









Excerpt from the book:

Fondation Scelles, Charpenel Y. (under the direction of), *Sexual Exploitation: New Challenges, New Answers (5th Global Report)*, Paris, 2019.

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Cautionary note: The terms 'child prostitution' and 'prostituted children' are used in this text to denote children that are sexually exploited and sexually trafficked. The connotative manner in which these definitions are perceived and analyzed may differ due to linguistic, cultural, and perceptual differences.

THAILAND

 <p>POPULATION 69 million</p>	 <p>GDP PER CAPITA 6,593.8 USD</p>
 <p>POLITICAL SYSTEM Constitutional Monarchy</p>	 <p>HUMAN DEVELOPMENT INDEX 87th rank among 187 countries</p>
 <p>GENDER INEQUALITY INDEX 79th rank among 147 countries</p>	 <p>CORRUPTION PERCEPTIONS INDEX 96th rank among 180 countries</p>

Infamous for its high prevalence of sexual exploitation and child sex tourism, Thailand faces many factors that favor the trafficking of vulnerable people.

The political instability and poverty experienced by Thailand's neighboring countries have led to massive flows of migrants into the country. In 2015, there were about 4 million migrants in the country, including 1 to 2 million illegal migrants. This was twice as many as the amount in 2005. As the country is not equipped with sufficient resources to handle such a large influx, migrants become more vulnerable to traffickers. Between 120,000 and 250,000 refugees from Myanmar (notably Rohingyas) have settled along the border in camps built, for some, since 1984 (*UNODC, TIJ*, August 2017). Their precarious situations make them vulnerable to human trafficking and sexual exploitation, especially for those who don't have IDs. Additionally, most do not speak Thai.

For Thai natives, there are numerous factors as to why they enter prostitution (lack of education, consumerism, corruption, etc), however the main reason is the absolute need to provide for themselves and their families (*Téoros*, 2013). This is particularly the case in the north of the country, where the Hill Tribes group (a group of a dozen ethnic minorities in the region) represents a large proportion of exploited persons in prostitution, many of whom are children.

These circumstances led to the omnipresence of sexual exploitation and prostitution within the country, resulting in the establishment of a legislative framework.

Existing legislation

In Thailand, prostitution is tolerated only within private spaces. Solicitation is punishable by a fee of up to 1,000 Thai bath (THB) (USD 31) by the *Prevention and Suppression of Prostitution Act*. The Thai Penal

Code also prohibits anyone from earning an income from the prostitution of another person (article 286); sentences for that crime range from 7 to 20 years' imprisonment and fines from THB 14,000 to 40,000 (USD 440 to 1,256), and sometimes even life imprisonment. Under the law, prostituted persons are not considered as victims, but rather subjected to a presumption of criminality (article 6), which condemns activities of prostitution (*Empower Foundation*, May 19, 2017). This law also punishes sex buyers of prostituted children in brothels with 1 to 3 years' imprisonment accompanied by a fine of THB 20,000 to 60,000 (USD 628 to 1,885) if the child is between the age of 15 and 18, and with 2 to 6 years' imprisonment and a fine from THB 40,000 to 120,000 (USD 1,256 to 3,769) when the child is under the age of 15. The Thai Penal Code condemns sexual intercourse with a girl less than 15 years of age (if the offender is not the husband) with penalties from 4 to 20 years' imprisonment and a fine from THB 8,000 to 40,000 (USD 251 to 1,256). If the girl is less than 13 years old, penalties range from 7 to 20 years' imprisonment and a fine from THB 14,000 to 40,000 (USD 440 to 1,256). Both texts specify that the consent of the victim has no influence on the conviction. However, if the victim (between 13 and 15 years old) agrees to marry the man (i.e. her rapist), all charges will be dropped. The absence of a definition of sexual relations within the Thai Penal Code leads to a legal vacuum, which penalizes the victim. In December 2015, the Thai Penal Code was amended to criminalize the possession, sharing and dissemination of child pornography (*Liberty Asia, Linkaters, MAST, 2017*). This law specifies that if any person takes advantage of a child and has hold of any pedopornographic material, the exploited child does not have to testify during the trial (*UNODC, Regional Office for Southeast Asia and the Pacific, 2015*). This is

an important step forward, given that most traffickers and procurers possess pornographic material of their victims, who are then generally afraid of reprisals if they agree to testify. The *Computer Crime Act* was amended in 2015, criminalizing download and/or electronic dissemination of pedopornography content (*Liberty Asia, Linkaters, MAST, 2017*).

