable to imprisonment of four to twenty years and their guardianship may be revoked by a court's order (WTO, 2003: 59).

The main rationale for this Act, is the recognition that prostitutes are victims of poverty, social problems and organized crime. The 1996 Act therefore is a useful tool to prosecute those who traffic women or children into prostitution. The fact of being a prostitute is not illegal in itself, although some acts are still prohibited (WTO, 2003)³³.

The Measures in Prevention and Suppression of Trafficking in Women and Children Act, B.E. 2540 (1997)

The Trafficking Act of 1997 amended the Traffic of Women and Girls Act (1928). The new Act extends coverage to boys and girls under 18 years compared to the previous law that provided protection for girls only (The Sub-committee on the Rights of the Child, 2000). The new Act makes it an offence to transfer any women or child for sexual gratification, an indecent sexual purpose, or to gain any illegal benefit for themselves or another person, whether or not the women or child concerned has consented to the transfer or any acts committed³⁴. The Act covers acts of trafficking for purposes other than prostitution, but does not cover trafficking in adult men (Antislavery, 2002: 173). In addition it increases the penalties for traffickers. The Act

³²Whoever is the owner, supervisor, or manager of a prostitution business or a place for prostitution, or controller of a prostitute in the place of prostitution, shall be punished with imprisonment of three to fifteen years, and a fine of sixty thousand to three hundred thousand baht.

If the prostitution business or place for prostitution as specified, has a person not yet over eighteen (18) years of age performing the act of prostitution in such place, the offender shall be punished with imprisonment of five to fifteen years, and a fine of one hundred thousand to three hundred thousand baht.

If the prostitution business or place for prostitution as specified, has a child not yet over fifteen (15) years of age performing the act of prostitution in such place, the offender shall be punished with imprisonment of ten to twenty years, and a fine of two hundred thousand to four hundred thousand baht.'

For more information, please see <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaThailand.asp>

²⁹ Section 11 of the 'Prostitution Prevention and Suppression Act'.

See Section 11 quoted in the above footnote

³⁰ Section 8 of the 'Prostitution Prevention and Suppression Act' states:

'Whoever, for sexual gratification of that person or of the third person, commits sexual intercourse or any other act against a person who is over fifteen (15) years but not yet over eighteen (18) years of age, with or without his or her consent, in a place for prostitution, shall be punished with imprisonment of one to three years and a fine of twenty thousand to sixty thousand baht.

If the commission of the offence as specified in the first paragraph is committed against a child not over fifteen (15) years of age, the offender shall be punished with imprisonment of two to six years and a fine of forty thousand to one hundred and twenty thousand baht.'

³¹ Section 10 of the 'Prostitution Prevention and Suppression Act' states:

'Whoever is the father, mother, or guardian of a person not yet over eighteen (18) years of age, with the knowledge that there is the commission of the offence as specified in the second third, or fourth paragraph of Section 9 against the person within his or her guardianship, colludes with another offender in the commission of that offence, shall be punished with imprisonment of four to twenty years, and a fine of eighty thousand to four hundred thousand baht.'

³² Section 10 of the 'Prostitution Prevention and Suppression Act'.

See Section 10 quoted in the above footnote.

³³ Prostitutes are prohibited from causing nuisance to the public by overtly and shamelessly soliciting or importuning people. They are not allowed to gather in a place of prostitution, as so doing will encourage pimps, owners and other exploiters to organize the gathering. They are also barred from advertising themselves for prostitution.

³⁴ Section 5 of the Trafficking Act (1997).

instructs law enforcement agencies to take legal action against perpetrators, and stipulates that people who aid exploiters should receive equal punishment. Officials are given the right to search various public places, such as airports and seaports, in order to prevent sexual exploitation and assist victims, and are also conferred increased authority to detain victims for questioning within prescribed time limits. Also, courts are empowered to take depositions from victims immediately following rescue, even if the people who committed the crimes have yet to be identified (Ecpat International, 2001a). The new Trafficking Act prescribes that traffickers will be charged under the Penal Code, Prostitution Prevention Act, Safety and Welfare of Children and Youths Act and punished accordingly³⁵, with a maximum five-year penalty for conspiracy to commit these offences³⁶. Under the Trafficking Act treatment of trafficked women and children is also considered. For example, victims of trafficking may only be detained by the Thai authorities for a short period of time, but must not be held in a detention centre or prison³⁷. Women and children trafficked into Thailand are to be given food, shelter and repatriation to their home country³⁸(Antislavery, 2002: 173). Furthermore, some experts state that victims of commercial sexual exploitation may also be provided with other services such as vocational training (Ecpat International, 2001a).

To sum up, the new elements of this Act cover the following:

1. The extension of coverage to both sexes, boys and girls under 18 years of age;
 2. The colluding to commit an offence concerning trafficking women and children is a crime;
 3. The penalty for abettor of the committing of any offences in this Act will be punished as much as the principal offenders;
 4. The victims may be provided with temporary shelter and other necessities including vocational training (The Royal Thai Embassy, Washington D.C., 2003).
- Other legal provisions

Traffickers are also prosecuted under different criminal provisions. Other new laws have been legislated to conform to the current situation, especially significant as being an instrument to bring perpetrators to justice and protect rights of children and women victimized to human trafficking (Human Trafficking, 2005a). These are:

- The Penal Code Amendment Act (No. 14), B.E. 2540 (1997);
- The Criminal Procedure Amendment Act (No. 20), B.E. 2542 (1999);
- The Money Laundering Control Act, B.E. 2542 (1999);
- Child Protection Act, B.E. 2546 (2003);
- The Protection of Witnesses in Criminal Cases Act, B.E. 2546 (2003);

35 Section 5

36 Section 7

37 Section 10

38 Section 11

- The Special Investigation Act, B.E. 2547 (2004).

The Penal Code Amendment Act (No. 14), B.E. 2540 (1997)

According to some experts, the most important characteristic of the amended Penal Code is that it has improved the investigative and interrogative methods and procedures, as a result becoming a child and women-friendly law (AWORC, 1999). The main elements are as follows:

1. The committing of the sexual offence covers those who procure, lure or traffic both boys and girls, males and females for sexual gratification of another person;
2. Children under the age of 18 are protected;
3. Thailand can prosecute every offender who procures, lures, or traffics an adult or a child of both sexes for an indecent sexual act or for sexual gratification of another person, no matter where the offence is committed and whatever nationality of the offender is (The Royal Thai Embassy, Washington D.C., 2003).

The 1997 Penal Code Amendment Act imparts Thailand with the authority to prosecute anyone who procures or traffics any adult or child, no matter where the offence is committed and regardless of the victim's nationality.³⁹ This provides Thailand with extraterritorial jurisdiction over cases of rape and other forms of sexual abuse (Ecpat International, 2001a). According to some experts, extraterritorial legislation has proven to be a very effective measure in the prosecution of the offender (Tourism Authority of Thailand).

Sections 282 and 283 of the Penal Code are significant in reference to the protection for women and children. These sections are intended to counter acts of procurement, seduction or induction of girls and women for indecent acts. Other provisions (sections 276-277) concerning rape of women and sexual intercourse with a girl under 15 years of age, irrespective of consent, may also be relevant⁴⁰. These

³⁹ Thailand's has a general extraterritorial law and its jurisdiction applies to all serious offences, including those against children.

Thailand Penal Code sections 7-8:

Section 7 'Whoever commits the following offences outside the Kingdom shall be punished in the Kingdom, namely:

- (1) Offences relating to the Security of the Kingdom as provided in Section 107 to 129
- (2) Offences relating to Counterfeiting and Alteration as provided in Section 240 to 249, 254, 256, 257, and 266 (3) and (4)
- (3) Offences relating to Robbery as provided in Section 339, and offences relating to Gang-Robbery as provided In Section 340, which is committed on the high seas.

