

Sex Laws in Thailand Part 3: Civil Society and Law Enforcement

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This article is the final installment in the Thailand Law Forum's series on Sex Laws in Thailand. It looks at challenges to protecting children and the role of non-governmental organizations (NGOs) and international law enforcement in the fight against sexual crimes in Thailand. The first article explained the long reach of U.S. law, encompassing both U.S. citizens, and in certain circumstances, non-U.S. citizens. The second installment drew out the "consumption" habits and patterns of Thailand's sex industry and the legal and cultural milieu in which prostitution takes place in Thailand.

[Sex Laws in Thailand](#) Part 1: US Laws Abroad: The Long Arm of Uncle Sam

[Sex Laws in Thailand](#) Part 2: Laws Regulating Commercial Sex and Entertainment Places

Thailand stands on the front lines of the battle against sexual exploitation in Southeast Asia. Thai authorities have successfully adopted a two pronged approach to sexual crimes: establishing a strict legal framework tackling various elements of sex crimes (trafficking, prostitution, sex with minors to name but a few); and cooperating with local communities and civil society groups to identify and protect victims. However, despite the progress made by the Thai authorities, there is much room for improvement, particularly in terms of enforcement and prosecution.

Child sexual exploitation provides a particularly clear view into wider trends of sex crimes taking place in Thailand today. From many Southeast Asian countries and Thailand's rural areas, young boys and girls are taken to large Thai cities to be sexually exploited. According to an ECPAT report—a leading NGO working to stop the sexual exploitation of children—government policies discriminating against hill tribe children from Thailand's northern provinces make them particularly vulnerable to internal trafficking.¹ With less access to education and citizenship rights, poverty levels are high and employment opportunities are few. That said, the majority of trafficked children in Thailand come from Burma, Laos, China and Cambodia. Data collected by the Thai National Commission on Women's Affairs in 2000 indicated that there are up to 40,000 underage girls alone engaged in commercial sex work in Thailand. Ten years later, the number of sexually exploited children in Thailand remains precariously high.

Since 1994, Thailand's Ministry of Social Development and Human Security has successfully led a National Plan of Action (NPA) to combat the trafficking of children and women. Working closely with government ministers, NGOs, local law enforcement, and even neighboring countries, the NPA has been highly successful in reducing the number of human trafficking victims in Thailand.

In 2006, Thailand's Ministry of Tourism began developing an NPA to fight the sexual exploitation of children, modeled on the success of the human trafficking NPA. The proposed

NPA intended to coordinate the efforts of various Thai ministries, NGOs, and law enforcement agencies while creating unified protocols for the protection and care of children. This process came to an abrupt end following the 2006 military coup against then Prime Minister Thaksin Shinawatra.

Efforts by NGOs to restart these efforts with Thai government officials have been largely unsuccessful. An international NGO working in Thailand commented that “right now the RTG’s [Royal Thai Governments] main focus is to promote the economy and tourism during the global downturn.” While there has been a number of recent high profile arrests of foreign pedophiles in Thailand and Southeast Asia, including performer “Gary Glitter’s 2005 arrest in Vietnam, some NGO workers take a decidedly grim view of the commitment of government efforts.

A global effort

Southeast Asia has an unfortunate reputation as a land of sexual fantasy attracting pedophiles and sexual predators from around the world to prey on this region’s most vulnerable. To combat tourism based on sexual exploitation, many nations have passed laws imposing extra-territorial jurisdiction on crimes committed against children, allowing them to pursue and punish their citizens regardless of where they committed their crimes.² In addition many countries have representatives of [law enforcement in Thailand](#) to liaise with Thai law enforcement agencies and local NGOs to help coordinate efforts.

One of the larger delegations is the U.S. Immigration and Customs Enforcement, or “ICE”, office in Bangkok. Due to their successful history of cooperation with Royal Thai Police (RTP) and experience in combating child abuse, ICE agents lead U.S. efforts combating sexual exploitation of children in the country. Local ICE agents prioritize combating child pornography and child sex tourism by U.S. Citizens in Thailand. Working with other national law enforcement representatives, Interpol, and the RTP, ICE agents coordinate efforts to fight crimes that cross borders and destroy lives of an estimated two million innocent children worldwide.

U.S. Federal law prohibits American citizens or legal residents from engaging in pornographic or sexual activities anywhere in the world with a child under 18 years of age. Several laws ensure that such offenders will face severe consequences. These include the *Mann Act*, the 1994 *Child Sexual Abuse Prevention Act*, the 2003 *Protect Act* and the *Adam Walsh Child Protection and Safety Act of 2006*.

In 2003 ICE launched “Operation Predator”, which uses an array of resources to target child sex abusers and bring them to justice. To date, Operation Predator has led to the arrest of over 11,000 child sexual abusers, including more than 1,100 outside the United States. While ICE agents refuse to comment on their means and methods of operation, media reports have suggested the use of undercover agents, internet sting operations, and sophisticated technologies. ICE agents in Bangkok did say however that they often receive information from local NGOs about foreigners in Thailand whom they suspect of engaging in child sexual abuse. Sometimes U.S. based law enforcement, such as local Sheriff Departments and Parole Officers, inform them of known sex offenders who are traveling to the region. In both cases, local ICE agents work with their RTP counterparts to monitor the suspects’ movements while in Thailand.

