

# **Children in prostitution, pornography and illicit activities**

## **Thailand**

### **Magnitude of problems and remedies**

An ILO-IPEC paper  
(forthcoming as official publication)

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A woman approached a Buddhist monk and said:

*“When I was 12, my parents, who were very poor, sold me to a brothel  
and I have had to do this work ever since.  
I must beg your forgiveness for my sin.”*

The monk replied:

*“There is no need to beg forgiveness from me.  
It is I and the world who should beg your forgiveness,  
for we have not done enough to protect you.*

*Please forgive me and the world for having failed to protect you  
in the first place.”*

Mettanando Bhikkhu  
Thai Buddhist monk

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## 1. Introduction

At its 87<sup>th</sup> Session, held in Geneva, June 1999, the International Labour Conference unanimously adopted the ILO Worst Forms of Child Labour Convention, 1999 (No. 182) and its accompanying Recommendation No. 190. This new Convention aims to reinforce existing ILO instruments such as the Minimum Age Convention, 1973 (No. 138) and the Forced Labour Convention, 1930 (No. 29), as well as existing international conventions such as the Convention on the Rights of the Child, by giving greater definition to the term “worst forms of child labour”.

Following from the Geneva June Conference, the ILO organized an Asian Regional Meeting, held on Phuket, Thailand, 8-10 September 1999, which considered practical ways of implementing Convention No. 182 and Recommendation No. 190. The Conference reviewed lessons learned from countries that had already taken steps to address these issues.

This paper on the situation in Thailand – one of three thematic country papers presented at the regional meeting – relates to two categories of the worst forms of child labour defined in Convention No. 182.<sup>1</sup> It provides a succinct overview of child prostitution and child pornography, and other illicit activities involving children including the trafficking and sale of drugs and child beggars. The paper focuses on Thailand in order to benefit from the efforts already undertaken by government and non-governmental organizations (NGOs) to address these worst forms of child labour.

### *Structure of the paper*

The paper is made up of three main sections together with an introduction, conclusion, and recommendations. The first part focuses on child prostitution, the second on child pornography, and the third on other illicit activities, including children’s involvement in the trafficking and sale of drugs and child beggars. Each section is divided into three basic components: (a) the magnitude of the problem, which provides an overview including statistics on the scale of the problem and the socio-economic characteristics of the children involved; (b) the legal framework and plans, reviewing the legal framework available, including any shortcomings and loopholes as well as law enforcement; and (c) what can be done to address the issue, including what efforts are underway and any recommendations for further improvements.

### *Methods*

The methods adopted were partly dictated by the limited time-frame. Firstly, efforts concentrated on desk reviews of existing documentation, government statistics, research reports, legal standards, newspapers, and the like. Little previous research could be found dealing with other illicit activities involving children in Thailand, so the information is based mainly on interviews and legal documents. Secondly, interviews were conducted with various key persons including government officials in the most relevant ministries, NGOs, and academics in an effort to complement the available information.

Data collection and report writing were divided between Mr. Hans van de Glind, who undertook the research and writing of the section on child prostitution and part of the overall conclusion,

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1. The other two thematic country papers covered Nepal and the Philippines.

and Mr. Hervé Berger, who provided the research on child pornography and other illicit activities, including children's involvement with the production, transportation and sale of drugs as well as children involved in begging. The whole report was collated by Mr. Berger.

### *Acknowledgements*

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## 2. Child prostitution<sup>2</sup>

### *Introduction*

Children younger than 18 years of age in prostitution are invariably victims of sexual exploitation. Compared to adults, they are clearly much more vulnerable and helpless in face of the established structures and vested interests in the sex sector, and much more likely to be victims of debt bondage, trafficking, physical violence, or torture. Commercial sexual exploitation is a serious form of violence against children with life-long and life-threatening consequences. It is nevertheless a reality in many Asian countries – although one not always recognized by the respective governments.

The Thai Government has been relatively open on the issue, has acknowledged it at least, and, in collaboration with NGOs, is trying to combat these worst forms of child labour. Some positive lessons have been learned in this process, and this paper aims to highlight them for replication elsewhere. The situation in Thailand as it is described here is to a large extent illustrative of the situation in many other countries.

### 2.1 Magnitude of the problem

#### *Magnitude*

***Perennial problem does not justify inaction.*** Prostitution, virtually everywhere, has always been an issue. Prices may change, but prostitution will continue. The question, in any given context, is really whether this practice effects fewer or more children. As with adult prostitution – due to the illegal or clandestine character of the work, and due to its dynamic nature – it is not possible to determine precise figures concerning the extent of child prostitution. Various Thai government and non-governmental agencies have nevertheless made substantial efforts to improve our knowledge of the topic.

***Shifting venues.*** According to the 1999 annual survey of the Ministry of Public Health (MoPH), there are 8,431 known “prostitution establishments” in Thailand, with a total of 69,139 “confirmed” sex workers (95.5 per cent are female), and another 45,661 staff who may or may not be prostitutes.<sup>3</sup> These establishments include brothels, beer bars, traditional massage, karaoke, and restaurants. The total number of establishments, compared to the same survey in 1996, increased by 15 per cent from 7,318 outlets. The total number of prostitutes increased slightly (3.3 per cent) from 66,910 in 1996. Worth noting is that the number of brothels and prostitutes working there has come down substantially, from 831 establishments and 6,426 prostitutes in 1996, to 634 establishments (23 per cent reduction) and 5,069 prostitutes (21 per cent reduction) in 1999. In the same period, however, the number of karaoke establishments where prostitutes work increased substantially, from 916 establishments and 6,591 prostitutes in 1996, to 1,440 outlets (57 per cent increase) and 9,763 prostitutes (48 per cent increase) in 1999.

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2. Child prostitution refers to the sexual exploitation of a child for remuneration in cash or in kind, usually but not always organized by an intermediary (procurer, parent, family member, teacher, etc.), and should be distinguished from sexual abuse, which does not include any pecuniary advantage (in cash or kind).

3. For instance those serving beer, cashiers, dancers, and singers.

The number of massage establishments where sex is sold increased even more drastically, from 587 outlets and 644 prostitutes in 1996, to 1,008 establishments (71 per cent increase) and 16,090 prostitutes (a 2,398 per cent [!] increase) in 1999. Finally, the number of beer bars where sex services are offered increased, from 618 establishments and 4,871 prostitutes in 1996, to 864 establishments (39.8 per cent increase) and 9,361 prostitutes (92.2 per cent increase) in 1999. One may conclude here that prostitution is spreading from brothels to a variety of less obvious places.

***Disproportionate increase in child prostitution.*** It is worrying that, despite the only slight increase in total number of prostitutes (3.3 per cent over a three-year period), the number of child prostitutes increased by 20 per cent<sup>4</sup> from January 1998 to 1999. The reason for the increase in numbers of child prostitutes may be fear of AIDS among clients, combined with the (wrong<sup>5</sup>) perception that having sex with children is safer than with adults (UNAIDS, 1998). There are claims (Public Welfare Department, 1998, and *Bangkok Post*, 3 August 1999) that the number of child prostitutes in 1998 totalled between 12,000 and 18,000.

***Under-reporting the increase.*** Given the agencies involved in conducting the MoPH survey and the methods used, these statistics should be seen as a reliable bottom line, with real numbers likely being higher, since the survey covered only establishments where venereal diseases were discovered,<sup>6</sup> and not all women surveyed admit to serving as prostitutes.<sup>7</sup> MoPH staff admit further that the number of freelance and casual sex workers has mushroomed, and that they are difficult to capture in statistics<sup>8</sup>. Adding to the suspicion of under-reporting is the fact that many girls entered the sex sector before they were 18 years of age, some directly, others through a socialization process. Estimates vary from 30 per cent (Lim, 1998) to 75 per cent (Archavanitkul, 1998) of the adult prostitutes. Research by Boonchalaksi and Guest (1994) further revealed that nearly one-fifth of the women who currently work in brothels began working as prostitutes between the ages of 13 and 15. Records of prostitutes visiting public health clinics for health checks show 17 per cent were below 18 years of age (Phongpaichit, Piriyaarangsarn, Treerat, 1998).

***Reasonable estimates.*** Taking the aforesaid into account, the estimates in 1994 of the Office of the National Commission on Women's Affairs on the number of Thai prostitutes seems reasonable. They estimate the number to be between 150,000 and 200,000, with approximately 22,500 to 40,000 prostitutes below the age of 18. These figures do not include foreign prostitutes

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4. This percentage is based on MoPH information that indicates an increase from 4.4 to 5.3 per cent of the reported cases of prostitution being below 18 years of age (a 20 per cent increase).

5. Sex between a man and a child is particularly likely to transmit HIV, the virus that causes AIDS. A child who is not fully grown is more easily torn or otherwise damaged by penetrative sex, which makes it easier for the virus to pass into the child's body.

6. The establishments are identified through sex workers coming in for venereal disease checks. If a person tests positive and has contracted a disease through a sexual encounter, health officials contact the establishment to obtain information on the number of workers, prices, etc., and to arrange for free medical check-ups. In order to obtain the information, enumerators try to establish good relationships with establishment owners, and avoid probing into questions of child prostitution and foreign workers, as they know that they will not get cooperation otherwise.

7. As stated before, the MoPH survey also identified a group of 45,661 staff working in establishments who cannot be clearly identified as prostitutes.

8. A very costly 1 month around the clock participatory research by MoPH (in 1996) along Sanam Luang Road in Bangkok revealed that around 250 girls do work along that road as prostitutes. MoPH lacks funds to replicate this research in other areas.

(Chutikul, 1999). Dr. Archavanitkul (1998) estimates the number of prostitutes active in Thailand at 16,423, out of which 30 per cent (4,927) are under 18 years of age.<sup>9</sup> The vast majority (an estimated 90 per cent) of the children involved in sexual exploitation are girls (Lim, 1998).

Various Thai NGOs have proffered significantly higher numbers of prostitutes and children involved. Whatever the truth may be, even the lowest estimate by the MoPH indicates that sexual exploitation of children is a significant problem that is increasing.

### *Context and profile*

The sexual exploitation of children deserves our condemnation. At the same time, we must acknowledge its existence, and we must understand it if we are to design effective interventions.