Section 8 deals with jurisdiction over offences occurring outside of Thailand.

See http://www.ecpat.net/eng/Ecpat_inter/Publication/Other/English/Pdf_page/Child_sex_tourism_action.pdf

40 Rape

Title IX 'Offences relating to sexuality' Section 277 of the Penal Code:

'Whoever has sexual intercourse with a girl not yet over thirteen years of age, with or without her consent, shall be punished with imprisonment of seven (7) to twenty (20) years and fine of fourteen thousand to forty thousand baht, or imprisonment for life.

If the offence according to the first paragraph is committed by participation of persons in the nature for destroying a girl and such girl is not consent, or by carrying or using any gun or explosive, the offender shall be punished with imprisonment for life.'

Title IX Section 277 bis:

'If the commission of offence according to the first paragraph of ... Section 277 causes:

1. grievous bodily harm to the victim, the offender shall be punished with imprisonment of fifteen to twenty years and fine of thirty thousand to forty thousand baht, or imprisonment for life.
2. death of the victim, the offender shall be punished with death or imprisonment for life.'

Title IX Section 277 ter:

have been bolstered, by the new Prostitution Prevention and Suppression Act of 1996 (Muntarhorn, 1998).

Section 287 of the Penal Code provides for the prosecution of the offence of child pornography⁴¹.

Sections in the Penal Code relevant to the prosecution of offences of other forms of child sex abuse include sections 279 and 285⁴² (Interpol).

The Criminal Procedure Amendment Act (No. 20), B.E. 2542 (1999)

The Criminal Procedure Amendment Act is another significant legislative change in regards to trafficking in human beings, especially in children. The new Act is renown for being child friendly as compared to the previous Criminal Procedure Code. Earlier versions of this led to unnecessary trauma to victims of child abuse, who were coerced into describing the circumstances of abuse to several different authorities during the investigation and trial. Furthermore, victims had to face their abusers in the courtroom and submit to cross-examination, and during the delay prior to the trial, the children were often bribed or threatened to manipulate them into changing their testimony. With the new law, children are allowed to give videotaped statements, to avoid repeated questioning, and to provide evidence to the court via video link with the assistance of a social worker or psychologist. The prosecutor or the victim may also request that the victim or a witness present an early deposition if

'If the commission of the offence according to the second paragraph of ... Section 277 causes

1. grievous bodily harm to the victim, the offender shall be punished with death or imprisonment for life.
2. death to the victim, the offender shall be punished with death.'

Title IX Section 285:

'If the commission of offence according to ... Section 277, 277 bis, 277 ter, ... is against the descendant, a pupil under taken his care, a person under his control according to his official authority, or a person under his tutorship, guardianship, or curatorship, the offender shall be liable heavier punishment than that as provided in such section by one third.'

For more information, please see <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaThailand.asp>

41 Section 287 of the Penal Code states:

'Whoever:

1. for the purpose of trade or by trade, for public distribution or exhibition, makes, produces, possesses, brings, or causes to be brought into the Kingdom, sends causes to be sent out of the kingdom, takes away or causes to be taken away, or circulates by any means whatever, any document, drawing, print, painting, printed matter, picture, poster, symbol, photograph, cinematograph film, noise tape, picture tape or any other thing which is obscene;
2. carries on trade, or takes part or participates in the trade concerning the aforesaid obscene material or thing, or distributes or exhibits to the public, or hires out such material or thing;
3. in order to assist in the circulation or trading of the aforesaid obscene material or thing, propagates or spreads the news by any means whatever that there is a person committing the act which is an offence according to this section, or propagates or spreads the news that the aforesaid obscene material or thing may be obtained from which person or by what means,

shall be punished with imprisonment not exceeding three years or fine not exceeding six thousand baht, or both.'

For more information, please see <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaThailand.asp>

42 Title IV Section 279:

'Whoever commits an indecent act on a child not over thirteen years of age, with or without her consent, shall be punished with imprisonment not exceeding ten years or fine not exceeding twenty thousand baht, or both.

If the commission of offence according to the first paragraph, the offender commits it by threatening by any means whatever, by doing any act of violence, by taking advantage of such child being in the condition of inability to resist, or by causing such child to mistake him for another person, the offender shall be punished with imprisonment not exceeding fifteen years or fine not exceeding thirty thousand baht, or both.'

The Section 285 is also applied in the case of indecent acts.

For more information, please see <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaThailand.asp>

the offender has not yet been identified, or if it would be difficult for the victim or witness to attend the trial (Ecpat International, 2001a).

The Money Laundering Control Act, B.E. 2542 (1999)

Another effective legislative instrument in fighting trafficking in human beings is the amended Thai Money Laundering Act (WTO, 2003: 61). The main target of money laundering laws is drug trafficking, however the Thai law also aims to prevent prostitution and the trafficking of women and children (Ecpat International, 2001a). Experts agree that this law becomes another effective tool to fight against the trafficking in women and children (WTO, 2003: 61). Most offences that come under prostitution and trafficking laws are linked to money laundering. Under this amendment, the state has the authority to confiscate assets obtained through illegal means such as the trafficking of children for sexual purposes (Ecpat International, 2000: 106). Section 3 of the Act details many offences relating to the commercial sex industry, including the operation of brothels, the procurement, seduction, or trafficking of women and children for sexual exploitation, and offences under the Measures in Prevention and Suppression of Trafficking in Women and Children Act (Ecpat International, 2001a)⁴³.

Child Protection Act, B.E. 2546 (2003)

The Child Protection Act provides the definition of the "child" as a person below 18 years of age who are eligible to child protection and welfare assistance in conformance with the principles of non-discrimination and the best interests of the child. According to one source these principles can therefore be applied to children with no legal status in Thai territory, pending the determination that an act in this spirit will be stipulated and enforced through subsequent ministerial regulations. The Act mandates the establishment of a National Child Protection Committee, along with the Bangkok Metropolitan and other Provincial Protection Committees, to recommend policies, plans, budgets, measures, to issue regulations and appoint sub-committees or working groups, in the promotion of social welfare, safety protection and behaviour promotion of the child. The Act also permits licensees to arrange for facilities, education, recreational activities, occupational training and physical and mental health examination, among others, for the children under care. Monitoring systems of child welfare centres are embodied in the Act (Human Trafficking, 2005a)⁴⁴.

The Protection of Witnesses in Criminal Cases Act, B.E. 2546 (2003)

The Protection of Witnesses in Criminal Cases Act B.E. 2546 came into force in Thailand during 2004 when the Office of Witness Protection under the Ministry of Justice started its work. As one of the gravest obstacles to the prosecution of perpetrators of human rights abuses is the fear of witnesses in speaking out against the police and other state security officers, the Office is a critical step for the future protection of human rights in Thailand (ALRC, 2005).

43 Parts of the Act relating to trafficking: Section 3; Chapter 1: Section 5-12 (TiplnAsia.info, 2005)

To access the whole document, please consult: <http://www.tipinasia.info/TH/law-info.php?!=en&id=24&t=N>

44 Parts of the Act related to Trafficking: Article 4; Chapter 2: Articles 25, 26, 29, 30; Chapter 3: Articles 32-39; Chapter 4: Articles 40-47; Chapter 9: Articles 78, 80, 81 (TiplnAsia.info, 2005).

To access the whole document, please consult: <http://www.tipinasia.info/TH/law-info.php?!=en&id=28&t=N>

The Special Investigation Act, B.E. 2547 (2004)

The Act cover categories of the criminal cases:

- Complicated crimes where special investigation and evidence are needed;
- Those that may have severe impact on national ethic, peace and stability as well as inter-relationship or national economic/financial system;
- Those in the context of transnational crimes or organised crimes or;
- Those committed by greater mafia as principals, agent provocateurs, and secondary parties.

