



Australian Government
Refugee Review Tribunal

Country Advice

Thailand

Thailand – THA37947 – Sexual
exploitation – Child prostitution – Sex
workers – Trafficking – State protection –
Rehabilitation

11 January 2011

1. Please provide the most recent country information on the prevalence of sexual exploitation of women and children in Thailand.

All forms of prostitution remain illegal in Thailand. Nevertheless, prostitution is conducted openly throughout most of Thailand and the trafficking and sexual exploitation of women and children remain serious issues confronting the country.¹

Estimates of the number of sex workers in Thailand vary significantly. In 2009, Thailand's government reported that there were 73,917 adult prostitutes officially registered in the country. The US Department of State, however, reported that NGOs believe the real figure to be closer to 300,000.² Freedom House concurs, reporting that in 2010 there were between 200,000 and 300,000 women and children working as prostitutes in Thailand.³ Some NGOs and individuals argue that the number could be much higher.⁴

The precise numbers of under-age sex workers in Thailand is not known; however, government agencies and NGOs alike agree that, at a minimum, it is in the tens of thousands. The US Office of the National Commission of Women's Affairs estimates that in 2008 there were "between 22,500 and 40,000 Thai nationals below age 18 engaged in prostitution".⁵ In 2007, however, the Thai government, academics and NGOs estimated that the number was probably closer to 60,000.⁶ One source makes the claim that the number could be as high as 800,000.⁷

¹ Ekachai, S. 2010, 'Ending prostitution an uphill battle', *Bangkok Post*, 14 August
<http://www.bangkokpost.com/news/local/190990/ending-prostitution-an-uphill-battle> – Accessed 5 January 2011
– Attachment 1

² US Department of State 2010, *2009 Country Reports on Human Rights Practices – Thailand*, 11 March,
Section 6 – Attachment 2

³ Freedom House 2010, 'Freedom in the World – Thailand', June
<http://www.freedomhouse.org/template.cfm?page=22&year=2010&country=7932> – Accessed 10 September
2010 – Attachment 3

⁴ Pusurinkham, S. (undated), 'Child Prostitution in Thailand', A Globe of Witnesses website
<http://www.thewitness.org/agw/pusurinkham.121901.html> – Accessed 15 January 2010 – Attachment 4

⁵ US Department of Labor 2009, *2008 Findings on the Worst Forms of Child Labor – Thailand*, UNHCR
Refworld, 10 September <http://www.unhcr.org/refworld/docid/4aba3ebe37.html> – Accessed 6 January 2011 –
Attachment 5

⁶ US Department of State 2010, *2009 Country Reports on Human Rights Practices – Thailand*, 11 March,
Section 6 – Attachment 2

⁷ Pusurinkham, S. (undated), 'Child Prostitution in Thailand', A Globe of Witnesses website
<http://www.thewitness.org/agw/pusurinkham.121901.html> – Accessed 15 January 2010 – Attachment 4

There is considerable consensus among commentators that a significant proportion of sex workers in Thailand are unwilling participants, forced into prostitution at an early age by poverty and/or their parents. The US Department of State states that many girls “forced into prostitution” are from Thailand’s border regions and poor areas in the country’s north and north-east. Some of these girls consent to becoming prostitutes due to the dire economic conditions of their families; however, a substantial proportion are little more than children, who have been “sold by their parents into prostitution”. Commonly, parents are advanced a “substantial sum against their child’s future earnings” and the children must then work in a brothel to “repay the loan”. Despite the illegality and frequency with which this is said to occur, the US Department of State reported that no parents were arrested for such acts in 2008. It is thought that the primary obstacle for such arrests and prosecutions is a child’s reluctance to accuse their parents in a court of law.⁸

A 2008 article by Joel Brinkley, professor of journalism at Stanford University, provides an insight into agents operating in the Thai-Burma border region, scouting poor families for girls as young as 12. Brinkley argues that parents in these regions are willing to sell their daughters to these agents as financially “they often stand to gain much”.⁹ This is not, however, always the case. A 2010 story in the *Bangkok Post* reported the case of a woman who sold two granddaughters in her care to a brothel agent in return for alcohol. These girls were then aged 12 and 13.¹⁰