**Girls are easy targets.** Women and girls are accorded a relatively low social status. This, together with lack of information, education, and abject poverty among rural and tribal communities, make girls easy targets for sexual exploitation. Girls that finish compulsory education (Grade 6), usually around the age of 12 to 14, are especially vulnerable to sexual exploitation. These girls seem to have a smaller range of occupations to choose from than do boys. Certain industries employ high percentages of female staff (e.g. textile factories, the entertainment sector, and prostitution), and prostitution is by far the best paid.<sup>10</sup> Given the near absence of social welfare programmes, this is often the only viable option to cope with poverty, debts, and other obligations. Examples set by older girls who have gone ahead and substantially increased the standard of living of their families through remittances serve as a powerful pull-factor for other girls. (The spread of AIDS in the same area is expected to serve more and more as a deterrent.) Research by Archavanitkul (1998) indicates further that the percentage of girls who are trafficked for prostitution by force is decreasing, while the number persuaded to enter prostitution voluntarily is increasing – in part because of their ignorance of the precise nature, danger, and stigma attached to the work. This trend is confirmed by prominent Thai NGOs such as CPRC that assist child victims of sexual exploitation.

**Socio-cultural factors.** They are also significant in setting the overall context. Prostitution is deeply rooted in a double standard of morality for men and women, as well as in a sense of gratitude or obligation that children feel they owe their parents. Daughters are often brought up to believe that it is their duty to help support their parents and families by earning income through any means available to them. This social value is so ingrained in Thai society that it has created a concept of obligation to support the family economically – *todtan bunkhun*, or repaying the breast milk.<sup>11</sup> Combined with increased consumerism and materialism, this has created an

9. Archavanitkul, Kritaya: "Trafficking in children for labour exploitation including child prostitution in the Mekong sub-region", Bangkok, July 1998.

10. According to a survey by Lim (1998), earnings of Thai sex workers varied widely according to type of establishment and number of transactions engaged in. The survey showed a mean income per month of US\$800 for all women, with a mean of US\$1,400 for massage parlour workers and US\$240 for women in brothels. Lim states that close to US\$300 million is transferred annually to rural families by women and children working in the sex sector in urban areas.

11. An ECPAT publication (1997) states that "young men in Thailand have the possibility to be ordained into monkhood, which is seen as an act of gratitude towards his parents, and which bestows the young men with good merits. Girls however don't have similar ways of collecting good merits in order to better their chances of a good next life. Therefore quite a number of girls resort to other ways of accomplishing this, among others through working as a prostitute and sending substantial savings back to the family."



atmosphere in certain parts of Thai society where prostitution is considered acceptable. See Chutikul (1999) for a comprehensive list of socio-cultural factors.

**Other risk factors.** Children at highest risk of being lured into prostitution are from dysfunctional families or single-parent households with family debts, those who lack livelihood choices and access to social services, and those who are marginalized (IPEC, 1998). Children of ethnic minorities and tribal groups, and those who were trafficked from abroad and illegally reside in Thailand, are at particularly high risk, since they lack access to support structures and services (e.g. lack citizenship rights, do not own land, and have limited access to government services). Illegal status and inability to communicate in Thai add further to their vulnerability to sexual exploitation (ILO-IPEC, 1998). Another recent phenomenon is the increased number of orphans or children as a result of AIDS-related deaths (3 per 1,000 among those under 15 years of age [UNAIDS/WHO]), resulting in higher numbers of street children who are at high risk of sexual exploitation.

Since those that do not attend school are at a particularly high risk of sexual exploitation (Chutikul, 1999), it is worth examining some enrolment statistics for children at risk. It must be said here that Thailand has invested considerably in educational services, over the past 10 years, leading to more than 90 per cent school enrolment in primary education in 1998, and additional improvements are to be expected, given that the new Constitution of 1997 stipulates 12 years of free education.

Education statistics provided by the Office of the National Primary Education Council (ONPEC) reveal that, in 1998, a total of 360,846 girls (49 per cent) and 378,777 boys (51 per cent) were enrolled in Grade 6 of primary education. In the same year 357,320 girls (48 per cent) and 379,662 boys (52 per cent) were enrolled in Grade 5 – which indicates a slight but not significant margin in favour of educating boys. Combining Grade 6 school enrolment statistics in 1997 (ONPEC, 1997) with Grade 1 (M1) enrolment statistics in secondary education in 1998 (Ministry of Education, 1998) results in the following: 265,807 boys out of 394,583 sixth-graders in 1997 (a 32.61 per cent decrease), and 276,575 girls out of 376,615 sixth-graders in 1997 (a 26.56 per cent decrease), continued secondary education in 1998. A number of the remaining 128,776 boys and 100,040 girls who were in Grade 6 in 1997 are believed to have joined schools for monks, or continued with informal education. What is worrying is that these decreases are higher than the year before, when the drop-out rates from the formal system among the same group were 28.73 per cent for boys, and 23.61 per cent for girls. This means that the percentage of both boys and girls continuing with secondary education in 1998 after having finished Grade 6 in primary school in 1997 is down, compared to the situation one year earlier. Overall percentages in school enrolment point in the same direction. Enrolment rates<sup>12</sup> among primary education students aged 6 to 11 years was 91.37 per cent in 1998, while the enrolment rate of children aged 12-14 in lower secondary education was only 72.14 per cent in 1998,<sup>13</sup> and slightly down from the 72.54 per cent the year before (ONPEC, 1998).

with unemployed parents. Each scholarship amounts to approximately US\$125 per year,<sup>14</sup> and to date some 23,000 children have received this assistance, enabling them to return to school (Saisuree, 1999). A 1 billion baht loan from the Asian Development Bank has furthermore provided free scholarships to students at risk of dropping out. This amount has been used for (a) 101,781 potential drop-outs during 1997; (b) 29,916 potential drop-outs during 1998; (c) 43,324 students whose parents were out of work; (d) 21,819 students who are considered very poor; and (e) 45,864 young novices who study in Buddhist schools.

## 2.2 Legal framework

### *Legislation*

Major legislative changes have taken place in Thailand in recent years. The 1997 Constitution provides a window of opportunity to combat sexual exploitation of children. As remarked above, it stipulates that children are entitled to no less than 12 years of free education (this used to be 9 years). If the educational system takes up this additional challenge, it will contribute in a major way to preventing the sexual exploitation of children. The Constitution also states that children and youth have the right to protection by the state from sexual abuse. Children and youth who have no custody shall be raised and provided with welfare by the state. All people should furthermore be treated equally under the law. A Human Rights Commission will be established, and three ombudspersons appointed to protect people's rights. This Magna Carta calls for its provisions to be regulated within two to five years, and for broad-based societal collaboration to deal with plights faced by children in difficult circumstances. Other relevant legislation follows.

- The Thai Government recently passed the Act on Prevention and Suppression of Prostitution B.E. 2539 (1996), which aims to punish procurers, venue owners, customers, and parents and or guardians and patrons, while protecting victims of sexual exploitation. Penalties for sexually exploiting children have increased substantially. Key informants report, however, that children rescued from brothels are unwilling to reveal information that would lead to the arrest of family members or guardians. Some also fear repercussions by criminal elements, a real consideration as long as no effective witness protection programme is provided. In this context, it is remarkable that CPR, an NGO that is one of the most prominent service providers to children who have suffered sexual abuse or exploitation, reports the number of children willing to be assisted after suffering sexual exploitation fell from 377 in 1991 and 237 in 1992, to 16 in 1997 and 15 in 1998.<sup>15</sup> Since the introduction of the new prostitution act in 1996, approximately 120 cases have gone to trial, and one person has been sentenced (*The Nation*).<sup>16</sup>
- The measures stipulated in the Prevention and Suppression of Trafficking in Women and Children Act, B.E. 2540 (1997) protects both boys and girls. The law has broadened the circumstances under which charges can be brought. These include purchasing, detaining, selling, receiving, or sending women and children abroad with or without their consent. Officials are furthermore given more authority to inspect a variety of places in order to facilitate prevention,

14. *The Nation*, 23 January 1999.

15. This considerable drop is not due to a reduction in staff; in fact CPR expanded its staff from 15 in 1991 to 45 in 1999.

16. 11 March 1999.

suppression, and assistance to victims. They are also empowered to take deposition of a victim's testimony immediately after rescue, even where those who commit the crimes have not yet been identified. The trafficking law overrules the Immigration Law of 1969, which treated victims of trafficking as offenders, thereby effectively victimizing them twice.<sup>17</sup> The law also prescribes assistance in returning to the home country, and the provision of temporary shelter and other necessities including vocational training.

- The main elements of the Penal Code Amendment Act (No. 14) B.E. 2540 (1997) decree that (a) committing a sexual offence covers those who procure, lure, or traffic either boys or girls for gratification of another person; (b) children under the age of 18 are protected, with heavy punishment, including imprisonment and a fine, for offenders; (c) those who gain benefits from sexual offences are subjected to imprisonment, a fine, or both; and (d) Thailand can prosecute every offender, no matter where the offence is committed or what the nationality of the offender. Section 277 of the penal code (criminal code) of 1956 further stipulates that sexual intercourse with a girl below 15 years of age is regarded as statutory rape, regardless of her consent.
- Another promising tool is the Criminal Procedure Amendment Act, enacted in June 1999 and expected to take effect in July 2000. This legislation includes three measures aiming to protect a child from repeated traumatic experiences related to sexual exploitation when giving accounts to several authorities in the process of investigation, inquiry, and trial. Firstly, videotape recordings will be used to take statements from child victims to prevent repeated victimization. Secondly, video-link trials will be used while the child victim gives trial testimony, and a psychologist or a social worker will assist so that the child does not have to face an accused tormentor. Thirdly, the court is obliged to take early depositions from the child victim in a case upon the request of a prosecutor or the victim before the offender is identified, and if it would be difficult to bring the victim or witness to testify later on.
- Finally, the money laundering law (1999), which came into effect 20 August 1999, should prove a useful instrument in combating sexual exploitation, since it may strike at exploiters where it hurts most – in their pocketbooks.

### *Law enforcement*

Although many promising legislative initiatives have recently been enacted, it is enforcement that matters. However, many police officers are unaware of revised laws,<sup>18</sup> budgets to combat child prostitution are limited, and the issue is not a top priority with the police.<sup>19</sup> The latter situation exists because child prostitution cases are typically so complicated that they require

17. This also complicated the collection of evidence and the determination of nationality, as many were unwilling to reveal their nationality.