A list of 22 concerned Acts is also attached to the Act, including the Prevention and Suppression of Laundry Act (1999), which defines the confiscation of money or property obtained from illegal conduction such as sexual offences based upon Penal Code, and the 2 related laws: The Prostitution Prevention and Suppression Act (1996) and the Prevention and Suppression of Trafficking in Women and Children Act (1997)⁴⁵.

- o Adoption

Under the Child Adoption Act B.E. 2522 (1979) of Thailand, all intercountry adoption applications have to be processed through the Department of Social Development and Welfare, Ministry of Social Development and Human Security, or the non-governmental child welfare agencies which are authorized by Department of Social Development and Welfare (Authorized Agencies), in cooperation with the Competent Authority and under the direction of the Child Adoption Board of Thailand. The Board members are comprised of the representatives of various concerned authorities and qualified persons. The Director General of the Department of Social Development and Welfare is designated as the chairman of the Board while the Director of the Department of Social Development and Welfare Child Adoption Center functions as the Secretary of the Board (The Royal Thai Embassy, Washington D.C., 2005).

- o Other laws on child's rights

- Nationality Act (1992), which gives Thai citizenship to children born of Thai mothers and foreign fathers and thus gives them access to schooling and other social services.
- Compulsory Education Act, B.E. 2544 (2002) raising compulsory education from 6 to 9 years of schooling and free education to 12 years of schooling and supports non-formal education (Human Trafficking, 2005a; ILO/IPEC, 2005).

- o Other relevant laws

- Immigration Act, B.E. 2522 (1979)

⁴⁵ See UNESCAP, Questionnaire on Trafficking. General Measures and Specific Measures related to Trafficking, available at <http://www.unescap.org/esid/GAD/Issues/Trafficking/Thailand.pdf>

According to this Act, any foreigner who does not enter into Thailand through an immigration checkpoint, with a valid passport and visa (in case a visa is required) or other legal document is considered an illegal immigrant. It is an offence punishable by two years imprisonment and a fine not exceeding twenty baht. The personnel of the immigration checkpoints can prohibit any person from entering Thailand, if it is suspected that he/she comes to sell labour, work as a prostitute, traffic women, children or narcotics (WTO, 2003: 61)⁴⁶.

- Labour Protection Act, B.E. 2541 (1998)

Under this Act the minimum employee age has been raised from 13 to 15 years and includes special measures for the protection of minors⁴⁷.

46 Section 12 states: 'Aliens which fall into any of the following categories are excluded from entering into the Kingdom:

(...)

3. Having entered into the Kingdom to take occupation as a laborer or to take employment by using physical without skills training or to work in violation of the Ministerial Regulations.

8. Reason to believe that entrance into the Kingdom was for the purpose of being involved in prostitution, the trading of woman or children, drug smuggling, or other types of smuggling which are contrary to the public morality.

(...).

Parts related to trafficking in human beings: Chapter 2: Section 11; Chapter 4: Section 34, 35; Chapter 5: Section 41; Chapter 6: Section 54 (TiplnAsia.info, 2005).

To access the whole document, please consult: <http://www.tipinasia.info/TH/law-info.php?l=en&id=36&t=N>

47 Parts related to trafficking in human beings: Chapter 1: Section 16; Chapter 3: Sections 38-43; Chapter 4: Sections 44-52; Chapter 16: Sections 144, 146, 147, 148 (TiplnAsia.info, 2005).

To access the whole document, please consult: <http://www.tipinasia.info/TH/law-info.php?l=en&id=25&t=N>

CHAPTER 3 TRAFFICKING IN MINORS FOR THE PURPOSE OF SEXUAL EXPLOITATION IN THAILAND

3.1 INTRODUCTION

Trafficking is a significant and growing problem in South-East Asia, both within countries and across the region. It has been estimated that 200,000 – 250,000 women and children in the region are trafficked every year. According to one source, about 150,000 South Asians are trafficked every year. Recent ILO-IPEC Rapid Assessment research suggests a speculative figure of 12,000 children per year (ILO/IPEC, 2002: 18-19). Thailand is considered one of the major destinations of sex tourists because of the increasing number of children brought into the sex industry (The Protection Project, 2002: 539).

Commercial sexual exploitation of children (CSEC) is a problem in Thailand that has received substantial national and international attention. Over the past decade the national government, local and international NGOs, and IGOs have taken great strides to address the problem of CSEC in the country; however, it continues to be a problem (ECPAT International). Thailand's fight to prevent and eradicate CSEC, has led it to adopt what is seen to be the most effective line of attack. It involves a two-prolonged approach that focuses on the simultaneous pursuit of education and the creation of legitimate employment alternatives in tandem with legislation and law enforcement based on the UNICEF-inspired model (Tourism Authority of Thailand).

This approach takes into consideration the fact that like other countries in the region, CSEC is associated with poverty, lack of education and social conditions including pressure to contribute to family income (ECPAT International). The patterns of economic development (including expansion of the tourist industry) and gender relations in Thai society have interacted to create the conditions for a flourishing sex industry. A complex of interrelated changes associated with economic development and gender roles have operated to provide an increasing supply of women for the sex sector. The demand exists in the sex industry because of the social acceptance of men buying sexual services, the inadequate disposable income of a large and growing segment of the Thai population, and the development of tourism, which tends to promote the industry (Kirjavainen).

3.2 SITUATION OF TRAFFICKING IN PERSONS IN THAILAND

The law prohibits trafficking in persons; however, Thailand is a country of origin, transit and destination for persons trafficked for sexual exploitation and forced labour (US Department of State, 2004). As Thailand's economy is more prosperous than most other economies in the region, many women and children come to Thailand in search of work or are lured under false pretences of employment and fall victim to prostitution (ECPAT International).

Despite the large amount of available estimates, there are no comparable and consistent data of the magnitude of the trafficking phenomenon in the country. Some portion (thought by the UN, NGOs, and the Government to be a minority) of the estimated 200,000 to 300,000 sex industry workers in the country are either underage or in involuntary servitude or debt bondage (US Department of State, 2005b). There is also great debate and uncertainty concerning the estimated number of women and children in prostitution in the country, as well as the number of women and children trafficked to, through or from Thailand (ECPAT International).

According to the US-based research institute "Protection Project", estimates of the number of child victims of prostitution living in Thailand ranges from 12,000 to the hundreds of thousands (ECPAT International). The Government, university researchers, and NGOs estimated that there are as many as 30,000 to 40,000 prostitutes under 18 years of age, not including foreign migrants (US Department of State, 2005b). A government estimate reveals that five percent of child prostitutes were found to be boys (UNICEF, 2004). According to a Thailand-based NGO, estimates on the number of women in prostitution range from 300,000 to 2.8 million, of which a third are minors (CATW). Thailand's Health System Research Institute reports that children in prostitution make up 40 percent of sex workers in Thailand. At the other end of this debate many NGOs estimate the number of CSEC victims to be in the hundreds of thousands. Other reports estimate the number of child victims of prostitution to be at least 80,000 but likely to be in the hundreds of thousands (ECPAT International; The Protection Project, 2002: 539).