The Thai government has won praise for its efforts to end the sale of children into sexual slavery by impoverished or vulnerable parents/guardians. One notable effort was the raising of compulsory schooling from six to nine years. The *Bangkok Post* argues that while this has had the effect of reducing the number of underage Thai girls joining the sex industry, the ‘vacuum’ has been quickly filled by girls from hill tribes and neighbouring countries. People from Thailand’s remote ethnic minorities often have citizenship issues which prevent their children from accessing state schools, thus making them vulnerable to sex industry agents.¹¹

Poverty and conflict in neighbouring states has also given rise to large volumes of women and children trafficked into Thailand for participation in the sex industry.¹² In 2009 the US Department of Labor reported that both boys and girls are commonly trafficked from Burma, Cambodia, China, Laos, and Vietnam to Thailand for commercial sexual exploitation and forced begging.¹³ To curb this situation the Thai

⁸ US Department of State 2009, *Country Reports on Human Rights Practices for 2008 – Thailand*, 25 February, Section 5 – Attachment 6

⁹ Brinkley, J. 2008, ‘Thailand cops protect sex-slave trade’, *SFGate*, 14 September http://articles.sfgate.com/2008-09-14/opinion/17158917_1_brothels-younger-girls-agents – Accessed 15 January 2010 – Attachment 7

¹⁰ ‘Four men charged in child sex scandal’ 2010, *Bangkok Post*, 17 June <http://www.bangkokpost.com/news/health/38886/four-men-charged-in-child-sex-scandal> – Accessed 5 January 2011 – Attachment 8

¹¹ Ekachai, S. 2010, ‘Ending prostitution an uphill battle’, *Bangkok Post*, 14 August <http://www.bangkokpost.com/news/local/190990/ending-prostitution-an-uphill-battle> – Accessed 5 January 2011 – Attachment 1

¹² Freedom House 2007, ‘Countries at the Crossroads 2007: Country Report – Thailand’ <http://www.freedomhouse.org/template.cfm?page=140&edition=8&ccrcountry=171§ion=87&ccrpage=37> – Accessed 14 January 2010 – Attachment 9

¹³ US Department of Labor 2009, *2008 Findings on the Worst Forms of Child Labor – Thailand*, UNHCR Refworld, 10 September <http://www.unhcr.org/refworld/docid/4aba3ebe37.html> – Accessed 6 January 2011 – Attachment 5

government has introduced a “comprehensive anti-human trafficking law” and is said to be vigorously implementing the law, beginning with training programs for law enforcement officers and funding “awareness-raising activities on human trafficking.” The actual number of arrests of traffickers is not reported. The US Department of State laments that corruption is widespread among “the Thai law enforcement community” and “[g]iven the significant scope and magnitude of trafficking in Thailand, there were a low number of convictions for both sex and labor trafficking, and of victims identified among vulnerable populations.”¹⁴

Much of the demand for child sex workers in Thailand comes from international tourists. While Bangkok remains a major destination for sex workers and sex tourists, the coastal city of Pattaya appears to be the centre of the international sex tourism trade in Thailand, attracting men from all over the world, including paedophiles and pederasts seeking to engage in sex with minors. The local NGO the ‘Children Protection Development Centre’ (CPDC) states that Pattaya alone “hosts about 1,500 to 2,000 homeless and impoverished migrant children per year and those numbers are only growing.” The CPDC states that these children arrive in Pattaya from various Thai regions, as well as Cambodia, Burma and Laos, and often end up “working on the streets or in bars where they fall prey to traffickers and pedophiles (sic).”¹⁵ Arrests of foreign paedophiles do take place; however, demand continues and sex tourism remains a lucrative source of foreign income for Thailand’s economy.

2. Please provide the most recent country information about the level of state protection available to people facing such sexual exploitation in Thailand.

Since 1996 Thailand has undergone significant law reform and introduced a number of services to both adults and minors, citizens and foreigners, who have fallen victim to trafficking and/or sexual exploitation. Despite these efforts, corruption and under-resourcing have undermined the effectiveness of the state’s reforms.