Under the 2008 *Anti-Trafficking in Persons Act*, all forms of human trafficking are illegal in Thailand. According to the 2017 amendment version, punishments for human trafficking range from 4 to 20 years' imprisonment and fines from THB 80,000 to 2 million (USD 2,513 to 62,820), depending on the age of the victim (*US Department of State, June 2018*). In this law, human trafficking for sexual exploitation purposes is not explicitly mentioned or defined. However, a 1996 law criminalizes procuring, seducing and abducting for prostitution (even in foreign countries) with penalties ranging from 1 to 10 years' imprisonment and a fine from THB 20,000 to 200,000 (USD 628 to 6,282). However, due to the country's widespread corruption, the law enforcement is weak.

Sexual exploitation of children

Exacerbated by the country's sex tourism, the sexual exploitation of children, notably within prostitution networks, is a structural issue in Thailand. While most people buying sex from children are Thai nationals and Chinese tourists, most governmental efforts are focused on preventing Western travelers from sexually exploiting Thai children (*ECPAT International, 2016*). This can mainly be explained by the media coverage of the phenomenon. However, these governmental efforts have led to a decrease in sex tourism in recent years, which has moved to neighboring countries, where the legislation is less strict (*ECPAT International, UNICEF, November 2015*).

One of the difficulties in the fight against the sexual exploitation of children is that many children do not realize that they are being exploited. Many of these victims neither know how to read nor write, and do not know their rights when faced with procurers or traffickers (ECPAT International, February 2017).

This is the case with *katoey* children (the Thai term for transgender people), who, in order to survive, are often victims of sexual exploitation. Indeed, following conflicts with their parents, who don't accept their gender identities, these children end up on the streets. Being too young to obtain lawful work, they are then forced into prostitution to survive (UNICEF, February 24, 2015).

Many exploited children live on the streets, but it seems law enforcement officials do not hesitate to use violence against these children (arresting them, putting them in custody, using physical violence) (ECPAT International, February 2017). Some police officers arrest prostituted children (unless they offer bribes) (UNICEF, February 24, 2015), go to brothels to obtain bribes and even to abuse children (ECPAT International, February 2017). For these reasons, child victims of sexual exploitation are reluctant to report their experiences to the police. Moreover, according to the NGO *Nvader/Lift International*, there is a custom among local officials in some regions of satisfying visiting senior officials with prostituted underage girls (*The Nation*, April 28, 2017). In 2017, a child prostitution ring was dismantled in the city of Mae Hong Son, which is found at the Myanmar border. Run by a non-commissioned police officer, the network was composed of many political personalities, including the region's governor. Senior government officials were

often offered young girls during their stay in the region (PIU, OMS, 2016).

Some projects in the country have been established to change the relationships between institutions and victims of prostitution. In Chiang Mai, in the north of the country, the *Big Brother Project* aims to create relationships built on trust between child victims and police officers, through activities such as sport (ECPAT International, February 2017). In partnership with the FBI, the Thai police have developed a new approach to the sexual exploitation of children, centered on victim assistance. This approach enables the facilitation of children's testimonies, and gives them access to support services (ECPAT International, February 2017).

Minors who go to the police station are obligated to prove their status as minors in order to be recognized as victims of sexual exploitation (ECPAT International, February 2017). However, most child victims were generally trafficked from a neighboring country or are from northern tribes (mainly in Bangkok), and therefore don't have IDs or birth certificates that can prove their age (ECPAT International, UNICEF, November 2015). If uncertain, the default for police officers is to classify the person as an adult and apply the law criminalizing solicitation. (ECPAT International, February 2017). Children also may pretend to be adults to avoid being placed in child detention center or specialized shelters for children. These shelters allow for the isolation, for their own benefit, of the children from family and friends for the duration of the trial, and thus prevent traffickers and procurers from finding them (ECPAT International, February 2017). Since 2003, the Child Protection Act and the Witness Protection Act better protect trafficked child victims during the trials; however, these legislations are not yet

applied uniformly (*Ministry of Social Development and Human Security*, 2018). Indeed, some trials are still taking place without the implementation of specific measures that separate witnesses and traffickers (*ECPAT International*, February 2017).