According to a 1998 ILO report it is estimated that 100,000 to 200,000 Thai women and children are in brothels and nightclubs in foreign countries. The report estimated that 200,000 to 300,000 women and children are trafficked into Thailand each year for the purpose of prostitution, with most coming from Myanmar, China's Yunnan province and Laos (ECPAT International; CATW). The highest number of trafficked children to Thailand comes from Myanmar, followed by the China's Yunnan province, the Lao People's Democratic Republic and Cambodia. The Cambodian Ministry of Women's Affairs estimates that 40,000 Cambodian women and children have been sold into slavery in Thailand, however, many believe that this number is in fact much higher. Furthermore, as reported in the 2001 CSEC in East Asia and the Pacific Regional Overview produced by UNICEF, an estimated 80,000 women and children involved in prostitution in the north of Thailand are from Myanmar. The report also states that children from Myanmar make up the largest number of children trafficked into Thailand with 10,000 new girls estimated to arrive in Thai brothels each year. The second largest group of trafficked children come from the less developed ethnic minority areas of Yunnan Province of China with Myanmar serving as the transit country. Some of these girls are then trafficked through Thailand and into Malaysia and Singapore but the majority are sold into the sex industry in Thailand. Laotian girls and boys are trafficked into Thailand for sex work and Lao PDR serves as a transit country for girl victims of trafficking for sexual purposes originating from China and Vietnam (ECPAT International). Social workers noted that young girls were prized because their clients believed that they were free from sexually transmitted diseases (US Department of State, 2004; US Department of State, 2005b).

Thai women and children are trafficked to Australia, South Africa, Japan, Bahrain, Taiwan, Europe and North America for sexual exploitation. Internal trafficking also occurs in Thailand, involving victims from Northern Thailand (US Department of State, 2004). The most common trafficking routes within Thailand are from North to South and from rural areas to Bangkok. The trafficked people are usually the rural poor and are often from ethnic minorities. The internal traffic of Thai girls consists mostly of 12-16 year olds from hill tribes of the North/North-East. Girls from the northern hill tribes of Thailand are often trafficked to Thai cities for prostitution (The Protection Project, 2002: 536; CATW).



Source: UNICEF, 2003, Towards a Region Fit for Children, An atlas for the sixth East Asia and Pacific Ministerial Consultation, available at <http://www.unicef.org/infobycountry/12060.html>

The demand for sex with children from both Thai men and foreigners, including tourists, continues to be high. The Thai provinces with the highest numbers of commercial sex workers are Bangkok Metropolis, the central region, Chonburi (Pattaya), Songkla (Hat Yai District), Phuket and Chiang Mai.

According to the Ministry of Health, commercial sex workers can be found in hotels, bungalows, guest houses, tea houses, beer bars, gay bars, go-go bars, discotheques, night clubs, pubs, karaoke lounges, cocktail lounges, massage parlours, traditional massage parlours, saunas, coffee and shaving shops, cafes, restaurants, beauty salons, male hair salons and many work as call girls (ECPAT International).

3.3 VICTIMS OF TRAFFICKING IN THAILAND

In Thailand, CSEC is mostly associated with poverty and a lack of education. Children and girls in particular are forced into prostitution in order to help subsidise their family's income. A lack of education and vocational skills means that these children have few employment options (Ecpat International, 2000: 102).

Women and children (particularly girls) tend to be the most frequent trafficking victims (US Department of State, 2005b). Gender is an issue in trafficking on both the supply and demand sides of equation. Girls are often seen as expendable, and laws and law enforcement, as well as some cultural and traditional contexts, provide them unequal protection. Girls are in many societies expected to sacrifice education and security and take on responsibilities towards parents, siblings and even their children (ILO/IPEC, 2002: 28). Women are forced to migrate to enter urban employment, in which they are easily vulnerable to exploitation and in which remuneration rates are low. The poor income-earning opportunities for women with low levels of education, the desire to provide substantial support for their families and a relatively tolerant attitude towards prostitution in some segments of Thai society help to ensure that some of this labour supply will be directed towards the sex industry (Kirjavainen).

A combination of factors leads to prostitution and in particular child prostitution. Prostitution is generally accepted as a sexual outlet for men in Thailand, both premarital and extramarital. Traditional Thai gender norms persist between men and women that leads to a double standard. On the basis of the societal terms, proper males are expected to be sexually virile, proper females should be docile and repressed in their sexuality. All the prevalent in Thai society and some of the main causes fuelling the demand for prostitution. Also on the demand side, children are recruited into the commercial sex industry because clients increasingly favour youth due to the erroneous belief that younger children (and now foreign girls) are less likely to be HIV positive (Kirjavainen).

Studies show that the majority of girls in prostitution are from Northern Thailand. This is particularly true of children from Northern Thailand's hill tribes. Most vulnerable are women and children from ethnic minority groups, such as the Akha, Lahu, Lisu, Thai Yai, Thai Leu and Luwa. These children are denied Thai citizenship and are viewed as having a lower cultural status than lowland Thais. Being under privileged, having little education and little understanding of the dangers of leaving home, and with no alternative viable means of income, children from tribal groups often leave for or are lured to "work" in urban areas and fall victim to prostitution. The situation is so desperate for some living in hill tribes it has been reported in some cases that women and children from tribal groups succumb to the pressure of prostitution in an attempt to feel more "valuable" and become "accepted" by Thai society (ECPAT International; UNICEF: 13).

3.4 MECHANISMS OF TRAFFICKING

Thai and foreign-based criminal organizations play a large part in sex trafficking in Thailand. They are prominent in the smuggling and trafficking of Thais to the United

States. Japanese yakuza gangs are involved in trafficking women from Thailand to Japan; African criminal gangs are increasingly using Bangkok as a centre for human trafficking (The Protection Project, 2002: 538).

Trafficking within the country and from neighbouring countries into Thailand tend to be perpetrated by loosely organized small groups that often had close ties in the source communities. Individuals from Myanmar, Laos, Cambodia, and Thailand are involved in labour trafficking along the border. Informal chains of acquaintance often are used to recruit trafficking victims. In some cases, the traffickers themselves are former victims, particularly where the sex industry is the destination. Sophisticated and well-financed international criminal syndicates that sometimes cooperate with each other and at other times compete violently do the trafficking of Thai prostitutes abroad, and that of Chinese nationals using the country as a transit point (US Department of State, 2005b).

Some local officials, immigration officers, and police reportedly either are involved in trafficking directly or take bribes to ignore it. Police personnel are poorly paid and are accustomed to taking bribes to supplement their income. Official corruption facilitating the worst forms of trafficking in persons is generally at the low- and mid-levels. There is no evidence that high-level officials benefit from or protect the practice. Compromised local police protect brothels and other sex venues from surprise raids. Corrupt immigration officials assisted (both indirectly and directly) the movement of women and girls from Myanmar, Laos and China into the country, and of Chinese victims out of the country to the United States and other destinations (US Department of State, 2005b).

Illegal syndicates in Thailand and New Zealand exploit the visa exemption privilege to traffic Thai women into prostitution in New Zealand. This privilege permits Thais to enter and stay in New Zealand for 90 days without a visa. Traffickers use New Zealand to obtain visas, and as a departure point, for Thai women trafficked to Japan, Australia and Cyprus. Trafficking networks also utilize protection visas, granted by Australia to refugees enabling them to work. Open transit points between Thailand and its neighbours, where no border crossing permits are demanded, are being advantageously used by traffickers. Thai women are also trafficked with the passports of other nationalities. Thai women enter Japan on Singapore passports; since Singapore passport holders do not require visas to enter Japan (Raymond, D'Cunha, Dzuhayatin, Hynes, Ramirez Rodriguez, Santos, 2002: 136-137).