18. Police officials in many provinces are reportedly unaware, for instance, of the new trafficking law enacted in 1997. Further inquiries revealed that this Act was indeed not widely published within police institutions for sheer lack of funds.

19. A project to hire female police officers to work specifically on trafficking- and prostitution-related crimes in major tourist destinations was for example shelved for lack of funds in 1998 (source: Police Commissioner at ILO-IPEC consultation in July 1998).

substantial human resources in terms of man-hours. Furthermore, links between criminal networks and law enforcement agencies are well documented (e.g. Phongpaichit, Piriyaarangsarn, and Treerat 1998) and have to be taken into account. See Chutikul (1999) for an exhaustive list of hindrances in the way of law enforcement.

Good governance, aimed at more transparent functioning on the part of government machinery and increased community participation, might be one solution. In the words of former Thai Prime Minister H.E. Mr. Anand Panyarachun, “good governance calls for more consultations and cooperation between governments, law enforcement authorities, the business sector, and civil society including NGOs, the mass media, families, and child and youth representatives.”<sup>20</sup> Another key element is top-level political support to fight corruption and enforce laws. The challenge is furthermore to achieve behavioural change throughout the law enforcement machinery, especially at local levels. Law enforcers need to be equipped and enabled to work as expected by providing sufficient human and financial resources, by establishing proper selection procedures, and by providing appropriate training. Implementation guidelines need to be developed and widely disseminated. A start has been made in training groups of law enforcement officers, aiming to change day-to-day practices. It is also crucial to involve different agencies in law enforcement from the start. The police need to collaborate with prosecutors, NGOs, and social welfare workers from the outset of a case.<sup>21</sup> Measures should also be thought through to prioritize police interventions against sexual exploitation, for instance through the establishment of an incentive system for police that arrest traffickers (as is done with illicit drugs). Improvements in internal accountability and monitoring mechanisms can increase transparency and reduce opportunities for illegal practices.

### *Committees, plans and implementation modalities*

Various committees and structures have been set up in Thailand to address the issue of sexual exploitation of children and trafficking. These committees have served as platforms for discussion, enabling NGOs, human rights organizations, and others to speak up, and have significantly contributed to putting the issue higher on the political agenda.

The Office of the National Commission on Women’s Affairs (ONCWA), for example, has developed an action plan for the prevention and eradication of the commercial sexual exploitation of children, presented during the 1996 World Congress in Stockholm (ONCWA, 1996). It also chairs a national committee on trafficking in women and children that was established in February 1998. This Committee consists of 39 representatives from the Government, international organizations, and NGOs. Various sub-groups focus on particular issues such as domestic or international law. Activities to date have among other things resulted in a Memorandum of Understanding between the national police, the Public Welfare Department, the National Council on Youth Development, and a network of NGOs on the treatment of trafficking victims. The ONCWA has also been active in preparing a government-adopted policy (1997-2006) on the “sex service business” geared towards prevention, suppression, assistance and protection, rehabilitation and reintegration of the victims, and establishment of structures and mechanisms to supervise, follow-up, and accelerate implementation.

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20. During a speech on 1 June 1998 at the Second Asia-Pacific Intergovernmental Meeting on Human Resources Development for Youth, Bangkok, 1-5 June 1998.

21. FACE (a Thai NGO), the Thai police in Pattaya, and the Public Welfare Department have had success in collaborating from the start on cases involving sexual exploitation of children.

Also worth mentioning is the National Steering Committee on Child Labour (NSC). This committee consists of representatives of government agencies, workers and employer's organizations, a network of Thai NGOs, and national experts on the topic, and is chaired by the Ministry of Labour and Public Welfare. Its main tasks are to coordinate activities combating child labour including sexual exploitation of children in Thailand, and to review proposed projects for the ILO-IPEC programme. This NSC model is being replicated in selected provinces, allowing for more focused policies resulting in provincial action plans to combat child labour including child prostitution. Such plans of action are now operational in four provinces in the North and North-east<sup>22</sup> and in Bangkok. The plans are implemented under the leadership of the Governor's Office, and involve all relevant actors at the government, non-government and community levels.

Although different government agencies focus on combating sexual exploitation of children, the impression persists that coordination among agencies can be improved. Policies in other fields may further have negative impacts on the issue of sexual exploitation of children. It is felt therefore that advocacy work should continue to aim at improving coordination and mainstreaming the issue throughout the government machinery.<sup>23</sup>

Overall, one may conclude that a basic policy framework is in place. The challenge is to apply the policy, enforce the law, and make it morally impossible for people to accept the profits associated with sexual exploitation of children. Government budget allocations to combat sexual exploitation are limited, however, and are unlikely to increase in the short run due to budgetary constraints as a result of the economic crisis that hit Thailand in 1997. It is essential, therefore, that ministries, provincial authorities, NGOs, and UN agencies find ways to join hands. A significant challenge is to have smoothly functioning coordinating bodies among those agencies, and for government agencies to adopt an interdepartmental approach supported by the Prime-Minister's Office.

## 2.3 What can be done<sup>24</sup>

Prevention of sexual exploitation of children is the most cost-effective long-term investment. It is also the most efficient, since trauma counselling, healing, and integration programmes are costly and complicated, particularly when it concerns cross-border interventions. Along with capacity building and law enforcement, effective prevention requires poverty alleviation, basic education, awareness raising, social mobilization, family development, and addressing the demand side.

Below follow recommendations specific to the area of child prostitution. Those recommendations that apply to child prostitution as well as other worst forms of child labour can be found in the last chapter of this document.

22. ILO-IPEC facilitated the establishment and functioning of provincial steering committees that developed provincial plans of action (with a particular focus on combating child prostitution) in Chiang Mai, Chiang Rai, Payao, Si Saket, and the Bangkok Metropolitan Area.

23. Policy issues that at first sight do not have any bearing on sexual exploitation of children may well do so in reality. The issue of sexual exploitation of children should therefore be considered for mainstreaming in government policies in a variety of areas, including international relations, education, rural development, and international tourism.

24. Along with legislation and law enforcement.

### *Prevention through awareness raising, education, and career development*

One prominent NGO combating sexual exploitation of children through education since the early 1990s is the Development and Education Programme for Daughters and Communities Centre (DEPDC). With ILO-IPEC support, this NGO started to raise awareness in communities with a high prevalence of trafficking in children for prostitution, and to provide alternative education to those at risk. The provided alternative education is a combination of formal and non-formal education and basic skills training,<sup>25</sup> leadership development activities, and self-development which strengthens the girls' self confidence and feeling of dignity.<sup>26</sup> This approach to preventing girls from being lured into prostitution has been replicated by other NGOs, and similar model programmes have been established in other high-risk districts.

Worth mentioning in the context of awareness raising is the approach of the Thai Woman of Tomorrow (TWT), an NGO in Chiang Mai. Key elements of their programme include the establishment and training of a network of 36 volunteer teachers that counsel both children at risk and their parents, and the production and effective use of catching and locally specific awareness raising materials in four local dialects on the dangers of child prostitution and possible alternatives. Children were equipped with sufficient survival skills to decide not to become prostitutes, and the communities were empowered to prevent and protect their girls against sexual exploitation. This participatory approach has resulted in a wealth of information and a network that can be used for other interventions. The project evaluation recommended investing in more relevant school curricula, to better match the students with such a revised curriculum, to better manage the counselling system with villagers, and to work in partnerships to the extent possible. See ECPAT (1997) for a detailed account.

### *Social mobilization and family development*

Decisions to start working as a prostitute are often taken in the family and/or community context, and are based on a range of factors. Family development and social mobilization in a community context therefore play a potentially powerful role in preventing the trafficking of girls from their villages for sexual exploitation. With support from the ONCWA, a handbook on family development has been produced and village volunteers are being trained to utilize this handbook in their dealings with families. It is hoped that through community participation, families and communities will recognize the importance of the family, as well as help identify and assist families in trouble and those at risk.

### *Addressing the demand side*

More action is needed to stem the demand side by discouraging clients and punishing offenders, i.e. the procurers, traffickers, sex establishment owners, and clients engaging minors in unlawful sexual or sex-related activities. Punitive action within and across national borders and awareness-raising among society at large and among groups liable to be attracted by sex services need to go hand in hand. Those who sexually exploit children may also need therapeutic or rehabilitative measures, since the punitive response may not be sufficient to eradicate individual pathological behaviour.

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25. Skills training includes sewing, weaving, gem-cutting, silver work, food preparation, and typing.

26. Evaluations of the DEPDC programme with ILO-IPEC recommended that the skills training options be further diversified, and that marketing, accounting, and financial planning skills be added to the curriculum. Employers need to be more involved, if on-the-job training is to be effective, and increased community support is needed for higher impact.

Programmes must also address the attitudes of men towards seeking the sexual services of children, for instance through the socialization of boys at an early age, aiming to make it morally unacceptable to sexually exploit girls. Men may also be encouraged to get involved in recreational activities such as sports, channelling their sexual energy in other directions (Chutikul, 1996).

### *Recovery and integration*

Though preventive measures might be most effective in combating sexual exploitation of children in the long run, recovery and integration of current child victims of sexual exploitation should be a priority as long as the sexual exploitation of children continues.

Trauma counselling, welfare services, vocational training, and income-generating activities for child victims of sexual exploitation are provided by a range of agents, albeit on a limited scale due to high costs associated with effective rehabilitation services. A Thai NGO called the Centre for the Protection of Children's Rights (CPCR) has played a crucial role in the recovery and integration of Thai and foreign child victims of sexual exploitation. It cooperates with Governments and NGOs in countries of origin to identify families of children trafficked to Thailand, assesses the possibility to return the children, obtains travel documents, and ensures that victims are not exposed to the same difficulties again. Returnees are provided medical services as necessary, particularly psychotherapy that includes emotional management, meditation, art, and music. Language and cultural differences are huge barriers to more effective counselling practices. The self-esteem of children can be boosted by producing handicrafts, practising sports, and participating in games. These services are offered in a safe and reliable environment where children have time to recover. This approach, called Psycho-Social Rehabilitation (PSR), is described in detail by Warburton and Camacho de la Cruz (1996) and covers CPCR among others. Since children trafficked for sexual exploitation often have family problems, CPCR attributes vital importance to good relationships with organizations that may provide assistance to children and their families after they return home. Unfortunately, most communities lack resources for this. In Laos and in some provinces of China, for example, there are few, if any, child psychologists, psychiatrists, or trained social workers. CPCR considers assisting its partner agencies in developing a multi-disciplinary approach, including training in psychotherapy.