Child prostitution is illegal under Thailand’s *Prostitution Prevention and Suppression Act*. Furthermore, the Act provides for criminal punishment of those who engage in sex with prostitutes under the age of 18. Under Section 8 of the Act, a person found guilty of having sexual intercourse with a sex worker between the ages of 15 and 18 faces a prison term of between one and three years, and a fine of up to 60,000 baht. A person found guilty of having sex with a worker under the age of 15 shall be subject to prison term between two and six years’ imprisonment and a fine of up to 120,000 baht. According to the US Department of State, “those who procure children for prostitution face strict penalties, and the punishment is more severe if the minors involved are under 15.”¹⁶

The *Bangkok Post* praises the *Prostitution Prevention and Suppression Act* as a “legal breakthrough”, particularly given that it shifts the criminal emphasis away from the worker and onto those who exploit these workers. The paper also adds that the amended *Anti-Human Trafficking Law* also seeks to curtail the trafficking of women and girls from neighbouring states into Thailand for use in the sex industry. This law reportedly provides victims of

¹⁴ US Department of State 2010, *Trafficking in persons report – Thailand*, 14 June – Attachment 10

¹⁵ Child Protection and Development Center 2010, ‘Protecting Vulnerable Children From Sexual Abuse In Pattaya’, 26 May http://www.hhnthailand.org/wp-content/plugins/downloads-manager/upload/cpdc_handout_en.pdf – Accessed 5 January 2011 – Attachment 11

¹⁶ US Department of State 2010, *2009 Country Reports on Human Rights Practices – Thailand*, 11 March, Section 6 – Attachment 2

trafficking with “legal assistance, compensation and safe return to their homes.” The author writes that under the law, “girls are considered victims of human trafficking and entitled to receive official assistance, including temporary shelter, food, vocational training, legal assistance and logistic support for them to return home safely.... The victims, regardless of nationality, can also testify in court with assistance from social workers without having to confront the intimidating traffickers. After the testimony, they can return home while the court case is being processed.” However, while the law allows for compensation, human rights lawyer Siriwan Vongkietpaisan informs the paper that “in reality, that doesn’t happen. The victims get only a piece of paper saying they won.” The primary weakness in the implementation of these laws, laments the *Bangkok Post*, is that they “have proved weak in the face of strong cultural bias against sex workers and the systematic corruption in Thai officialdom.”¹⁷ Indeed there are frequent accusations in Thailand that police protect the agents behind under-age sex worker trafficking.¹⁸

One of the major issues regarding the prosecution of agents who procure children for sexual servitude has been the ability of victims to provide testimony to investigators and courts. The Australian NGO Child Wise reports that Thailand’s Criminal Procedure Code does now contain provisions designed to make criminal proceedings more “child-friendly”. These provisions include: children taking part in an inquiry can be examined separately “in a place suitable for them, with a psychologist or social worker present”; if a child has to identify an alleged offender, this can be done in a place suitable for the child, so that the alleged offender cannot see them, in the presence of either a psychologist or social worker; and if children have to give evidence in court, all questions can be asked through a psychologist or social worker.¹⁹

In tandem with legal reform, the Thai government has established centres where both child and adult victims of exploitation and trafficking can seek shelter and other services. The Thai government also operates a hotline to receive complaints regarding child labour and maintains a “child labour rescue unit for emergency cases involving physical harm or confinement of the child.”²⁰ Reports in the Thai media indicate that brothels employing child sex workers are sometimes raided and brothel owners and agents prosecuted. In June 2010 the *Bangkok Post* reported that police arrested the grandmother of two girls whom she had sold into prostitution, as well as the brothel owner and three men who had sex with the girls. According to the paper, the girls, then aged 12 and 13, are now “receiving physical and psychological rehabilitation.”²¹

The *Bangkok Post* recently reported that in the past officials who launched raids against brothels who use underage or trafficked prostitutes often received threats and intimidation.