Young girls and women enter the commercial sex industry in response to poverty and/or to a growing consumerism in the country. Villages in the North (many of ethnic minorities such as hill tribes) and the Northeast of Thailand have increasingly fallen prey to "employment agencies" who visit communities and offer to pay the parents the equivalent of a year's salary in return to their children's services. Children that enter service jobs such as working in restaurants and massage parlours are at high risk of being forced into prostitution. In several areas of the North, this has produced almost a "norm" of sending, encouraging or allowing daughters to enter commercial sex work. A new trend is thought to be emerging, one where Thai women are involved in the sexual service industry at older ages, usually

in response to such problems as broken families, abandonment by boyfriends or husbands, rape or drug addiction (Kirjavainen).

Many female citizens are also trafficked to Japan for sexual exploitation. Traffickers promise victims lucrative legitimate employment or make false promises regarding wages, working conditions, or the nature of the work. According to Human Rights Watch, upon the victims' arrival in Japan, the traffickers confiscate their passports, demanded repayment for their "purchase," charged the victims for living expenses and care, and fined them for misbehaviour. Traffickers often restricted the women's movements, threatened them and their families, isolated them, and used violence to punish them for disobedience (US Department of State, 2005b).

Foreign women are usually lured into the country with promises of jobs as waitresses or domestic helpers but end up working as prostitutes. For example, victims from Yunnan Province are lured into the country with promises of restaurant or household work and then are pressured or physically forced into prostitution.

The majority of prostitutes are not kept under physical constraint, but large number worked in debt bondage. Brothel procurers reportedly advanced parents a substantial sum against their child's future earnings, frequently without the consent of the child involved, who was then obligated to work in a brothel to repay the loan. Because foreign victims frequently are unable to speak the language and are considered illegal immigrants, they are particularly vulnerable to physical abuse and exploitation (US Department of State, 2005b).

3.5 CURRENT COUNTER-TRAFFICKING ACTIVITIES IN THAILAND

The Thai government has identified the eradication of trafficking in women and children for sexual purposes as a priority. Its response to the problem has been articulated largely through the framework of its "National Policy and Plan of Action for the Prevention and Eradication of the Commercial Sexual Exploitation of Children" (hereinafter, National Plan of Action), adopted in 1996 and developed by the National Committee on Eradication of Sexual Exploitation of Children established under the National Commission on Women's Affairs in 1989⁴⁸.

'The national policy states that:

1. There must be a total elimination of entry into the commercial sex by children, both boys and girls, who are under 18 years of age;
2. Prohibition of luring, threats, exploitation and acts of violence in the operation of the commercial sex business;
3. Imposition of punishment to all persons who take part in the prostitution of children and punishment for officials negligent in, or choosing to ignore, their duty to enforce compliance with relevant policies, law, rules and regulations'.

'The five major plans are:

48 See Thailand. Country Progress Report, by Bureau of Anti-trafficking in Women and Children, Department of Social Development and Welfare, in collaboration with GOs and NGOs. This report was presented at "Post-Yokohama Mid-Term Review of the East Asia and Pacific Regional Commitment and action Plan against Commercial Sexual Exploitation of Children", Bangkok, 8-10 November 2004. See also Human Trafficking, Special Task Force at the National Commission on Women's Affairs, available at http://www.humantrafficking.org/countries/eap/thailand/govt/task_force.html

1. **Prevention:** Emphasis is placed on surveillance and prevention, since it is more effective than finding a solution to a problem that has already occurred. This focus also aims to eliminate risk factors that may pull or push women and children to enter the commercial sex business either voluntarily, by deceitful, fraudulent means, or by detention. Surveillance, survey, research, follow-up and monitoring on the situation and problems of the commercial sex business will be done on an up-to date basis. A campaign to stop the luring or seduction of children and women inside the country and abroad for the commercial sex business will be conducted. In addition, a public information campaign will be implemented to create proper values and to mobilize public participation on a wider scale in the prevention and solution to these problems. As well as to provide appropriate social services accessible to target groups in order to allow children to develop according to their age and thus prevent them from entering into the commercial sex business.
2. **Suppression:** Focus will be placed on the issuance of a new law and the modification of related laws, rules, and regulations to be in line with current problems; and the speeding up of the consideration for the enactment and enforcement of the new law. In conjunction, there will be a focus on the promotion of a real understanding on the part of law enforcement officials as well as the adjustment of mechanisms and the judicial process to be more effective, bring about faster results, and to be fair to those victimized in the commercial sex business.
3. **Assistance and protection:** To provide assistance and protection to those victimized that suffer physical and mental injuries. Full-circle economic and social assistance will be provided to enable those sexually exploited to return to a decent livelihood and not fall back into prostitution.
4. **Rehabilitation and adjustment to normal life:** Emphasis placed on physical and mental rehabilitation for children leaving the commercial sex industry in order for them to lead a normal life. Services provided include lodging, education, occupational training, and job placement. In addition, the private sector will undertake projects in the government's welfare institutions.
5. **Structure, mechanism and system for the supervision, control, follow up, and speeding up of the implementation:** Focus is placed on the mobilization of the co-ordinations ranging from local to provincial, national and international levels which are interrelated, so as to enhance the ability to prevent and solve problems related to the commercial sex business using existing organizations as focal points of operation. The mechanisms in co-ordinating the act of sending a child back to his/her domicile and the undertaking of legal proceedings against violators charged with sex offences on children will also be set up' (National Committee for the Eradication of Commercial Sex, National Commission on Women's Affairs, Office of the Prime Minister, 1996: 2, 11-12).

The national policy's primary goal is the eradication of the sexual exploitation of children, yet there are many provisions that apply equally to adult women, and there is a strong emphasis on the problem of trafficking in persons for sexual purposes, both into and out of Thailand (Human Rights Watch, 2000a). A range of actors at both the provincial and national levels carries out the monitoring of the Thai National Plan, which serves as guiding principles for various related agencies to concentrate

efforts in a more coordinated manner (ECPAT International, 2000: 105; Ministry of Foreign Affairs, 2003). Since 1996, the actors were mandated to report to the Office of the National Commission on Women's Affairs. According to a Cabinet Resolution in 2000, responsibility was passed to the National Youth Bureau (NYB), which after ministerial reforms has been integrated as part of the Office of Welfare Promotion, Protection and Empowerment of Vulnerable Groups (OPP) of the Ministry of Social Development and Human Security (MSDHS) (ECPAT International, 2000: 105; ILO/IPEC, 2005; Bureau of Anti-trafficking in Women and Children, Department of Social Development and Welfare).

The 1996 "National Policy and Plan of Action for the Prevention and Eradication of the Commercial Sexual Exploitation of Children" has been succeeded by the **"National Plan and Policy on Prevention and Resolution of Domestic and Cross-border Trafficking in Children and Women (2003)"**. Timeframe for this Plan is six years and divided into short-term plan (2002 – 2004) and long-term (2002-2007).

Components of the Plan include 7 major areas as follows:

1. Prevention
2. Assistance and Protection
3. Prosecution and suppression
4. Repatriation and reintegration
5. Information system and monitoring & evaluation
6. Development of mechanism
7. Transnational cooperation

It also serves as a guideline for both governmental and non-governmental actors to work together to combat human trafficking. According to the plan, monitoring of the implementation of the plan was to be conducted annually. Evaluation will be conducted at the end of short-term and long-term plan. The Ministry of Social Development and Human Security (MSDHS) has the responsibility for overseeing the implementation of this plan through the major implementation mechanism: National Committee to Combat Trafficking in Children and Women (NCTCW)⁴⁹ under national Youth Commission. This body was established in 2003, to replace the previous "National Committee on Coordination for Combating Cross-Border Trafficking in Women and Children" created in 1998 under the auspices of the National Youth Bureau in the Office of the Prime Minister. The NCTCW consists of 50 representatives from GOs, NGOs as well as international organizations. It deals with both cross-border and internal trafficking and has been efficient in initiating national plans and MOUs as well as proposing revised draft law on CSEC and trafficking issues. As part of its mandate, the NCTCW has developed⁵⁰:

49 This Committee changed name three times. First: National Committee combating cross border Trafficking; second: National Committee combating transnational Trafficking in Women and Children; third: National Committee combating Trafficking in Children and Women (children are mentioned before women to emphasize that the Committee deals mainly with trafficking in children; the term transnational was cut to show that the Committee deals with both internal and cross border trafficking).