The Thai Government is also active in the field of rehabilitation of Thai victims of sexual exploitation. Three provincial Welfare Protection and Vocational Development Centres of the Department of Public Welfare (PWD) of the Ministry of Labour and Social Welfare provide victims with board and lodging, psychosocial and job counselling as well as skills training. An additional seven Centres in the country provide skills training and job placement services to girls who are disadvantaged and at risk. Community-based welfare services and skills training are also provided. The PWD is currently considering offering similar services to sexually exploited girls who were trafficked into Thailand from abroad.

Finally, ways should also be explored to include to whatever extent possible the private sector, including employers' and workers' organizations, in providing targeted training and employment opportunities that will enable victims of sexual exploitation to start a new life, after psycho-social counselling has been provided where needed.

### 3. Child pornography

#### 3.1 Magnitude of the problem

The real magnitude of the production, sale, and possession of child pornography in Thailand remains unknown. Information is limited, and few organizations are doing research in this area, none of them focusing on Thailand.

Available information suggests a clear link between child sex tourism and child pornography. Paedophiles tend to take pictures or videos of their victims in order to show their “exploits” to other paedophiles, to sell the pornographic materials to others, and/or to re-live their experiences. Increasingly, such materials are found on the Internet, informing others where to find children. Strong indications suggest that paedophiles who come to Thailand to have sex with children are also taking pornographic pictures or videos of them (Lederer, 1996; ECPAT 1998). A growing body of evidence shows that paedophiles and other producers of child pornography identify countries with weak legislation in order to travel to these countries to produce child pornography and then export it for wider consumption. A study carried out in 1996 by the Center on Speech, Equality and Harm, at the University of Minnesota Law School, highlights Thailand among the countries in South-east Asia as a production centre for child pornography being exported to Australia, Europe, Japan, and New Zealand. One NGO, FACE (Coalition to Fight Against Child Exploitation), who has been following individual cases in Thailand, has knowledge of cases in the last 10 years involving foreign paedophiles (Germans and Japanese) taking pornographic photographs or videos of children, both boys and girls aged 11 to 13, in Thailand.<sup>27</sup>



The link between sexual exploitation and the making of pornographic materials was clearly demonstrated in the ECPAT-Interpol conference on child pornography on the Internet, held in Lyon, France, in May 1998. There are no statistics available on numbers of children involved in child pornography in Thailand, however. (For a sense of the scale of children involved in the sex sector in Thailand, please refer to the section on child prostitution, above). There are also clear indications that some children who sell themselves, be it for sex or the making of pornography, may be doing so to sustain a drug habit (see Somphong, 1997). They may also be begging, when they are not selling themselves or drugs.

Children used for child pornography tend to come from the same socio-economic background as child prostitutes, usually from poorer sectors of society with limited access to education and job opportunities, and a dysfunctional family background. They may also be street children and child beggars or other children who are involved in the sex sector.

### 3.2 Legal framework

There are several laws in Thailand dealing with pornography, although no law specifically addresses *child* pornography:

- A general provision applicable to both child and adult pornography is found in Section 287 of the Penal Code, which states that any business involved in the production, import, export, distribution and sale, advertisement, or possession of “obscene” materials in any form shall be punished with imprisonment not exceeding three years or a fine not exceeding 6,000 baht, or both.
- The Prevention of the Expanding Sexual Exploitation and Sexual Exploitation Objects, B.E. 2471 (1928) states that any business involved in the giving, showing, owning, importing or exporting of photographs, text, movies, or any other sexual exploitation products are prohibited. Any of the above would be in violation of the Penal Code of Thailand.
- Various other acts and regulations deal with radio and television, and aim to control the import of tapes harmful to the country’s culture and security. None of these, however, has specific articles dealing with child pornography.
- A national seminar on youth and pornography was held on 17 September 1998, and a sub-committee under the National Youth Commission has been assigned to look into the issue of child pornography within the broader context of improper use of the media. The outcome is a bill on pornography that has been presented to the Cabinet for its approval before submission to Parliament. The draft bill aims to address the shortcomings of Section 287 of the Penal Code, proposing a definition of pornography that addresses the new forms of pornography found on electronic media. It also proposes to render illegal the production, importation, exportation, advertisement, display, sale, and possession of pornographic material. In addition, it increases the penalty to 1 to 5 years imprisonment, or a 30,000 to 60,000 baht fine, or both. Furthermore, it doubles the sentence if the pornographic material depicts persons below 18 years of age.

- Available information does not suggest the existence of a national plan or other policies explicitly dealing with child pornography. On the other hand, many of the strategies proposed in Thailand's National Policy Plan of Action and Legal Measures in the Elimination of Sexual Abuse and Exploitation of Children would, if applied, go some way in the elimination of child pornography.

### *Law enforcement*

Following on from the ECPAT-Interpol Conference, the Thai Law Society held a one-day seminar in 1998 involving law enforcers, law-makers, Internet providers, NGOs, and government representatives. The seminar aimed to raise awareness about the issue and to stimulate discussion and debate within the Government and Thai society in general concerning preventive measures. As the current law does not consider the personal possession of pornographic material to be criminal, the law can only be enforced with respect to the sale (or intent to sale) of pornographic materials. In that respect, the Royal Thai Police have on occasion cracked down on some of the most obvious points of child pornography distribution. However, there does not seem to be any systematic application of the law. A special unit of the Royal Thai Police has been created to deal with Internet-based crimes. Pornography, however, is targeted only as one among a number of Internet-based crimes such as illegal access by hackers and theft of passwords and credit-card numbers. This Unit works in close collaboration with the Internet provider KSC.

### *Conclusions*

According to informants, the production and sale of child pornography in Thailand is not yet widespread. However, the lack of research and documentation of cases should not lead one to draw any final conclusions on the scope of the problem. Known cases are linked to foreign paedophiles, although the involvement of Thais is evident in the sale of child pornography. Based on experience acquired in other countries, the potential for greater exploitation of children in Thailand exists. The current draft Bill on Pornography will address this issue, but further action is needed to prevent potential future growth.

## **3.3 What can be done**

The problem of child pornography needs to be addressed before it becomes worse than it already is. It is recommended that current laws relating to child pornography be strictly enforced, with regular crackdowns on known locations where child pornography is being produced, duplicated, and sold. An information campaign should be launched in schools and in communities to warn parents and children of the dangers of child pornography. This could be done hand-in-hand with other information and awareness-raising campaigns on other worst forms of child labour. A 24-hour hot-line should be opened to encourage the public to report cases of child pornography (as well as cases of child prostitution), including Internet offenses. Such a hot-line should be advertised on radio, television, and the print media. A nation-wide database of cases relating to child pornography nation-wide should be developed and kept up to date to inform policy decisions and the development of appropriate strategies.

## 4. Other illicit activities

### 4.1 Production, trafficking, and sale of drugs

ILO Convention No. 182, Art. 3 (c), is concerned with the use of children in the production and trafficking of drugs. It focuses on the labour aspect of the problem, rather than on drug addiction as such. However, the production, trafficking, and use of drugs are part of a continuum of activities that often involve some of the same persons at different points on the continuum. A drug trafficker, carrier, and user may be one and the same person.

#### *Magnitude of the problem*

South-east Asia is widely perceived as one of the world's major drug-producing regions. Although drugs are produced and trafficked throughout the sub-region, the area of northern Thailand that borders on Myanmar's Shan State and the Lao People's Democratic Republic, where drugs have been produced for generations, has become especially notorious as the "Golden Triangle". Much of the opium production was initially for local consumption, but, with the Viet Nam War, production of opium, as well as heroin and marijuana, expanded significantly for consumption by American forces and others. The drug trade also served to finance weapons purchases by various groups within the sub-region. Today, the problem has taken on a new dimension with the increasing appearance of methamphetamines on the market, and the growing involvement of children in its sale and use in Thailand.

The Financial Action Task Force (FATF) estimated that profits from drug trafficking in Thailand amounted to US\$85 billion a year (reported in *Wattachak*, 19 August 1994). This is 21 per cent of the world total, and twice Thailand's earnings from exports (Pasuk, 1998). By all indications this share of the market is not decreasing, and may in fact be on the rise.<sup>28</sup> Statistics from the Office of the Narcotics Control Board of Thailand (ONCB) show that, during the period 1994 to 1997, seizures of heroin and dried marihuana dropped, while that of volatile substances and other drugs remained more or less stable. On the other hand, seizures of methamphetamines shot through the ceiling, with an increase of 268 per cent from 1995 to 1997 (see table, next page). In one indication of how serious the situation is being regarded, the Thai Government issued Prime Minister's Office Order No. 141/BE 2541, modelled on earlier legislation to combat communism in the 1980s as expressed in Order No. 66/B.E. 2523 (1980). Order 141 is an expression of the general will of the State to tackle the pressing and widespread problem of drug abuse in Thailand.

In 1999, the press reported almost daily on increases in drug trafficking along the Thai-Burmese border. Recent reports indicate that, in an effort to reduce the drug flow into Thailand, the Government is taking measures such as the closure of several checkpoints in Chiang Rai (Ton Doo and Kiew Pa Wok), Chiang Mai, and Mae Hong Son provinces along the Burmese border and the sending of army units to reinforce border patrols.