¹⁷ Ekachai, S. 2010, ‘Ending prostitution an uphill battle’, *Bangkok Post*, 14 August <http://www.bangkokpost.com/news/local/190990/ending-prostitution-an-uphill-battle> – Accessed 5 January 2011 – Attachment 1

¹⁸ Brinkley, J. 2008, ‘Thailand cops protect sex-slave trade’, *SFGate*, 14 September http://articles.sfgate.com/2008-09-14/opinion/17158917_1_brothels-younger-girls-agents – Accessed 15 January 2010 – Attachment 7

¹⁹ Child Wise 2009, *Mind the Gaps: A Comparative Analysis of ASEAN Legal Responses to Child-Sex Tourism*, ECOI website, June, p.38 http://www.ecoi.net/file_upload/1002_1248205476_crin.pdf – Accessed 6 January 2011 – Attachment 12

²⁰ US Department of Labor 2009, *2008 Findings on the Worst Forms of Child Labor – Thailand*, UNHCR Refworld, 10 September <http://www.unhcr.org/refworld/docid/4aba3ebe37.html> – Accessed 6 January 2011 – Attachment 5

²¹ ‘Four men charged in child sex scandal’ 2010, *Bangkok Post*, 17 June <http://www.bangkokpost.com/news/health/38886/four-men-charged-in-child-sex-scandal> – Accessed 5 January 2011 – Attachment 8

The paper interviewed one official from Udon Thani who states that in 2007 “she found a sealed white envelope with her name on it. In the package was (sic) a .357 bullet and a sheet of paper with the message: ‘The next time it will be delivered at your home.’” According to the paper, “[t]wo weeks earlier, the child welfare official had joined a police raid on brothels in the provincial town, where 10 under-age Lao girls were rescued. ‘It was a gesture of retaliation – obviously from members of the Lao child prostitution ring’.”²² Such intimidation, combined with police corruption and a child’s reluctance to testify against family members means that the number of prosecutions is likely to remain modest into the near future.

3. Is there any reported information indicating that people who are or who have been sex workers in Thailand face discrimination or mistreatment from authorities or others in Thailand?

While the prostitution industry remains technically illegal in Thailand, working or having worked as a prostitute has been decriminalised, removing the stigma of a criminal record from former sex-workers. Nevertheless, the *Bangkok Post* reports that despite decriminalisation, a “strong cultural bias against sex workers” endures in Thai society. Furthermore, the paper reports that some police continue to target prostitutes, rather than brothel owners. The *Bangkok Post* quotes lawyer and former national human rights commissioner, Naiyana Supapueng, who states that, although under the *Prostitution Prevention and Suppression Act*, sex workers “are not subject to arrest except when they are loitering in public places”; however, police often ignore this. “Despite legal amendments, it is still the sex workers who are legally and socially punished while customers, procurers and sex business operators remain largely intact”, states Ms Naiyana. “This legal ambivalence stems from sexual double standards which condones men’s quest for sexual pleasures outside marriage but condemns women who sell sex as bad women”.²³

Nevertheless, there are some small signs that at least some attitudes towards ex-sex workers are changing and the taboo on discussing prostitution is evolving. In December 2010, Thanadda Sawangduean, an ex-prostitute, won Thailand’s Chommanard Book Prize for her biography entitled *Chan Chue Eri: Kap Prasopkarn Tang Daen (I Am Eri: My Experience Overseas)*. According to the *Bangkok Post*, the book details her life in a poor family and how she was “lured” into prostitution. The literary award is sponsored by Bangkok Bank and Praphansarn Publishing House Co.²⁴ No information has been located indicating that employers, government departments or even members of the wider Thai society actively discriminate against former sex workers.

4. Please provide the most recent country information relating to rehabilitation programmes for victims of sexual exploitation in Thailand.

The US Department of State reported in March 2010 that both NGOs and government agencies provide “shelter, rehabilitation, and reintegration programs for children and women

²² Kaopatuntip, S. 2010, ‘Too Young to Choose’, *Bangkok Post*, 7 March
<http://www.bangkokpost.com/news/investigation/34056/too-young-to-choose> – Accessed 5 January 2011 – Attachment 13

²³ Ekachai, S. 2010, ‘Ending prostitution an uphill battle’, *Bangkok Post*, 14 August
<http://www.bangkokpost.com/news/local/190990/ending-prostitution-an-uphill-battle> – Accessed 5 January 2011 – Attachment 1