50 See § 3.5.3.

1. Common Guidelines and Practices for Government Agencies Engaged in Addressing Trafficking in Children and Women;
2. Common Guidelines and Practices for Government Agencies and Non-Governmental Organizations Engaged in Addressing Trafficking in Children and Women;
3. Common Guidelines and Practices for Non-Governmental Organizations Engaged in Addressing Trafficking in Children and Women (The Royal Thai Embassy, Washington D.C., 2003; Bureau of Anti-trafficking in Women and Children, Department of Social Development and Welfare).

The NCTWC also facilitated the adoption of the following MoUs:

- A Domestic MoU for 9 Northern Provinces on Common Guidelines of Practices for Agencies in Addressing Trafficking in Children and Women;
- A MoU between Thailand and Cambodia on Bilateral Cooperation for the Elimination of Trafficking in Children and Women and Assisting Victims of Trafficking;
- A MoU on Cooperation against Trafficking in Persons in the Greater Mekong Sub-Region (COMMIT).

The domestic MoUs are supervised by the National Committee on Trafficking in Women and Children (NCTWC), which also advocates and facilitates bilateral MoUs between Thailand and neighbouring countries in Mekong region, i.e. the Mou between Thailand and Cambodia. Mr. Ajarn Saisuree chairs the NCTWC.

The Co-ordinated Mekong Ministerial Initiative against Trafficking (COMMIT) was organised by Thailand and the GMS governments of Cambodia, P.R. China, Lao PDR, Myanmar and Vietnam. A National Task Force on Trafficking in Women and Children is set up to facilitate this initiative, which is the first inter-country, inter-ministerial forum for forging concrete alliances and arrangements to combat human trafficking in the Asia-Pacific region. Among the areas of practical cooperation are the creation of a network for repatriation of victims, building similar networks between specialist police units, and improving extradition procedures. The UN Inter-Agency Project to Combat Human Trafficking in the Greater Mekong Sub-region (UNIAP) was requested by the governments to serve as a secretariat for this process, reflecting the important role the UN is playing to facilitate it (England, 2004).

There are also other regional or sub regional groupings that bring together different players. These include, for example, government collaborations such as the ASEM “Action for Children” initiative that loosely links the 25 EU Member States and the governments of South-East Asia, and aims to “provide a forum for government, International organizations and non-governmental organizations to exchange experience on best practice in the fields of child welfare and commercial sexual exploitation with focus on prevention, protection, recovery and reintegration, and coordination and cooperation”. Within the framework of Asia-Europe, Thailand, Sweden and the Philippines have formed a core group of ASEM countries to draft the ASEM Plan of Action to counter trafficking in women and children. Cooperation initially focuses on the protection of victims and the reintegration process (ILO/IPEC, 2002: 39; The Royal Thai Embassy, Washington D.C., 2003).

The ARIAT (The Asian Regional Initiatives against Trafficking in Women and Children) is another forum (with participation from more than 20 member countries and several NGOs), which has developed an Action Plan to combat trafficking in women and children. ARIAT Plan is aimed at combating trafficking through the sharing of information, cooperation, and gender mainstreaming, as well as prevention, protection, prosecution, repatriation and reintegration initiatives.

Moreover, Thailand joined the Association of Southeast Asian Nations (ASEAN) in its attempt to develop and implement the ASEAN Plan of Action to prevent and combat trafficking in women. The Plan reiterates the ASEAN countries' determination to protect and assist trafficked women through collecting and publishing data on the development of national efforts to combat trafficking and establishing a national focal point on trafficking (The Royal Thai Embassy, Washington D.C., 2003).

Between ASEAN and AusAID of Australia there is an ongoing cooperation on the elimination of trafficking in women and children in South-East Asia and Yunnan province of China. The focus of the Asia Regional Co-operation to Prevent People Trafficking Project (AUSAID), is to facilitate regional cooperation and the development of a regional strategy, encourage capacity building and information exchange (The Royal Thai Embassy, Washington D.C., 2003; UNESCAP, 2004).

Among the other actions, in September 2003, the Thai government declared a national campaign against criminal organizations in Thailand including traffickers of women and children. That was the first time the issue has been publicly elevated to a national level priority (US Department of State, 2004).

In June 2000, the UN Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-region (UNIAP) was established to facilitate a stronger and more coordinated response to human trafficking in the Greater Mekong Sub-region (Cambodia, China, Lao PDR, Myanmar, Thailand and Vietnam), through improved knowledge, effective collaboration and better-targeted action. At a regional level, UNIAP brings together six governments, thirteen UN agencies and eight international NGOs. At a country level, the project includes an extensive network of government, local and international NGOs, UN organizations, donors and links to networks in South Asia and beyond (UNIAP website).

In the greater Mekong Sub-region, UNICEF has been a major partner in developing the above UN project. In 1998, UNICEF introduced a Strategy Framework to improve protection to children in the region, including protection against trafficking. The strategies, broken down into prevention and early intervention, responsive social service systems, recovery and reintegration services, and comprehensive legal protection, include awareness raising campaigns, parenting education, outreach to vulnerable school children, the creation of special police units for child protection and rescue, centre-based crisis intervention services for child victims, and support in helping trafficked children re-enter society. In addition, legal reform and the training of lawyers have been undertaken (Thomas, 2004).

It is also important to remind that some of the largest, most well known NGO campaigns to combat trafficking were founded in Thailand – ECPAT (End Child Prostitution in Asian Tourism) and GAATW (Global Alliance Against Trafficking in Women) (Human Trafficking, 2005c).

3.5.1 Prevention

There have been a number of Government policies, initiatives and programmes against trafficking. They are the following:

The Ministry of Labour has developed:

- A National Plan of Action under the application of ILO Convention 182;
- A MoU on Employment Cooperation with Lao PDR (signed in 2002) with an emphasis on preventing illegal migration, illegal labour trade, child labour and trafficking;
- A MoU on Employment Cooperation with Cambodia (signed in 2003);
- A MoU on Employment Cooperation with Myanmar (signed in 2003).

Signatories include representatives of national and key international organizations.

The Ministry of Education (MoE) implements the National Sema Life Development Project (Sema Pattana Chivit), launched in August 1994, which was run in northern, northeastern and southern provinces of Thailand and targets high-risk communities. Intervention packages include formal education, skills training, non-formal education and awareness raising, and are sustainable through collaboration with NGOs, the business sector, community leaders, monks and the public. This project was co-initiated and co-funded by ILO/IPEC during the first five years. It generates further rural preventive projects under the MoE and line ministries. According to sources, Thailand has been successful in using education as a method of preventing CSEC (Ecpat International, 2000: 107; ILO/IPEC, 2002: 47).

The Ministry of Interior's Centre for the Prevention and Suppression of the Trafficking of Children for Prostitution and Labour operates the Commitment Fund project that allows disadvantaged children to continue their education. It operates in the North, Northeast and in Bangkok.

The Office of Welfare Promotion, Protection and Empowerment of Vulnerable Groups (OPP) is active with regard to child and youth issues in the National Economic and Social Development Plans, provides educational funding to schoolgirls and operates Child Rights Centres. It is also implementing a capacity building pilot project for community child right networks focusing on child sexual abuse and prostitution in Phuket and Udon Thani provinces (ILO/IPEC, 2005).