These efforts led to the 2008 arrest of a New Jersey native, Wayne Nelson Corliss. Following a tip off from Interpol, Corliss was arrested by ICE agents in the U.S. and later pleaded guilty in a Newark court to three counts of traveling to Thailand with the intent of engaging in illicit sexual conduct and one count each of producing and possessing child pornography. His interrogation pointed federal agents to two other Americans who admitted to traveling with Corliss to Thailand in order to have sex with young boys. Local ICE cooperation with NGOs and the RTP led to identifying the child victims and gathering their testimony against the American offenders. All are currently awaiting sentencing in American courts for crimes committed in Thailand.³

More recently, in February 2009, ICE's Bangkok office coordinated "Operation Twisted Traveler" specifically targeting Americans who traveled to Southeast Asia to engage in child sex tourism. In August 2009, the operation successfully nabbed three convicted child sex offenders - Jack Sporich, 74, Erik Peeters, 41, and Ronald "John" Boyajian, 59. According to a federal affidavit, after their release from U.S. prisons, the three traveled to Cambodia to seek out young children. Peeters bought a 13-year-old Cambodian boy from his parents for \$2 and a bag of rice, and raped him several times. Sporich was reported to have ridden a motor scooter through the streets of the city of Siem Riep, dropping money behind him as a way to entice children. All three were charged in U.S. courts under the Protect Act for travelling internationally for the purpose of engaging in illicit sexual conduct with minors.

The arrests were the result of cooperation between ICE, the Cambodian National Police, the U.S. Department of State, and NGOs working in Cambodia to identify suspected sex tourists and rescue victims. In a briefing following the arrests, Homeland Security Assistant Secretary for ICE John Morton stressed that Operation Twisted Traveler is still very much ongoing. "Boarding a plane to a foreign land is no protection," Morton said. "If you molest children overseas and we find out, we will investigate you and we will seek to bring you back here to face justice. The arm of the law is long, it's determined, and it's looking for you."

Local initiatives - Codes of Conduct

Independent agencies and private sector actors have also taken the initiative to protect children in the absence of a coherent Thai national program to fight the sexual exploitation of children. Working with ECPAT, an international network of organizations working to eliminate the commercial sexual exploitation of children, the World Tourism Organization (WTO), and UNICEF, Thailand's Tourism Authority (TAT) has adopted the *Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism*. An international, multi-stakeholder Steering Committee supervises the implementation of the 'Code of Conduct' project. It includes representatives of Interpol, the WTO, TAT, and representatives from the tourism industries of both sending and receiving countries. Over the years, partnerships between private sector tourism businesses, government agencies, NGOs, intergovernmental organizations and media has increased significantly, leading to enhanced protection of children.

As part of the Code of Conduct introduced to Thailand, suppliers of tourism services commit themselves to implementing policies protecting children from sexual exploitation. Key activities include establishing strict policies against commercial exploitation of children; training personnel in the protection of children; and introducing a clause in contracts with suppliers, stating strict adherence to shared child-protection policies.

More than a dozen prominent hotel chains in Thailand have committed themselves to the Code of Conduct. These include the international Accor group, Centara Hotels, Sofitel,

Novotel, and the Chiang Rai Tourism Society. ECPAT has trained over 6,000 employees from the Accor hotel chain in Thailand on how to deal with suspected and actual cases of child sexual exploitation and how to prevent it.⁴ In 2009, the Swiss-based Kuoni Group, an international leader in the tourism industry, learned that sexual exploitation of children was taking place at one of its partner's Samui hotel. Following the 'Code of Conduct' guidelines, Kuoni informed the national offices of ECPAT and the local police, and quickly ended its partnership with the violating partner.

Healthy Tourism

TAT's mandate is defined as being "an agency responsible for the promotion and control of tourism and tour-guide businesses" entrusted with ensuring compliance with standards and laws for the benefit of all parties of the nation's tourism industry.⁵ TAT strives to promote Thailand as more than just a sex tourism destination. In 1992, the Thai National Assembly passed the TAT drafted *Tourist Business and Guide Bill*. A year later it was followed by special *Ministerial Regulations* that have been in force since May 28, 1993. The law allows TAT to take punitive steps against operators whose actions are seen to be "detrimental to the Thai tourism industry and negatively impact the country's image and reputation."⁶ The Tourist Business and Guide Bill requires tour operators to refrain from any acts that will "compromise the honorable reputation, integrity and ethical standards of the tourism industry" in Thailand.⁷ A tour operator who violates this particular article faces fines of between 5,000 to 20,000 baht and suspension of the permit for a period deemed appropriate not exceeding 6-months by the Registrar. In the case of a repeat offender, the permit can be revoked permanently.⁸ While TAT is limited in enforcement capabilities protecting children from sexual exploitation, it does monitor tour operators and works closely with local law enforcement to eradicate sex tourism in Thailand.