²⁴ Bunnag, S. 2010, ‘Ex-prostitute wins top women’s literary prize’, *Bangkok Post*, 22 December
<http://www.bangkokpost.com/lite/topstories/212494/ex-prostitute-wins-top-women-literary-prize> – Accessed 5 January 2011 – Attachment 14

involved in the sex industry”; however, no specific information is provided on such programs.²⁵ In March 2010 the *Bangkok Post* reported that by law, girls under 18 who have been rescued from prostitution must be sent to a rehabilitation centre, “where they undergo a period of skills training, psychological therapy and activities aimed at building their characters as well as instilling values in them before they are sent back to their families.”²⁶

The NGO ECPAT International’s 2010 report card on progress made in Thailand to end child prostitution and pornography states that the Thai government provides a 24 hours helpline staffed by “trained personnel” to receive reports “on social issues of adults and children related to physical and sexual abuses, exploitation, violation, including human trafficking.” The report also states that in recent years “the Thai government has expanded its network of reception shelters, that take on adult and children of both sexes experiencing social problems, such as physical and sexual abuses, exploitation, violation, related others, including human trafficking, from 99 to 138”. The government has also established “one-stop crisis centres (OSCC)... in relevant government units and/or hospital at provincial or community levels around the country” that provide “initial assistance and medical services for abused and exploited children and women, including cases involving trafficking of children for sexual purposes”.²⁷

The ECPAT International report also states that “the 2008 Anti-Trafficking in Persons Act of Thailand incorporates special provisions for assistance and protection of safety of the trafficked victims which include a full range of services to be widely and freely available to child victims of trafficking. The Anti-Trafficking in Persons Fund is also established in the Ministry of Social Development and Human Security and used, among other purposes, for providing assistance to the trafficked persons including food, shelter, medical treatment, physical and mental rehabilitation, education, training, legal aid, the return to the country of origin or domicile and the legal proceedings to claim compensation according to the regulations prescribed by the Minister.”²⁸ The report does, however, state that authorities and departments in Thailand do not have adequate resources to provide sufficient services to all victims of sexual exploitation.

A number of NGOs in Thailand also provide rehabilitation services; however, many of these appear to be primarily directed at children. Pattaya’s Child Protection and Development Center (CPDC) stated in May 2010 that it is “the only organisation offering long-term support to street children”, at its ‘Reintegration Centre’ near the city. According to the CPDC, the centre “offers abused boys and girls a structured, supportive environment, education, skills training, healthcare, recreational activities and nutrition. The CPDC now already serves over 35 children... These initiatives will work in tandem to prevent child trafficking, better protect and empower those who have been sexually exploited or trafficked. Specifically the programs will prevent child sex trafficking by lowering the number of children physically on the streets, empowering children with marketable skills to keep them out of the sex trade, and raising awareness about trafficked children. Finally, the CPDC will better assist the prosecution of pedophiles and traffickers, with more staff employed... The CPDC Project aims to provide

²⁵ US Department of State 2010, *2009 Country Reports on Human Rights Practices – Thailand*, 11 March, Section 6 – Attachment 2

²⁶ Kaopatuntip, S. 2010, ‘Too Young to Choose’, *Bangkok Post*, 7 March
<http://www.bangkokpost.com/news/investigation/34056/too-young-to-choose> – Accessed 5 January 2011 – Attachment 13

²⁷ ECPAT International 2010, ‘Thailand Country Progress Card’, ECPAT website,, 16 June, p.14
http://www.ecpat.net/TBS/PDF/2010_Thailand_Progress_Card.pdf – Accessed 5 January 2011 – Attachment 15

²⁸ ECPAT International 2010, ‘Thailand Country Progress Card’, ECPAT website, 16 June , p.13
http://www.ecpat.net/TBS/PDF/2010_Thailand_Progress_Card.pdf – Accessed 5 January 2011 – Attachment 15

protection to any street child in need, while protecting and reintegrating into school and society an increasing number of vulnerable children and youth ages six to eighteen.”²⁹

The government of Thailand also operates programs designed to prevent vulnerable children from entering or re-entering sex work. According to the US Department of Labor, Thailand’s Department of Public Welfare and Department of Skill Development “provide vocational training to improve children’s skills and prevent them from entering work prematurely or engaging in illegal activities.”³⁰