The Office of the National Commission of Women's Affairs has initiated two innovative programmes as part of preventive and development efforts aimed at reducing the number of women and children at risk of being drawn into the sex sector. The first one is called: "The Educational Training Programme for Teachers, Parents, and Young Girls at Risk". This programme is:

- Offering scholarships for young girls from Northern Thailand to remain in schools until the age of 18;
- Directing girls to other occupations;
- Providing sex education;

- Changing attitudes of family members, many of whom push their daughters to the sex sector;
- Training and providing credit to enhance income earning abilities; and
- Involving teachers, monks and community leaders in helping to restore the values and rights of women and girls.

The second project is called: “Use of Mass Media to Eradicate Child Prostitution”. This has multifaceted components to change public attitudes by:

- Production of short films shown at prime time on three of Thailand’s most popular TV stations;
- Producing radio broadcasts, posters and pamphlets; and
- Organising panel discussions with prominent leaders (Kirjavainen).

The former Women, Child and Youth Development Division of the Department of Community Development of the Ministry of the Interior, now transformed into various offices in the MSDHS is involved in capacity-building projects for village-level women's groups and village- and district-level women's development committees and operates early childhood development centres (ILO/IPEC, 2005).

The Thai Government entered into cooperative arrangements with local industries, especially the hotel industry, to encourage youth (particularly girls) to find employment outside of the sex industry and other areas of exploitative work. In this regard, an important project, carried out by UNICEF, government ministries and the hotel industry, is the Youth Career Development Programme (YCDP), aimed at helping protect young women from commercial sexual exploitation. This programme offers training and jobs in more than 20 of Thailand’s best hotels. Since it started 10 years ago it has grown every year and spread to other countries.

Vocational training programmes aimed at high school students also received funding. Although the vocational training was not intended explicitly for trafficking prevention, the practical effect was to increase the range of choices for recent school graduates (Thomas, 2004a; US Department of State, 2005b; UNESCAP, 2001).

The government has also adopted overly broad policies aimed to prevent “potential” trafficking victims from travelling abroad. For example, the passport applications of women and girls ages 14 to 36 are subjected to special scrutiny, and if investigators suspect that a woman may be going abroad for commercial sexual purposes, her application is rejected (Human Rights Watch, 2000).

On the subject of sex tourism, the issue has been addressed using several measures. Among them is the distribution of pamphlets warning tourists that having sex with children is a crime (AWORC, 1999). In February 2004, the Thai police began an information campaign in Bangkok and Pattaya, the two major sex tourism heavens, to increase public awareness of trafficking, which included the distribution of pamphlets and creation of a hotline for reporting suspected cases (US Department of State, 2004; US Department of State, 2005b). More than 50,000 posters detailing the various forms of the crime were placed at public transportation venues, along heavily travelled roads, and in residential neighbourhoods. Pamphlets were distributed at police stations and neighbourhood police boxes (US Department of

State, 2005b). The government also supports the work of NGOs and international organizations to carry out public awareness campaigns and provide victim support services (US Department of State, 2004).

On the multilateral level, Thailand has been active in developing international regional, inter-regional and bilateral cooperation. The International Law Enforcement Agency (ILEA), which was supported by the USA, was established in Bangkok in 1999 to serve as a regional training centre for law enforcement, judicial and other officers to share information on the suppression of transnational crimes (The Royal Thai Embassy, Washington D.C., 2003).

At the local level, in northern Thailand, ILO/IPEC has supported the development of provincial plans of action against child labour, including trafficking and CSEC, in Chiang Rai and Chiang Mai provinces. Each of these has involved consultation with a wide range of governmental, law enforcement, NGO and intergovernmental players, and the identification of problems and priority areas for action.

The Chiang Mai plan identifies a number of priority issues, for example supporting migrant children from neighbouring countries, hill tribe children, and northern lowland children who are lured into prostitution. Other areas identified for action include “poor coordination and monitoring” of ongoing action to combat trafficking, CSEC and child labour problems. The plan intends to improve a database of at-risk children between 13 and 18 years of age.

In Chiang Rai province, the emphasis of the plan is on developing surveillance networks to monitor both children in hazardous work and those at risk. It includes direct actions such as encouraging children to stay in school through scholarships, campaigns and promotional materials, skills training in a wide range of employment sectors, job training for border communities, non-formal education, community-based income generation schemes, surveys and development of protocols, job placement and labour inspection (ILO/IPEC, 2002: 35).

Another local prevention initiative, began in 1989, is the Thai NGO called Development and Education Programme for Daughters and Communities (DEPDC), a community-based initiative in Mae Sai, Chiang Rai and Chiang Mai provinces, aimed at preventing girls from being trafficked into the sex industry. It provides education, vocational training and employment opportunities to girls at risk (UNIFEM, UNIAP).

3.5.2 Investigation and prosecution of traffickers

The Thai government's law enforcement efforts showed some progress, with a significant increase in prosecutions and more seizures of assets related to trafficking cases. Thailand has a law specifically prohibiting trafficking; however, the law was used sparingly. Some police and prosecutors seem to be unfamiliar with its provisions and therefore do not use it. In 2003, the government reported 211 trafficking-related arrests, 86 prosecutions, and 20 convictions. Most sentences in trafficking cases were light. However, a number of sentences in trafficking cases were severe, with at least four sentences between 10 and 50 years (US Department of State, 2004). During 2004, officials acted to seize assets of suspected traffickers in six cases (US Department of State, 2005b).

Not only cases of direct involvement in trafficking, but also cases of trafficking-related corruption of the police, immigration services, and judiciary need to be investigated and prosecuted. Only one of eighteen police officers charged in 2003 with facilitating trafficking was prosecuted and convicted, although eleven others are under active investigation (US Department of State, 2004).

In order to properly investigate and suppress the commercial sex business, child sexual abuse and prostitution, a specific task force has been set up, as well as a Child Rights Protection Division. The task force has been constituted within the Royal Thai Police as Special Investigation Department (SID), to combat transnational crimes, especially human trafficking, while the Child Rights Protection Division was established within the Office of the Attorney General to help child victims and to monitor cases of child sexual abuse (WTO, 2003: 57; The Royal Thai Embassy, Washington D.C., 2003).

The Thai Government also cooperates with governments of other countries in the investigation of transnational crimes, including trafficking. The receiving country generally initiated trafficking case investigations in instances where Thailand was the origin country. The Government intensified efforts to investigate rings associated with smuggling female citizens abroad. Thai law allows for extradition of its nationals; however, no citizens were extradited for trafficking-related offences, while several requesting-country nationals charged with trafficking-related crimes, were extradited to Japan, Australia, and Germany (US Department of State, 2005b).

3.5.3 Assistance and reintegration

The law of Thailand, in addition to criminalizing various prostitution and trafficking offences, adopts protective measures. The trafficking act provides for “appropriate assistance”⁵¹ to these victims of the offence, including food, primary shelter⁵², and repatriation to their original country of residence⁵³ (The Protection Project, 2002: 542).

In this framework, there have been several actions to support Government-NGO cooperation. In May 2003, a series of Memorandums of Understanding (MoUs) between government agencies and between the government and domestic NGOs provided for some detailed police procedures to assist with the problem of trafficked persons being detained by the authorities. The agreement stated that the training of police officers would include instructions to treat such persons as victims of human trafficking rather than as illegal immigrant workers. Rather than being deported, they become the responsibility of the Department of Social Development and Welfare. However, the implementation of the MoUs continued to be erratic during the year,

51 Section 11.

52 According to the Prostitution Act, a primary shelter means ‘a place provided by the government, or a place established by a foundation, association or any other institution, under this Act for the temporary admission of persons receiving protection and vocational development in order to consider appropriate measures for the protection and vocational development for each one’ (section 4).