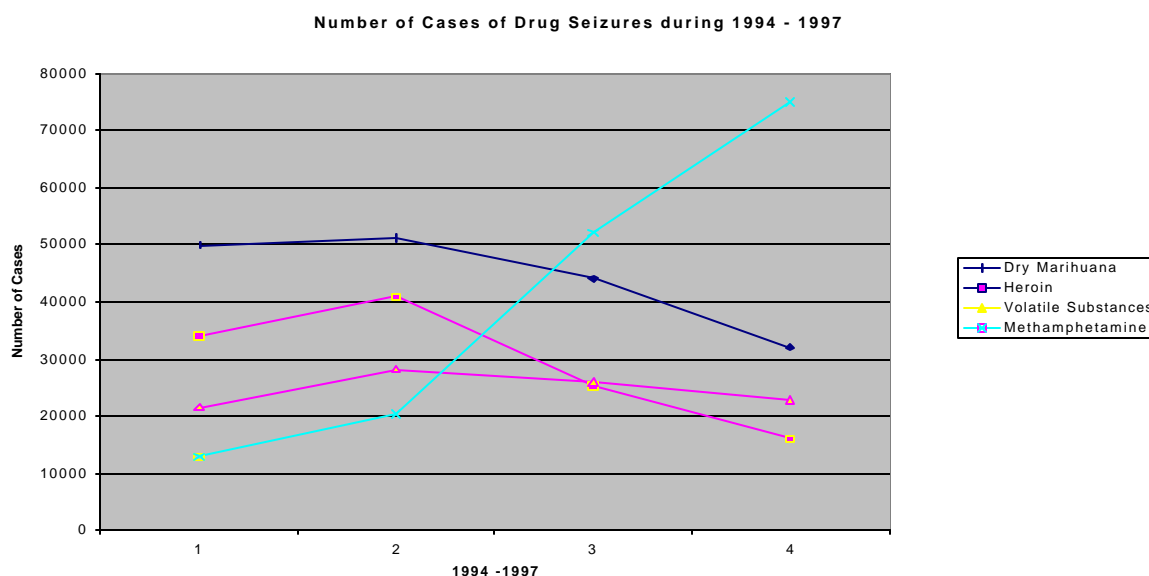
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28. The section entitled "Future Trend of Drug Situation in Thailand", in the 1997 *Thailand Narcotics Annual Report* (latest version available), produced by the Office of the Narcotics Control Board, Office of the Prime Minister, predicts a growing trend in the drug epidemic, which appears to some extent out of control, with a significant increase in the use of amphetamines in Thai society. Production of opium and heroin is also predicted to increase in the coming years.

Despite these efforts, statistics regarding children's involvement in drugs suggest that the battle against drugs is being lost.

### Statistics

In Thailand, a growing number of children are victims of the increasing availability of drugs. Reports from NGOs involved in the treatment of child victims all confirm a dramatic increase in the availability of drugs, particularly amphetamines (known as *yaa baa*, in Thai), throughout the country. The problem of drug use and sales has dramatically increased<sup>29</sup> in the last few years,



and by now drugs are being sold in almost every village in Thailand. A study commissioned by the ONCB in 1999 estimates 190,000 drug addicts in Thai schools – that is to say, 1.4 per cent of all students nation-wide are drug addicts. The report found that 45.06 per cent of drug addicts were students in vocational schools, while 26.05 per cent were secondary level students and 24.18 per cent, about 50,000 children, were in primary education. Amphetamine addiction accounted for 78.5 per cent of drug use increase over the last five years. This increase is relevant to child labour for at least two reasons: children who become addicted to drugs are much more likely (a) to become sellers of drugs in order to sustain their expensive habit (thereby greatly contributing to the continued spread of drug use); and (b) to drop out of school and start working. The report found the problem to be greatest in the central region of the country (35 per cent of cases), followed by Bangkok and the northern region (24 per cent of cases), the North-east (13 per cent), and the southern region (4 per cent).

This highlights three factors contributing to the spread of drugs: (a) the growing number of producers of drugs in the country and their increasing targeting of students; (b) the economic and social problems contributing to unemployment, dysfunctional families and poverty; (c) the internal weakness of the educational system and generally poor relationships between teachers and students as well as between educational institutions and the community at large. The report concludes that the problem of amphetamines is the most worrisome, highlighting the fact that the

29. Discussions held with the Duang Prateep Foundation and with CHDC Mercy Centre in Klong Toey (the largest slum in Bangkok), as well as with various government officials, all confirm a country-wide explosion in the availability of drugs, particularly *yaa baa*, and the increasing involvement of young children in the sale and transportation of drugs.

number of addicts had increased by 165 per cent since 1993.<sup>30</sup> To complement this information, recent press reports state that sales of amphetamines among school children are a significant cause of the growing addiction among high-school students in Chiang Mai. Various other reports indicate the growing availability of drugs to children in schools in the North-east of Thailand and in the slums of Bangkok. ONCB staff indicate that more and more cases of use and sale of drugs are being found among students in remote rural areas, at the village and rural community level.

As might be expected, statistics regarding the number of children involved in the transportation and sale of drugs are hard to come by. There are no government or NGO statistics available. However, records of cases appearing before Juvenile Courts provide clear indications of growing involvement in the trade among children. Cases involving amphetamine use or sales alone jumped from 744 in 1995 to 2,716 in 1996, according to records of the Central Juvenile and Family Court. Other drug-related cases, excluding amphetamines, rose from 1,100 in 1995 to 4,732 in 1996. Drug-related offences accounted for about 30 per cent of the 24,448 criminal offences allegedly committed by children and taken to court in 1996.<sup>31</sup> A press report dated 5 May 1998 states that the number of drug cases accounts for the highest percentage of all criminal cases concerning youth. It reports that, in 1997, the Central Juvenile and Family Court (CJFC) tried 10,255 narcotic cases, more than half of which were amphetamine related.<sup>32</sup> A further report said that, by the end of August 1998, some 9,506 young people had been tried in the first half of this year on drug charges, almost equalling the total court cases of the previous 12 months.<sup>33</sup> Finally, a 19 July 1999 report confirms that narcotics cases in Thai courts had reached a historical high, and were continuing to increase, though it failed to provide statistics. It added that drug-related cases had reached an all-time high of 70 per cent of all criminal cases.<sup>34</sup>

The situation portrayed in the table below<sup>35</sup> is even more dramatic than that indicated by the figures reported in the press. These statistics indicate that, since 1996, yearly increases in cases involving children have exceeded 46 per cent.

### Court cases involving drugs and children

	Amphetamines	Other drugs	Total	% Increase
1995	744	1 100	1 844	
1996	3 690	5 573	9 263	402%
1997	7 726	5 932	13 658	47.4%
1998	15 292	4 675	19 967	46.2%

An average of 80 per cent of youth were charged with drug abuse and 20 per cent for selling illegal drugs, according to the Juvenile and Family Court. Statistics made available for the first six months of 1999 for Bangkok indicate so far an increase of 13.3 per cent in drug-related cases.

According to Supreme Court Judge Wicha Makakhun, 90 per cent of children arrested in 1996 on drug-related charges were boys, a pattern that persists to this day.

30. Report commissioned by the ONCB and carried out by TDRI in 1999.

31. *The Nation*, 13 February 1997

32. *The Nation*, 5 August 1998

33. *The Nation*, 31 August 1998

34. *The Nation*, 19 July 1999

35. The table is based on figures provided by the Juvenile and Family Central Court authorities, with the exception of the 1995 figures, which are taken from newspaper reports.

### Boys and girls involved in drug cases

	Male	Female
1996	8 468	795
1997	12 004	1 654
1999	18 218	1 749

It is clear that boys constitute the overwhelming majority of those appearing in the Juvenile and Family Courts. However, it is also important to note that girls who need to sustain a drug habit are known to be selling their bodies as a means of income. Boys, on the other hand, are more likely to become involved in robbery or other crime, and, consequently, are also more likely to be arrested.

#### *Socio-economic background*

Based on a nation-wide survey conducted by the Central Juvenile and Family Court in 1997, most child drug addicts came from broken families and lived with friends, with the largest group aged 16 years. The survey found that the eldest children were most addicted to drugs, followed by the youngest, while the middle age group was smallest. Most of these children had fathers who were addicted to alcohol or siblings addicted to drugs. Press reports as well as NGO staff contacted in Klong Toey slum confirm that the sale and use of drugs is widespread among children at every level of education, from primary school to college, and most of these children are from broken families, boys more than girls. Other factors contributing to the involvement of children in the sale and use of drugs include the normalization of drug use in the child's community and the widespread availability of drugs at relatively low prices.

#### *Reasons for drug use*

Most of the young addicts said that initially they used drugs as a novelty. The second most cited reason for addiction was the need to endure longer hours of work, while the third was persuasion by friends or problems with parents (ONCB, 1997).

Amphetamines are reportedly now being laced with heroin in order to induce addiction more surely. Those children and youth who have become addicted to amphetamines use 5 to 10 pills a day on average (usually smoked). Once addicted, children have to spend at least 300 to 600 baht per day to sustain their habit.<sup>36</sup> (A day's pay for a labourer is about 150 baht). They can raise this money only by selling drugs, stealing, or selling sexual services.<sup>37</sup> Thus, children who initially wanted only to try it, find themselves in need. They move then from being casual users to being pushers, selling drugs to their peers.

This spreading pattern of direct sales has caused drug use to mushroom in schools, workplaces, and communities at large. Various sources indicate that the problem has exploded across the country, with some saying that, in the northern provinces bordering Myanmar, as many as 80 to 90 per cent of all boys and young men aged 14 to 35 are using amphetamines<sup>38</sup> and presumably selling them as well.<sup>39</sup>

36. Some amphetamine pills are sold for as much as 100 baht each, further increasing the amount needed to sustain the habit.

37. In discussion with NGOs in Klong Toey slum, Bangkok.

38. From Internationale Samenwerking, Dutch Ministry of Foreign Affairs, July/August 1999.

39. The report makes no specific reference to the sale of amphetamines. However, based on other reports (CJFC and NGOs) it would seem very likely that at least 20 per cent of users would also be involved in the sale of drugs.

### *Why children are being used to sell drugs*

The number of children lured into the drug trade will continue to escalate unless legal loopholes are plugged. Children younger than 7 years of age are not punishable, and neither are children between the ages of 7 and 14 years, though their parents or guardians may be ordered to take specific actions to prevent the child from repeating the crime.<sup>40</sup> In addition, if the court is under the jurisdiction of the Juvenile Court (in 29 provinces only) then the child cannot be detained for more than 24 hours before being released in the care of a parent or guardian. (Informants claim that, upon occasion, drug trafficking agents passing as parents or guardians will claim the children).

Adult drug traffickers often avoid risking the death penalty for their crime by hiring children to deliver or sell amphetamines. The use of children for the transportation and sale of amphetamines appears to be increasing. The number of children arrested on drug-related charges has skyrocketed since the Government imposed the death penalty, in 1996, for possession of more than 100 grams of pure amphetamine and for producers, importers, exporters and traders. According to NGOs working with victims, this trend is due to various factors including the break-up of the family, both physically and in terms of family values, the pressures of daily survival, and an educational curriculum that is ill adapted to changing needs, combined with growing materialism and consumerism brought about by the dramatic economic developments of the past decade. All of that, combined with the growing number of children addicted to amphetamines, makes it easy for traffickers, using money or amphetamines as rewards, to entice young people into the trade. Big traders give children 20 tablets for every 100 tablets sold. The children can either sell them or use them. Children as young as 4 years have been used as drug couriers, without their knowledge, while children 7 years old and older have been recruited and are actively involved in the transportation and sale of drugs.