In August 2010 the *Bangkok Post* reported that Thailand’s *Anti-Human Trafficking Law* provides trafficking victims with “legal assistance, compensation and safe return to their homes”. However, it also reports that such compensation is rarely paid.³¹

Attachments

1. Ekachai, S. 2010, ‘Ending prostitution an uphill battle’, *Bangkok Post*, 14 August <http://www.bangkokpost.com/news/local/190990/ending-prostitution-an-uphill-battle> – Accessed 5 January 2011.
2. US Department of State 2010, *2009 Country Reports on Human Rights Practices – Thailand*, 11 March.
3. Freedom House 2010, ‘Freedom in the World – Thailand’, June <http://www.freedomhouse.org/template.cfm?page=22&year=2010&country=7932> – Accessed 10 September 2010.
4. Pusurinkham, S. (undated), ‘Child Prostitution in Thailand’, A Globe of Witnesses website <http://www.thewitness.org/agw/pusurinkham.121901.html> – Accessed 15 January 2010.
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6. US Department of State 2009, *Country Reports on Human Rights Practices for 2008 – Thailand*, 25 February.
7. Brinkley, J. 2008, ‘Thailand cops protect sex-slave trade’, *SFGate*, 14 September http://articles.sfgate.com/2008-09-14/opinion/17158917_1_brothels-younger-girls-agents – Accessed 15 January 2010.

²⁹ Child Protection and Development Center 2010, ‘Protecting Vulnerable Children From Sexual Abuse In Pattaya’, 26 May, pp.2-3 http://www.hhnthailand.org/wp-content/plugins/downloads-manager/upload/cpdc_handout_en.pdf – Accessed 5 January 2011 – Attachment 11

³⁰ US Department of Labor 2009, *2008 Findings on the Worst Forms of Child Labor – Thailand*, UNHCR Refworld, 10 September <http://www.unhcr.org/refworld/docid/4aba3ebe37.html> – Accessed 6 January 2011 – Attachment 5

³¹ Ekachai, S. 2010, ‘Ending prostitution an uphill battle’, *Bangkok Post*, 14 August <http://www.bangkokpost.com/news/local/190990/ending-prostitution-an-uphill-battle> – Accessed 5 January 2011 – Attachment 1

8. 'Four men charged in child sex scandal' 2010, *Bangkok Post*, 17 June <http://www.bangkokpost.com/news/health/38886/four-men-charged-in-child-sex-scandal> – Accessed 5 January 2011.
9. Freedom House 2007, 'Countries at the Crossroads 2007: Country Report – Thailand' <http://www.freedomhouse.org/template.cfm?page=140&edition=8&ccrcountry=171§ion=87&ccrpage=37> – Accessed 14 January 2010.
10. US Department of State 2010, *Trafficking in persons report – Thailand*, 14 June. (CISNET Thailand CX245447)
11. Child Protection and Development Center 2010, 'Protecting Vulnerable Children From Sexual Abuse In Pattaya', 26 May http://www.hhnthailand.org/wp-content/plugins/downloads-manager/upload/cpdc_handout_en.pdf – Accessed 5 January 2011.
12. Child Wise 2009, *Mind the Gaps: A Comparative Analysis of ASEAN Legal Responses to Child-Sex Tourism*, ECOI website, June http://www.ecoi.net/file_upload/1002_1248205476_crin.pdf – Accessed 6 January 2011.
13. Kaopatuntip, S. 2010, 'Too Young to Choose', *Bangkok Post*, 7 March <http://www.bangkokpost.com/news/investigation/34056/too-young-to-choose> – Accessed 5 January 2011.
14. Bunnag, S. 2010, 'Ex-prostitute wins top women's literary prize', *Bangkok Post*, 22 December <http://www.bangkokpost.com/lite/topstories/212494/ex-prostitute-wins-top-women-literary-prize> – Accessed 5 January 2011.
15. ECPAT International 2010, 'Thailand Country Progress Card', ECPAT website, 16 June http://www.ecpat.net/TBS/PDF/2010_Thailand_Progress_Card.pdf – Accessed 5 January 2011.