The private sector does its part

Tourism isn't the only sector to initiate children protection programs. Dame Anita Roddick, founder of *The Body Shop* led global campaign to "Stop Sex Trafficking of Children and Young People" in partnership with ECPAT, launched in August 2009.

In a press conference in Bangkok, Christopher Davis, International Campaigns Director from The Body Shop elaborated on the new venture. "We partnered with ECPAT International to reveal the true picture on the real extent of sex trafficking of children and young people[. . .]. This campaign with ECPAT enables each of us to inspire real change on an issue which, until now, has been largely hidden from the world."⁹ To this end, the Body Shop developed a "Soft Hands Kind Heart" hand cream whose proceeds support ECPAT in their efforts to stop the trafficking and exploitation of children and young people.

The large stick

The legal basis for the responsibility to protect children flows from Thailand's ratification of the U.N. Convention on the Rights of the Child (CRC) in May 1992. While significant steps have been taken to bring Thailand's national laws into conformity with the CRC, there is still much to be done. For example, the CRC defines a "child" as an individual less than 18 years of age. Thai law however differentiates between crimes committed against children who are 15 years old and younger, and children between the ages of 15 and 18. While good intentions may lie behind the increased penalties imposed on offenses against younger children, for many NGOs this is not enough. They demand that the Thai government provide the same

penalties for all cases of exploitation of children under 18 years of age. NGOs argue that such laws will help eliminate prevailing attitudes sanctioning the exploitation of teen-age children.

No less important is the need for effective implementation of Thailand's rigorous child protection laws. While the Royal Thai Police have been trained in new policies and laws pertaining to the protection of children, many NGOs working in the field complain that it is not enough. They point out that the lack of police resources and training undermine the government's efforts to protect children. According to one long time case-worker in Thailand, despite the trainings, many policemen still consider sex with teen-age children "to be OK". Only a handful of police officers across the Kingdom are trained on the proper treatment of children in police custody. Only six government-run youth protection shelters serve over 16 million children in all of Thailand.¹⁰ While these centers provide crucial medical treatment, counseling, housing, re-integration and recovery programs, they fail to meet the growing demand.

Surprisingly, Thailand lacks a nation-wide monitoring mechanism and computerized police records pertaining to exploitation of children in Thailand. In the absence of segregated data by age and violation type, it is impossible to assess the effectiveness or impact of current policies or to develop new strategies to combat child sexual exploitation based on methods proven on the ground. NGOs and law enforcement personnel openly acknowledge that the absence of reliable data is a central hindrance to the efforts fighting sexual exploitation in Thailand. NGOs also point out great variance in the levels of cooperation and assistance provided to them by police officers, noting that such differences would be eliminated by a unified NPA for the protection of children.

While NGOs successfully cooperate and support government efforts to protect children from abuse and exploitation case by case, they continue to push for more. ECPAT and local partners work to mobilize concrete action against trafficking of children for sexual exploitation among local communities in Thailand. NGOs also fund prevention and awareness programs for children at risk, and help abused children recover their lives. NGOs engage with Thai authorities to implement community based prevention programs to protect at-risk child populations, and to establish specialized government services for child victims.

The effective collaboration between government agencies and civil society, combined with a unified national policy, proved successful in combating human trafficking. Similar efforts must be made to protect children in Thailand as well. In face of ever increasing economic threats and a growing child population, the time for action is now.

* If you suspect or know of child sexual exploitation taking place, please do not hesitate to contact any of the organizations below:

- ICE : U.S. Embassy in Bangkok, Thailand Hotline +66 (0)2 205 4000

Operation.Predator@DHS.Gov

- Royal Thai Police : **Tel:** +66 (0) 2 255 4934 **Fax:** +66 (0)2 250 1533

<http://www.police.go.th>

- FACE (Fight Against Child Exploitation): **Tel:** +66 (0)2 509 5792 **Fax:** +66 (0)2 519 2794

Website http://www.un.or.th/TraffickingProject/FACE/face_home.html

Email face@internet.ksc.net.th

- ECPAT Thailand Foundation : **Tel:** +66 (0)2 215 3388 Fax : +66 (0)2 215 8272

Website <http://www.ecpat.net> http://www.ecpat.net/EI/Ecpat_contactus.asp

Email ecpattk@loxinfo.co.th

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1. ECPAT, *Child Sex Tourism in Thailand*, Bangkok, 2008.
 2. See <http://www.thailawforum.com/sex-crimes-in-thailand.html>>Sex Crimes in Thailand
 5. Source: TAT Website, accessed December 2009 at: http://www.tatnews.org/tat_news/1482.asp#3
 6. Ibid.
 7. Ibid.
 8. Ibid.
 9. Press release: *ECPAT & the Body Shop Demand End to Sex Trafficking of Children & Young People*, 13 August, 2009.
 10. UNICEF; ECPAT, *Report on the Status of Action against Commercial Sexual Exploitation of Children: Thailand*, 2007, p.30.