### *Legal framework*

Thailand has an important array of laws to combat the illicit production of, trade in, and addiction to narcotics.<sup>41</sup> Narcotics Control Laws are divided into five categories: (a) illicit production, trading and addiction, (b) precursors and chemicals control, (c) treatment and rehabilitation, (d) suppression of offenders, and (e) anti-money laundering.

- The *Psychotropic Substance Act B.E. 2518 (1975)* was enacted to control natural, derived from natural, or synthetic substances such as hallucinogens, stimulants, and depressants which have psycho-active effects and which may be abused.

According to this act, psychotropic substances are classified according to four categories. The production, distribution, import, export, transport, or possession of such substances without proper authorization is illegal. Penalties range from 1 to 5 years imprisonment and a fine from 100,000 to 400,000 baht for possession or utilization, to imprisonment of 5 to 20 years and a fine of from 100,000 to 400,000 baht for production, importation, export, or sale.

40. Section 73 and 74 of the Penal Code of Thailand.

41. The information pertaining to the narcotics law was provided by the Office of the Narcotics Control Board, Office of the Prime Minister. Only the most relevant laws on narcotics are highlighted below. Various other laws are not presented, including the Hazardous Substance Act (1992), the Act on Mutual Assistance in Criminal Matters (1992), and the Extradition Act (1929).

- The *Narcotic Act B.E. 2522 (1979)* aims to control the production, import, export, disposal, or possession and consumption of narcotics. Penalties range from imprisonment not exceeding 1 year and a fine not exceeding 10,000 baht for consumption of Category V drugs (the least dangerous drugs), to the death penalty for production, import or export of Category I substances (32 dangerous narcotics such as heroin, amphetamines, methamphetamine, ecstasy, and LSD).
- The *Emergency Decree on Controlling the use of Volatile Substances B.E. 2533 (1990)* controls chemicals or materials found in aerosol sprays, paint thinners, glue, petrol, and other products found in the industrial sector sometimes referred to collectively as inhalants. They tend to be used by street children and other youths. This law makes specific references to persons under or above 17 years of age in order to determine the punishments applicable for specific offences. Penalties may range from imprisonment not exceeding 1 month or a fine not exceeding 1,000 baht, or both, for impeding or failing to render facilities to competent officials in entering the production, import, selling, or storage place of volatile substances (Section 19), to imprisonment for a term of 2 years or a fine not exceeding 20,000 baht, or both, (Section 22) for the offences of producing, importing, or sales of volatile substances that do not display adequate warnings for the buyer of the dangers of inhaling the substance (Sections 12 to 14).
- The *Narcotic Addict Rehabilitation Act B.E. 2534 (1991)* provides both for compulsory treatment and rehabilitation of any person who has been certified as a drug addict. The system compels drug addicts to undergo the whole course of the treatment programme. The rehabilitation period is from 6 months to 3 years, depending on the outcome of the treatment.
- The *Narcotics Control Act B.E. 2519 (1976)* established a Narcotics Control Board (NCB) as the central authority for preventing and suppressing narcotics in the country, and the Office of the Narcotics Control Board (ONCB) with duties in implementing the resolutions of the NCB, to act as a central coordinating agency on drug matters and to perform other administrative functions.
- The *Act on Measures for the Suppression of Offenders in an Offence Relating to Narcotics B.E. 2534 (1991)* provides three significant measures for the suppression of offenders in an offence relating to narcotics: (a) to punish major principals or financiers who are conspirators in the commission of a drug offence; (b) to deprive drug traffickers of their assets: all the instruments, equipment, conveyances, machinery, or any other properties used in the commission of an offence relating to narcotics or used as accessories for producing the consequences of the commission of an offence or possessed for the use in the commission of an offence, irrespective of whether or not any person is convicted by a judgement; and (c) to punish in the Kingdom any person who commits an offence relating to narcotics, even where the offence is committed outside the Kingdom, if certain conditions are met. According to the Act, the authorities are empowered to seize, restrain, or confiscate the proceeds of drug trafficking as well as to deal with drug conspirators. The officials can also pursue the drug barons even if the offence is committed outside Thailand.



- The *Money Laundering Control Act B.E. 2542 (1999)* came into force on 20 August 1999. Offences under the Act are narcotics offences, trafficking in children and women, cheating and defrauding the public, misappropriation or cheating and fraud by commercial banks or financial institutions, malfeasance in office or judicial office, extortion or blackmail by criminal organizations, and customs evasion. As observed in the child prostitution section of this document, this Act provides the authorities with the means to hurt traffickers where it matters most: in the pocketbook.
- Finally, an additional law with specific references to children is *Order No. 294 on Child Welfare and Protection Matters of 1972*. Article 5, Paragraph 5, of this law makes specific references to the illegality of selling or giving alcohol, cigarettes, or other addictive substances to children except for medical treatment. It is also an offence to persuade children to try these substances. It should be noted that a new law to replace Order No. 294, referred to as the Social Welfare Law, is under development.

### *Plans, policies, and other measures to combat narcotics abuse*

Major Thai Government policies and measures include the *Narcotics Control Plan (1997-2001)*, the master plan for drug control. The plan recognizes that drug abuse is growing at an alarming rate, and sets its main focus on drug prevention measures. Its objectives are the development of anti-drug attitudes among the public as a means to improve the community's capability to prevent and solve the drug problem; the development of a treatment and rehabilitation programme for drug addicts; and the improvement of the legal and justice system.

The *Prime Minister's Office Order No. 141/B.E. 2541 (1998)* referred to above spells out government policy and priorities vis-à-vis narcotics control in Thailand. Its aim is the development of a "Citizen-State Alliance against drug abuse", recognizing the importance of the family, communities, and schools in the fight against drugs. The order also recognizes the problem of corruption among state official "who exercise their official influence to protect the drug gangs, or narcotics producers and dealers in exchange for hefty financial interest."

In addition, the Royal Thai Police have instituted a policy of rewarding police officers responsible for the arrest of drug pushers, producers, importers, and the like. The standard reward is 2,000 baht (US\$54).

### *Loopholes and gaps in law and policy*

Thai narcotics laws are some of the toughest in the world. If enforced, they provide law enforcement agencies and others with a powerful arsenal to combat the production, import, export, sale, possession, or consumption of narcotic substances or chemicals necessary in the production of narcotics. They also provide a legal framework for the rehabilitation of narcotics addicts. However, gaps persist, including the absence of a wire tapping law, a witness protection law, plea-bargaining provisions, and an overall law to deal with organized crime.<sup>42</sup> All of these laws would contribute importantly to the suppression of illicit narcotics use in Thailand.

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42. Some of the gaps were identified in discussions with the Attorney General's Office.

As mentioned above, the use of young children for the transport and sale of drugs is on the rise, due to the fact that children under the age of 14 are not liable for criminal action. One option for dealing with this “loophole” could be to revise existing laws following the Prostitution Prevention and Suppression Act B.E. 2539 (1996), so that those using young children for the transport, sale, or consumption of drugs would be liable to significantly higher penalties depending on the age of the child involved.

### *Law enforcement challenges*

The enforcement of narcotics suppression laws involves a wide range of actors in the suppression, prevention, and rehabilitation of victims. The following list is no doubt not exhaustive, but it includes the key governmental actors:

Royal Thai Police	Prime Minister’s Office	Ministry of Public Health
Royal Thai Armed Forces	Ministry of Justice	Ministry of Education
NCB and ONCB	Attorney General’s Office	Ministry of Labour & Public Welfare

Law enforcement agencies involved in the battle against drugs are facing an enormous challenge. Their success depends on their ability to reform certain practices and to enhance their effectiveness.

Law enforcement has focused on repression. Laws have been strengthened and sentences have increasingly included the death penalty. Despite these efforts, however, evidence suggests that the problem of drugs and the involvement of children in its transportation, sale, and use have exceeded even the worst expectations. The failure of this repressive approach is due to various factors, several of them outlined below.

In recent press reports, policemen have appeared as amphetamine importers and traders, shareholders in gambling enterprises, kingpins in human trafficking, and agents and entrepreneurs in the sex trade. Of course, there are many good and honest policemen. “It has become generally accepted,” a senior police officer nevertheless notes, “that Thai police take money. Some goes into a central fund, some into their own pocket.” (Pol. Lt.-General Nopadol Somboonsub, commissioner of ONCB, *Bangkok Post*, 2 February 1998). Police are unlikely to help suppress activities in which they are so deeply involved. (Pasuk, 1998)

Yet this is a critical issue – one that must be addressed if the challenge of law enforcement is to be met. The problem can be broken down into five main issues:

- First, policemen are poorly paid, junior policemen especially so. This ensures that some junior policemen engage in corrupt practices simply to survive.
- Second, the police hierarchy has too many levels with too little to do.
- Third, authority within the police is very centralized. This promotes corruption, nepotism, and abuse of power. It also makes it impossible to build significant relationships between local police units and the communities they serve.
- Fourth, policemen are rarely punished for wrongdoing. At worst, they are transferred elsewhere. For the officers involved, this may amount to punishment, since it removes them from their established income streams. But for society it

represents no gain. Bad apples are simply circulated in the barrel. Other policemen are not greatly discouraged from wrongdoing by such effective immunity.

- Fifth, there is no outside monitoring of police performance (Pasuk, 1998). Identifying these problems suggests an obvious agenda for reform, one that is presented in the chapter on general conclusions and recommendations.

### *What can be done*

Prevention is the most cost-effective way of dealing with the problem of children's involvement in the production, trafficking, and sale of drugs. Children involved in the sale of drugs are also likely to be users. As with victims of sexual exploitation, the recovery of drug victims is a long and complex process of healing and integration that is costly in every way. Preventive solutions, if they are to be successful, need to involve the family and the whole community. The focus of government efforts and resources has been, and still is, on the supply side of the drug problem. Over the years, efforts have concentrated on intercepting drug traffickers and drug transports and making hill people villagers stop growing opium poppies. Only recently, as the problem of drug use explodes across the country, have there been efforts targeting the demand side. Consequently, the results of current efforts are tentative and analyses of experiences are still being made.