It seems the Thai authorities realized the scale of the development of child prostitution online, even though they do not have enough resources to fight it. In September 2017, a human trafficking ring that operated on Facebook was dismantled, resulting in the arrest of 9 traffickers (8 of whom were minors). During the same period, a person was condemned for possessing and distributing pedopornography material online (*Ministry of Social Development and Human Security*, 2018).

The situation of prostituted persons

According to *UNAIDS*, there were around 144,000 prostituted people in Thailand in 2017, with around 123,000 women and 18,000 men involved in prostitution. Minimum wage (THB 300 – USD 9.4) is lower than the average price for intercourse with a prostituted person (THB 500 – USD 15.7), so many women turn to prostitution to support the needs of their families. Many Thai women are alone in trying to provide for their children, which results in them having to turn to prostitution, especially within populations of children who cannot lawfully be employed. Teen pregnancy is still prevalent; 9% of women between the ages of 20 to 24 had their first child before the age of 18 (2011-2016 period) and 6% of teenage girls between 15 and 19 were mothers (2009-2014 period) (*UNICEF*, December 2017). However, another *UNICEF* report revealed higher rates: 13% and 9% in 2016 (*National Statistic Office of Thailand, UNICEF*, 2017).

Women from northern rural areas are more vulnerable to human trafficking and

prostitution for several reasons; poverty, cultural behaviors, and the ‘exoticism’ surrounding ethnic northern women compared to Thai women. In some situations, women and girls, forced into prostitution to help their families, may even be sold to traffickers, notably in Buddhist communities. Indeed, girls are responsible for the material well-being of parents, while boys are responsible for spiritual well-being, making women less socially significant than men (*L’espace politique*, January 2015). According to the NGO *Urban Light*, young men and boys are sometimes forced to leave villages in the north, notably in the Chiang Mai province, to travel to touristic cities of the country in order to provide for their family, and risk finding themselves trapped in sex trafficking networks.

Other women enter prostitution after being forced by traffickers to take drugs: a video they don’t know about is recorded while they use drugs, and serves as blackmail material (*The Nation*, April 28, 2017). Although Thai law does not punish individuals who use drugs, many adolescent girls are unaware of this legislation and fear being arrested. They are also afraid of the stigmas surrounding drug-use and the shame they would receive if these videos were to be publicly released (*The Nation*, April 28, 2017).

All individuals who engage in prostitution are vulnerable to sexual and physical abuse from sex buyers, procurers and police officers. Transgender persons, referred to as “*ladyboys*” in Southeast Asia, are considered to all be prostituted persons, and thus face stereotypes and stigmas, notably in tourist areas. They are subject to police harassment, and are arrested after being presumed to be prostituted persons (*Kang*, 2016). Prostituted persons fear reporting to the police the abuse they received from their

traffickers or procurers, because they are convinced they will receive a fine and be held into custody; this provides major setbacks in the fight against sexual exploitation. Because of the prohibitive approach to prostitution, only minors receive access to the government-provided exit services. To receive such services, other prostituted persons must go to local NGOs, like *Empower* in Chiang Mai, *SWING* in Pattaya, or *Self Help and Empowerment* in Phuket.

HIV/AIDS

The HIV/AIDS prevalence in the Thai population is the highest of the region¹ (0.64% of the total Thai population and over 8% of people infected in the Asian-Pacific region) (UNAIDS, 2017). This represents a significant risk for prostituted persons who are coerced, by their procurers or sex buyers, to have unprotected sexual relations.

Data on HIV/AIDS prevalence among prostituted persons shows their significantly higher rates of infection compared to the rest of the population. For women, the infection rate is low (1%), but for men, the infection rate is more than 10%. However, we can see a decrease from 2010 to 2016: from 3% to 1% among women and from 16% to 10% among men. This decrease goes hand in hand with the increase in condom use. There are supposedly 75,000 prostituted transgenders in Thailand, mainly who are found in big cities, where they are the most vulnerable to sexual exploitation. This could explain the high average HIV/AIDS rate among them (over 12%) (*National AIDS Committee*, 2015). In the capital, Bangkok, HIV/AIDS has infected about 20% of prostituted persons (*International Journal of STD and AIDS*, May 6, 2013).

The NGO *Service Workers In Group* (SWING) has created a space dedicated

to providing medical care, HIV/AIDS tests, and sex education programs to prostituted persons. However the NGO has stated that many prostituted persons do not use these health services, for fear of being arrested by the police. Indeed, some police operations or arrests happened there as some prostituted persons were waiting to receive care (*The Bangkok Post*, July 3, 2016).