53 Section 11 of the Trafficking Act.

due to insufficient training of law enforcement officials and their unfamiliarity with the law⁵⁴. The three MoUs are as follows:

1. MoU on Common Guidelines and Practices for Government Agencies Concerned with Cases of Trafficking in Women and Children (2nd Issue) B.E. 2546 (2003);
2. MoU on the Procedural Cooperation between Government and Non-Government Agencies working with Cases of Trafficking in Women and Children B.E. 2546 (2003);
3. MoU on the Operational Guidelines of Non-Governmental Agencies Concerned with Cases of Trafficking in Women and Children B.E. 2546 (2003).

The Three MoUs provide for a framework of cooperation in addressing the issue of trafficking in women and children and provide for the following key provisions:

1. To consider and treat the trafficked women and children as victims, not criminals, and to give priority to providing appropriate assistance to those victimized.
2. To set clear guidelines on operational coordination and action among agencies responsible for assisting trafficked women and children, such as the Ministry of Social Development and Human Security, the Royal Thai Police, the Immigration Bureau, Non-Government agencies, etc.
3. To outline and put into place operational guidelines in accordance with the Prostitution Prevention and Suppression Act B.E. 2539 (1996), the Measures in Prevention and Suppression of Trafficking in Women and Children Act B.E. 2540 (1997) and other relevant legislation and policies relating to fact finding, rehabilitation, return and reintegration of trafficked women and children.

Categories of trafficked women and children provided for in the MoUs include:

- a. Thai women and children who are victims of human trafficking;
- b. Foreign women and children who are trafficked illegally into Thailand;
- c. Foreign women who legally enter Thailand and later become victims of trafficking;
- d. Women and children who are not Thai citizens but live in Thailand and are victims of human trafficking (Human Trafficking, 2005).

In a nutshell, the MoUs are about both internal and international trafficking in children, and allow the safe return of trafficked children to their family and community, as well as encourage cross border collaboration to protect children from trafficking (Gautam, 2004). Thus, foreign victims in Thailand are no longer subjected

⁵⁴On 24 March 2003, the Secretary Generals of the Ministry of Social Development and Human Security, Ministry of Foreign Affairs, Ministry of Labour and Ministry of Public Health, the Attorney General, Commissioner General of the Royal Thai Police and representatives from 28 Non-Governmental Organizations, including the National Council on Youth and Child Development, representatives of the Thai Coordinating Body on Trafficking of Children, the Thai Network to Assist and Protect the Rights of Trafficked Women and Children, and Child Rights Protection Foundation joined together to sign three National Memorandums of Understanding (MoUs) relating to the protection and assistance to women and children victims of trafficking (Human Trafficking, 2005).

to deportation. However, in an attempt to remove street children from Bangkok in advance of the Asia-Pacific Economic Cooperation (APEC) summit in October 2003, the Thai government deported 620 Cambodians, some of who were trafficking victims, without any of the protections required by the MoUs. An additional 236 Cambodian women and children were deported in March 2004 without adequate protection (US Department of State, 2004).

As the three above-mentioned agreements, the MoU signed in 2003 by Thailand and Cambodia envisages that both countries commit to ensure that trafficked children are treated as victims, not illegal migrants, and are not prosecuted for illegal entry by the receiving country. In all circumstances, they are to be treated humanely and given safe shelter, health care, legal assistance and access to an interpreter. On return to their country of origin, the victims are to be provided counselling and support and helped to pursue and prosecute offenders involved in the trafficking (UNICEF, 2003: 77).

In the field of assistance and reintegration of trafficked victims, IOM is carrying out, since 1996, a project entitled "Return and Reintegration of Trafficked Women and Children Between Selected Countries in the Mekong Region". The objective is to further develop systematic and sustainable mechanisms within regional governments and relevant NGOs for the identification, return, recovery and reintegration of victims of trafficking/trafficked women and children among the five countries in the Greater Mekong Sub-Region. The fact that there is now an effectively functioning system in place for orderly return and reintegration of trafficking victims between Thailand and Cambodia allows for project activity to concentrate more on providing a normative framework for that process, in the form of agreed policy, procedures and protocols to support identification, recovery, return and reintegration (IOM, 2003; Derks, 2000: 37).

IOM is also contributing to the development of a bi-lateral Memorandum of Understanding (MoU) between the Kingdom of Thailand and the Lao PDR addressing the safe and orderly return and reintegration of trafficking victims from Thailand to Laos⁵⁵. The main purpose of this operational MoU will be to delineate the roles and responsibilities of both parties with regard to the application of protection standards, family tracing procedures, citizenship determinations, repatriation logistics and reintegration activities. The project will build upon the mechanisms developed to date by the Royal Thai Government to address trafficking of persons from, through and to Thailand. Those mechanisms include National MoUs that delineate roles and responsibilities amongst government and NGO sectors, as well as the bi-lateral MoU on trafficking with Cambodia (IOM, 2003).

Thai government provides protection to trafficking victims operating 6 shelters throughout the country for abused women and children. Thai missions overseas provide support to Thai victims who wish to return home, but limited funding is available to assist their repatriation (US Department of State, 2004; US Department of State, 2005b; US Department of State, 2005).

⁵⁵ Project title: "Development of Bilateral Agreement Between Thailand and Lao People's Democratic Republic (Lao PDR) on the Return and Reintegration of Trafficking Victims."

Despite the above financial limitations, in accordance with Thailand's Prostitution Prevention and Suppression Act of 1996, four protection and vocational homes for sexually exploited children have been established, three for girls and one for boys, as well as Nationwide Operational Centres for the Protection of Child and Women Workers. These centres receive complaints and provide assistance to Thai and non-Thai child and women workers who have faced difficulties and exploitation (ECPAT International, 2000: 109; HRW, 2000).

The NGO Centre for the Protection of Children's Rights (CPCR) has also been very active in the recovery and rehabilitation of child victims of sexual exploitation (Derks, 2000: 36).

Furthermore, the Department of Social Development and Welfare (DSDW), now part of the MSDHS, through its Occupational Assistance Programme provides shelter, medical care, rehabilitation, protection, non-formal education, occupational training and assistance to girls in commercial sex work or difficult circumstances. It also supports building new lives for women formerly subjected to commercial sexual exploitation. It mainly operates in the North and Northeast of the country (ILO/IPEC, 2005).

Illegal immigrants generally are repatriated as soon as possible; however, in order to implement the new policy of more humane treatment for victims of trafficking, the Department of Social Development and Welfare has asked the local police to hand over any women they find who may be victims of trafficking. Officials refer underage and foreign women arrested for prostitution to one of the government shelter houses. Repatriation is delayed but not cancelled. Generally, the repatriation process took up to 6 months. In the meantime, the government provides food, medical care, and psychological counselling. NGOs and Department of Welfare officials provide limited legal assistance informing victims of the option of pursuing legal action against the trafficking perpetrators. Trafficking victims who provide evidence are repatriated to their home countries afterwards. However, relatively few opted to do so: language barriers, illiteracy, distrust of government officials, the lengthy legal processes, and fear of the traffickers played a role. Trafficking victims illegally in the country are not allowed to obtain employment while awaiting repatriation, even if they are involved in legal proceedings against the trafficker (US Department of State, 2005b; Human Trafficking, 2005b).

The problems related to migrant children have been addressed by a task force, which was set up in 1996 by eight children's organizations. The task force aims to assist foreign child victims of exploitation and where possible repatriate them to their countries of origin. The task force, later named the Thai Coordinating Committee on Migrant Children, takes actions at national, bilateral and multilateral levels in order to provide the necessary assistance in cooperation with children's organizations in sending communities (Derks, 2000: 36).

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