- In line with the ONCB Narcotics Control Plan (1997 – 2001), the Government has launched several projects over the last few years targeting mainly secondary and vocational schools. One current project aims to eradicate the sale and use of drugs in 3,000 schools across the country through the establishment of a group of teachers in each school assigned to provide support and counselling to children involved with drugs. The project was initiated in May 1999 in selected Bangkok schools. The budget for the project is some 20 million baht (US\$540,000) for three years.
- Based on lessons learned from difficulties encountered in a previous project targeting schools,<sup>43</sup> efforts are now aimed at bringing school principals on board and in establishing a teacher's network in each school with adequate support both from the authorities (one or two police officers are to work with each school<sup>44</sup>) and from the school administration. Key elements for successful project

implementation include: (a) recognition by the school administration of the problem and commitment to deal with it; (b) the school administration establishing a clear policy on drugs in school; (c) a team of teachers being established to deal with this effort, and provision of support; and (d) peers of the children and volunteers being trained and involved in helping other children involved in drugs.

43. "White Schools", another government project, focuses on the eradication of drugs in secondary schools and is said to have run into difficulties through the lack of cooperation from school principals who were concerned about the image of their school, if they were seen to participate in a government anti-drug project.

44. It is worth noting that some schools refused to collaborate with local police officers because of their perception that these officials were involved in the drug racket. In such cases efforts were undertaken to find adequate arrangements.

- Also in line with the Narcotics Control Plan (1997-2001), another government project currently underway aims to establish drug-free communities. Since 1999 is His Royal Highness the King's 72<sup>nd</sup> birthday,<sup>45</sup> communities are being asked, as a gesture of respect and as a present for the King's birthday, to eliminate drugs from their communities by December of this year. The project aims to raise awareness about drugs through public media campaigns, and encourages communities to inform the police regarding drug sales and use, while seeking information on corrupt officials via the availability of special mailboxes. The project also seeks the collaboration of the private sector in the fight against drugs.<sup>46</sup> The project has been allocated a budget of 20 million baht for one year.<sup>47</sup>

However welcome these measures, NGOs who have seen some of the efforts already undertaken have expressed concern that the approach taken by the authorities is too heavy handed, and that community participation may be stifled in the process. They suggest that more participatory approaches be used, encouraging people to contribute solutions to the problem of drugs in their own community.

- NGOs such as the Duang Prateep Foundation and the Human Development Centre are working with children involved in drugs in the Klong Toey slum community in Bangkok. Others, such as the Foundation for Child Development in Bangkok and the Redemptorist Street Kid Home in Pattaya, are working with street children who are also involved with drugs. These NGOs deal with child victims of drugs use and children employed in drug sales. No programme was identified that focused exclusively on children involved drug sales.
- These NGOs take a preventive approach, working through awareness-raising and educational activities, informing children about the dangers of drugs and about their fundamental human rights, and through the provision of activities and facilities that provide disadvantaged and at-risk children with recreational activities (sports, arts, camping trips, etc.). They also provide children with safe houses to escape the streets or unhealthy and dangerous family environments, and kinder-gardens, medical facilities (particularly for AIDS victims), and rehabilitation centres for drug addicts.
- Many of the NGOs owe part of their success to their closeness to the communities they are assisting. For example, both the Human Development Centre and the Duang Prateep Foundation are based in the communities they work with in Klong Toey. Their success is also a function of their high level of commitment and competency.

45. The number 72 is a denomination of 12, which in the Thai calendar, based on a 12-year cycle, makes this birthday particularly auspicious.

46. An example of collaboration with the private sector was reported in *The Nation*, 21 July 1999: "The Kurusapa Business Organization (KBO), which comes under the Education Ministry, will give Bt 50,000 rewards to students or teachers who can tip off police leading to the arrest of dealers or producers of drugs... The agency also plans to join forces with the private sector in implementing the project. It is persuading its supplier and partners such as sportswear company Nike, the Petroleum Authority of Thailand and United Communication Industry to take part in the project."

47. The ONCB is planning for an extension of this project beyond 1999.

- An example of successful rehabilitation of child victims of drugs are the efforts undertaken by the Duang Prateep Foundation. In two centres, one for boys and one for girls, they work with male victims of drug abuse and with girls who have turned to drugs, been sexually abused, or who have no safe place to stay. The Foundation provides the children with a rigorous programme, including daily morning exercises, school, and work (farming) complemented by occasional field trips. As soon as the children join one of the centres, they are provided with a buddy, who accompanies them 24 hours a day until they begin to adapt. Some of the children who come to the centre are very weak, and need this buddy system to prevent them from relapsing. The centres do not use medicines in their treatment. The schools operate with teachers and group leaders comprised of peers, with most of the work done in groups of 6 to 7 persons, each with one group leader. The group leader always operates with an assistant, one plays the tough role while the other plays a softer and warmer role. Both are needed in the rehabilitation process. The success rate is very high. None of the children who have finished the programme has returned to drugs.
- Numerous other initiatives have been undertaken by NGOs and individuals aiming to assist urban street children and rural victims or other disadvantaged. Kun Pie Soysakan, developing village life in a village in Buriram Province, or the Chum Choon Issan School, established by NGOs and villagers, are just two examples. These projects aim to build the capacity of villages to survive economically and as communities through the provision of farming techniques and relevant education. Some of these programmes aim to discourage children and families from migrating to the cities. Informants talk of successes, notably the project organized by Kun Pie Soysakan in Buriram Province (Somphon, 1999).

### *Recommendations*

A 24-hour hot-line should be established nation-wide in order to encourage the community to inform the police in cases where children are involved in the sale and use of drugs. The information so obtained would help identify the scale, scope, and location of such problems, and could form one of the bases for a nation-wide database informing policy decisions as well as appropriate preventive action.

Rehabilitation centres should be built in all communities where there exist significant problems of drug sales and use by children, sexual exploitation of children, and child beggars. These centres should be small and friendly, rather than large and impersonal, and should work closely with the parents of victims and with the community as a whole. Such centres should include possibilities for informal as well as formal education, and the means for developing skills contributing to future employment.

The majority of recommendations relating to prevention – be they with respect to education or poverty alleviation, or related to law enforcement and the protection of children – are common to the worst forms of child labour discussed in this report. Consequently, these will be further discussed in the last chapter on general conclusions and recommendations.

## 4.2 Child beggars and street children

Illicit activities other than drug trafficking, sales, and production include child beggars and street children involved in begging and other worst forms of child labour.

### *Magnitude of the problem*

In Thailand, street children and child beggars were formerly confined mainly to the Bangkok Metropolitan Area. But the problems are becoming more widespread. Street children and child beggars can now be found in every region of the country, including Chiang Mai in the North, Khon Kaen in the North-east, Haad Yai in the South, and around major tourist spots such as Pattaya in the East. According to the Thai Farmers Research Centre, they come from villages in Surin, Buri Ram, and Si Saket during the dry season to beg in big cities.

The growing incidence of street children and foreign child beggars is partly explained by an economy that permits children to earn a living by begging around shopping and eating places. Other factors pushing children into the streets are often linked to family economic circumstances. Some families force their children to beg in order to support themselves or the family. Feelings of abandonment and boredom with the family environment; broken homes; having to stay with a step father or stepmother; feelings of being unwanted; and physical abuse by family members may also be contributing factors. Almost all the Thai children taken from the streets of Bangkok are from the North-east.<sup>48</sup>

A relatively recent phenomena has been the appearance of organized criminal gangs who recruit and even kidnap children, including the handicapped or maimed, increasing numbers of them from neighbouring countries, and traffick them as beggars. Though the business of begging sometimes involves whole families, a significant number of beggars found on the streets of Thailand are children. Increasingly, child beggars have come to Thailand from countries like Bangladesh, Cambodia, and Myanmar. These children are usually between 6 and 10 years old and either travelled to Thailand on their own or with relatives, or were brought to Thailand by beggar gangs or agents. They are placed in locations with heavy pedestrian traffic, such as tourist spots, bus terminals, and shopping centres, and are forced to beg (Kritaya, 1998).

Although figures relating to the income earned through begging vary, what is clear to the criminal gangs is that begging can be beneficial. Daily earnings for one beggar are reportedly between 600 and 1,000 baht per day (US\$16 to 27 per day).<sup>49</sup> Gang members keep an eye on them and collect the money. Many suffer abuse if they don't collect at least US\$7 to 8 every day. Some are forced to take amphetamines so they can beg day and night, especially during special events or at night entertainment places such as Patpong, Pattaya, and Phuket. When the child beggars are familiar with the environment and know the language, they are forced to sell small items such as chewing gum, flowers, and tissue paper, which realize greater profits. They often receive tips or are given money and allowed to keep their wares. According to Cotterill's study (1996), girls in the soliciting business are often sexually harassed by customers and receive big tips. They learn how to earn money quickly, and later become easy recruits in prostitution (Kritaya, 1998).

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48. In discussions with the Child Welfare Protection Division of the Public Welfare Department, July 1999.

49. *The Nation*, 14 June 1999. Although unlikely, another report in *The Nation* on 4 June 1997 makes reference to a Cambodian beggar who had been arrested with 19,000 baht in his possession and which he claimed he had received in one day.

## Statistics

Statistics from the Department of Public Welfare indicate a growing problem of child beggars during the last few years, with numbers rising from a total of 763 child beggars in 1997 to 1,062 by the latter half of 1999, showing a 39 per cent increase over a two and a half year period. The majority of child beggars are foreign, with the majority coming from Cambodia. Others come from Myanmar and three from other countries. The number of Thai children involved in begging, meanwhile, is declining.