Human trafficking of women to and from Thailand

Thailand is a destination, transit and source country for human trafficking for sexual exploitation purposes. Victims are trafficked from Thailand to every region in the world. For example, in 2016, a large human trafficking ring was dismantled in the USA. Thai women were brought into the USA and constrained by debt bondage. To repay their traffickers for their fake visas and methods of travel, they were indebted from USD 40,000 to 60,000 (*CBS News*, October 4, 2016). Moreover, as some countries' populations are prospering, new trends are appearing. For example, Thai women are increasingly becoming victims of sex trafficking to Persian Gulf countries, where they are forced into prostitution in massage parlors (*L'Espace Politique*, January 2015).

Thailand is also a transit country for victims, who come from China, North Korea, Vietnam, Bangladesh, India, and Myanmar, and are sent to Malaysia, Indonesia, Singapore, the Russian Federation, South Korea, the USA, and some Western European countries (*US Department of State*, June 2018).

Additionally, there are cases involving foreign women being trafficked to Thailand for sexual exploitation. Most women are from Laos, Myanmar, Cambodia, Vietnam, Sri Lanka, the Russian Federation,

Uzbekistan, and some African countries (*US Department of State*, June 2018). At the beginning of 2017, 39 African women from Uganda and Madagascar were found to be victims of human trafficking for sexual exploitation purposes after they were arrested for prostitution in Pattaya. However, instead of screening them to see if they had been trafficked, the police processed them under the legislation regarding illegal immigration (*Coconuts Bangkok*, March 3, 2017). In contrast, a human trafficking ring for sexual exploitation was dismantled at the end of 2017, leading to the identification of 70 Ugandan women as victims. Similarly, 113 Asian women were saved in January 2018 from being exploited in massage parlors (*Ministry of Social Development and Human Security*, 2018).

The law states that trafficking victims must be identified within 24 hours, but this is difficult to enforce as many victims are not ready to testify, even though the deadline can be delayed by a week.

There also seems to be an increase in police investigations in entertainment establishments, particularly in Pattaya (*News.com.au*, February 25, 2017).

Child Marriage

The Thai Civil Code sets the legal age of marriage to 17. However, the law specifies that a court may allow marriage before the age of 17 in certain circumstances (article 277 of the Thai Penal Code). As a result, the *World Health Organization* (WHO) estimates that 22% of girls in Thailand are married by the time they reach 18, and 4% are married before 15 (*IPU, WHO*, 2016). Moreover, the Thai Civil Code stipulates that marriages of minors cannot be done without the consent of the parents, and the provisions of the Thai Penal Code state that the consent of the young girl is also necessary. But in some cases, the consent of the families may

substitute for the consent of the young girls. There can be several reasons families do this, such as the payment of the *khongman* (dowry paid to the bride) and the *sinsod* (dowry paid to her family) that serve as promise of marriage. Another reason can be the strong social stigma regarding sexual intercourse before marriage in rural areas. With Thailand's culture and values being representative of the patriarchal system, young girls must follow the will of their family and future husband (*Rivera*, 2011).

According to the 2018 US Department of State report on Trafficking in Persons, Thailand's important increased efforts in the combat against human trafficking have made it a Tier 2 country in 2018, when it was in the last two years a Tier 2 Watch List (*US Department of State*, June 2018).

The government provided trainings on human trafficking to more than 2,600 police officers, judges and other law enforcement officials. To combat sex tourism, 800 local government officials received training and 315,000 awareness-raising booklets were distributed to businesses and tourism professionals (*US Department of State*, June 2018). In 2016, the Ministry of Interior established a special unit dedicated to eliminating human trafficking (*Liberty Asia, Linklaters, MAST*, 2017). The government has also been working with neighboring countries, like Laos, Myanmar and Cambodia, to prevent illegal immigration and human trafficking between these countries (*US Department of State*, June 2018).

In 2017, the government refused entry into the country to 74 known paedophiles (2,054 in 2016, 511 in 2015 and 98 in 2014), which is still insufficient (*US Department of State*, June 2018). The Ministry of Social Development and Human Security has established an action plan to wipe out the trafficking of women and children. This includes: awareness-raising campaigns against sex tourism by the Ministry of

Tourism, increased measures of inspection by the Ministry of Interior, and child protection measures by the Thai police (*Ministry of Social Development and Human Security*, 2017). In the context of the *Thai Internet Crimes Against Children Task Force (TICAC)*, there were 8 prosecutions concerning child trafficking among the 18 trafficking cases investigated by *TITAC* regarding online child exploitation in 2017 (*US Department of State*, June 2018).

In conclusion, several recommendations can be made to help the Thai government more efficiently combat human trafficking and sexual exploitation.

Concerning the law, the sentences for sex buyers of child prostitution must be raised to make them match with the sentences of sexual intercourse with children. Moreover, article 277 of the Thai Penal Code's exception for marriage with a minor girl should be repealed to better condemn rapes of minors.

The efforts in combating sex tourism should also be focused on tourists, who are increasingly visiting the different countries of the region in search of prostituted children. Better coordination between police, immigration services and embassies is necessary to avoid the possibility of sex tourists leaving the country unpunished (*ECPAT International*, 2016).

Fighting against corruption is also necessary for the law to be properly applied. The corruption and complicity of government officials in human trafficking crimes are still too widespread, and are sanctioned only by small administrative penalties (suspensions or transfers) (*US Department of State*, June 2018).

The government increased its efforts towards holding its employees accountable. In 2017, 11 government officials were sentenced to penalties of 14 to 79 years in prison for trafficking Rohingya migrants, and 4 police officers were sentenced to 5 years in

prison in March 2018 for not intervening in this human trafficking.

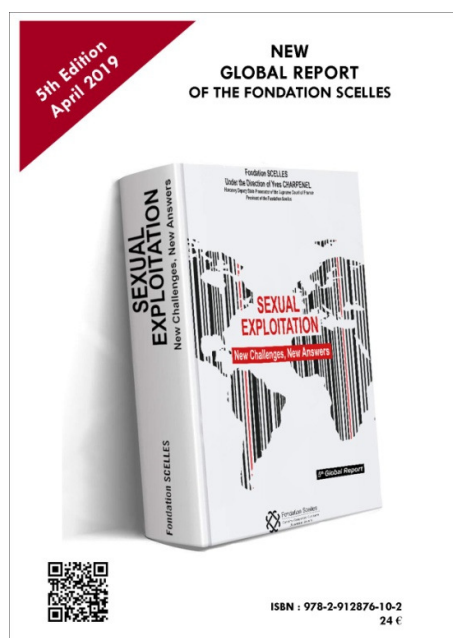
To improve foreign victim assistance, it is necessary to increase the number of interpreters, notably who specify in languages from neighboring countries (*ECPAT International*, 2016). Also, working more closely with NGOs through common actions and funding would allow for an improvement in assistance services for victims. Finally, victims should be granted anonymity in trials, notably child victims of sexual exploitation.

¹ Rate of infested persons among the population in Malaysia (0,28 %), in Cambodia (0,41 %), in Myanmar (0,4 %), in Laos (0,17 %) and in Vietnam (0,27 %).

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The Global Report is produced by the International Observatory on Sexual Exploitation, in collaboration with internal and external experts (magistrates, lawyers, social workers, NGO leaders...), and the support of local NGO correspondents or international researchers.



The **Fondation Jean et Jeanne Scelles**, recognized as a public utility since 1994 and as a consultative status with ECOSOC, is an independent, non-profit organization based in Paris (France) dedicated to fight the system of prostitution and the exploitation of prostituted persons, through information, analysis, advocacy, trainings, awareness initiatives and legal actions. The **Fondation Jean et Jeanne Scelles** is a co-founding member of the Coalition for the Abolition of Prostitution (CAP International) which was launched in 2013 and today brings together 28 abolitionist NGOs from 22 countries.

The **International Observatory on Sexual Exploitation** (Observatoire international de l'exploitation sexuelle) is a worldwide hub which allows for information exchange on the system of prostitution. The hub is regularly consulted by French and foreign experts including NGOs, institutions, journalists, lawyers, researchers and those involved in the defense of human rights. The goals of the **International Observatory on Sexual Exploitation** are:

- to analyze all the aspects of the phenomenon: prostitution, sex tourism, procurement, child pornography, sex buyers, human trafficking for the purpose of commercial sexual exploitation...
- to encourage reflection and to take a stand
- to inform the public who are interested in these issues

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