	Thai beggars			Foreign beggars			G-Total
	Boys	Girls	Total	Boys	Girls	Total	
<b>1997</b>	72	29	101	353	309	662	763
<b>1998</b>	30	32	62	441	422	863	925
<b>1999</b>	43	37	80	544	438	982	1 062
<b>Totals</b>	145	98	243	1 232	1 169	2 507	2 750

It is impossible to determine the percentage of street children involved in begging activities. What is known is that they earn minute wages either by selling such things as lottery tickets, chewing gum, flowers, and newspapers; by shining shoes or washing cars; or by straightforward begging on the streets or pedestrian bridges on any location where tourists are to be found (Somphong, 1997). Neither is it clear whether the above statistics regarding Thai beggars also include street children involved in begging. Statistics on street children from a leading NGO practitioner estimated 10,000 street children in 1992 were roaming the streets of big cities. The previous Social Welfare Plan estimated that from 1992 to 1995 the number of street children would have been 10,876, 11,673, 12,451 and 13,322 respectively, representing a flat growth rate of 7 per cent annually (Chongsatidyu). If the 1995 figures regarding street children projected in the Social Welfare Plan are used and projected to 1999, one would estimate more than 17,400 street children today. The figures of 80 Thai beggars recorded for 1999, if it included street children beggars, would suggest that less than 0.05 per cent of all street children are involved in begging activities.

## Socio-economic background

Most of the street children and child beggars are young. Their average age is 8 or 9 years, although babies and toddlers are commonly found in their mothers' arms or begging alongside their mothers. Older children, in their middle to late teens, also beg.

Street children and child beggars come overwhelmingly, although not exclusively, from the poorer sector of society. They generally have limited education (Grade 1 to 4) or no education at all. Child beggars include ethnic minorities, Thais, and foreign children mainly from Cambodia, although some also come from Bangladesh, Laos, and Myanmar. Many of the children from Cambodia are reportedly amputees, apparently due to both accidents and congenital factors.<sup>50</sup>

Reports from NGOs refer to the great majority of street children as boys (Somphong, 1997). For child beggars, Child Protection Division of the Public Welfare Department figures for the period October 1998 to May 1999 showed only a slight majority of boys (53 per cent boys and 47 per cent girls). Street girls are at high risk of sexual abuse. They tend to find protection from other

50. In discussion with staff of the Child Welfare Protection Division of the Public Welfare Department, July 1999.

street kids; sometimes they are offered domestic employment by concerned adults. Others become prostitutes (Chongsatidyu).

Street children and child beggars are also especially vulnerable to other forms of exploitation. Various researches have demonstrated that these children are often involved in the use and sale of drugs (some studies say as high as 80 per cent). They are also very vulnerable to sexual exploitation and pornography.<sup>51</sup>

### *Legal framework*

Thailand has one law that specifically addresses the issue of beggars. The Beggar Control Act of 1941 has been in force for 58 years, and is said to be out of date. According to an article in *The Bangkok Post* (25 September 1996), it cannot cope with racketeers who resort to stealing children and torturing those who refuse to obey.

The Ministry of Labour and Public Welfare (MoLSW) drafted a bill in 1990 to update the 1941 law suggesting the need for a change. The 1990 draft law was submitted to the Government in 1990, but was never passed. The Ministry has submitted a new bill banning street entertainers and increasing the penalty for starting begging “businesses”. It is said to be focusing on assisting, rehabilitating, and providing occupational training for beggars. Apart from banning beggars, the proposed bill will forbid any type of busking, even where performers do not resort to begging but nevertheless accept money from the audience. Most importantly, the bill specifies a penalty for “anyone who hires, coaxes, supports or forces other people into begging”. Those found guilty will face from one to three years imprisonment and a 20,000 to 60,000 baht fine. If the offence is committed against children aged 15 years old or younger, the disabled, or old people, guilty parties will face one to five years in prison and a 20,000 to 100,000 baht fine. In addition, street entertainers can be fined 1,000 baht. If enacted, the bill will empower provincial department directors-general to set up rehabilitation centres for beggars in each province. Beggars confined at the centres under this bill can be released when they prove they are able to find legitimate work, and a family member comes to vouch for and collect them.

First-time offenders and those who beg out of necessity will be rehabilitated and given occupational training before being released. Beggars who suffer from chronic diseases or mental problems, or who are very old or disabled, will be reported to the department so that they can receive special care. The new bill also stipulates punishment of arrested beggars who escape from detention. If three or more beggars collaborate to escape using force, they will be liable to one year’s imprisonment. Those who help beggars break out of a centre will be sentenced to five years in prison.<sup>52</sup> If enacted, the revised bill submitted by the MoLSW will address the loopholes and shortcomings of the 1941 Beggar Control Act.

Finally, the Penal Code of Thailand provides for the punishment of anyone who detains, confines, or deprives a person of liberty by whatever means (Section 310). In addition, if the person is enslaved or in a situation similar to slavery (Section 312), and if the offence is committed against a child not exceeding 15 years of age (Section 312bis), the offender shall be punished by imprisonment of 3 to 10 years and a fine not exceeding 20,000 baht. If bodily harm or mental harm is done to the victim, the offender shall be punished with imprisonment of 5 to 15 years and a fine of 30,000 baht. Higher penalties are provided for grievous bodily harm and death of the victim.

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51. For example Somphong (1997) and Dr. Kritiya Archavanitkul (1998).

52. *The Nation*, 25 July 1998.



### *Plans, policies, and other measures*

According to documents from the Department of Public Welfare, future plans include a proposal to increase the number of officers and transportation, in dealing with beggars. They further suggest that beggars be separated from other homeless people in order to be able to better target them with the appropriate assistance. It also proposes improvement of services provided in primary shelters, and an increase in the number of shelters available to meet the growing demand. The number and quality of vocational courses should also be increased. Finally, they suggest that awareness should be raised concerning the illegal nature of street begging, and more organizations should be encouraged to participate in efforts to provide support to beggars and other homeless persons.

The criteria applied by the Public Welfare Department in distributing some 300 to 400 million baht in loans to families in need was questioned by some NGOs. The process was felt to lack transparency, raising doubts as to whether those in real need were the ones benefiting from the loans. This is perhaps an indication of insufficient communication between relevant government agencies, such as the Child Protection Division of the Public Welfare Department, and NGOs working with street children and child beggars.

### *Law enforcement*

The Child Welfare Protection Division under the MoLSW is responsible for the provision of care for homeless children begging in the streets. On a weekly basis, staff from the Division in collaboration with the Welfare Assistance Division, which is responsible for adult beggars, visit known sites in the city where beggars are known to “hang out”, conducting surveys and removing vagrant children from the streets. This is done in collaboration with the police and the immigration authorities. When child beggars are found, they are taken into homes for rehabilitation and measures are undertaken to reunify them with their families. If they are foreign nationals, they are integrated back in their countries, where possible in collaboration with NGOs from the destination country. So far, these efforts are producing inconclusive results. It is said that foreign children returned to the border are often back begging on the streets before the officials who brought them to the border have returned to Bangkok. Organized gangs pick up the child beggars at the border and return them to Bangkok and other large cities in Thailand.<sup>53</sup>

Efforts to coordinate the return of Cambodian beggars are underway through an initiative of the Thai Sub-committee for Solving Inter-Country Trafficking in Women and Children.

No traffickers or agents are known to have been charged under Sections 310 and 312bis of the Penal Code of Thailand.

### *What can be done*

The Child Welfare Protection Division under MoLSW brings unaccompanied children of Thai nationality to a home for boys or for girls, as appropriate. If the child is accompanied by a parent, he or she will be sent with the parent to a home for the destitute. Unaccompanied children are provided with health checks and, if possible, reunited with their families. If the

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53. In discussions with the Child Welfare Protection Division of the Public Welfare Department, July 1999.

family is unable to afford the child's education, then subsidies are provided to the family. The Division focuses on remedial activities wherever possible.

The Guidance Sub-Division is responsible for counselling the parents of former child beggars. Financial assistance of the following kinds may also be provided: loans for starting small businesses or the provision of vocational training (about 2,000 baht, or US\$54), and, depending on the number of children, 1,000 baht (US\$27) may be given for children's clothing, milk powder, schoolbooks, and clothing. Some families are eligible for a loan of up to 15,000 baht (US\$400). A total of 300 to 400 million baht in loans was allocated in 1999.

Foreign children who are taken off the streets are not detained in the Immigration Detention Centre (IDC). Instead, they are held in a Welfare Department Centre in Nontaburi Province before being integrated back to their country of origin.<sup>54</sup> While at the centre, they are given a medical check-up. The International Organization for Migration (IOM), who returned some 281 women and children since March 1998, assists in the repatriation. The majority of the foreign children come from Poipet in Cambodia.

The total budget of the Division in dealing with street children, beggars, and delinquent children was 39 million baht (US\$1,054,000) for 1999. No breakdown of the budget was available.

A report from the Department of Public Welfare indicates that most welfare homes contain beggars or homeless persons who are mentally or physically disabled and who are in poor health. The report also states that the vocational courses provided are not effective, because those who are in a normal state of health are claimed by members of their family, while those who stay for long periods of time in welfare homes are mostly people who have mental or physical disabilities.

Most NGOs working with street children in large cities around the country also work with child beggars. Most of these organizations provide a combination of options for children. These include one or more of the following:

- "Open Houses", where children are free to come and go as they wish. The idea is to create an environment in which they will feel welcome and to which they will progressively grow attached. These open houses provide children with facilities to wash, eat, and sleep, as well as recreational activities and informal education.
- "Street Educators", who roam the streets looking for street children. They first try to befriend the children and gain their trust. The street teachers usually carry first-aid kits, various games, and "tools" with which to teach in the street. The aim is to gain the trust of the children in their own environment and to bring them progressively back into a more formal environment such as the "open houses" and, ultimately, back to their families and the formal education system.

One promising project is that of the National Primary Education Commission (ONPEC), which aims at empowering schoolteachers and administrators in 82 primary schools in Si Saket, Amnart Charoen, Ubol Rajathani, and Buriram provinces (all of which traditionally face a high outflow of labour migrants), with the goal of developing and integrating a child labour teaching module into the school curriculum. In addition, sensitized school administrators are expected to mobilize potential resources within and outside schools, and encourage participation of other GOs, NGOs,

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54. It takes about two weeks, on average, to return a child to his or her country of origin.

and communities. The project has led to increased numbers of children continuing their studies at secondary school level, and to active networking among trained school teachers, GOs, NGOs, and communities.

Although successful in taking children off the streets, as with organizations fighting other worst forms of child labour, they are unable to cope with the demand. Indeed, it is only with the mainstreaming of such efforts into governmental development policies, plans, and actions that the problem will have any chance of being addressed.

### *Conclusions*

Street children and child beggars are not a new problem. As the 1941 law attests, the issue has been around for at least several generations. What is new is the possibility of earning a significant income from begging. The relatively recent emergence of organized criminal gangs exploiting families and children by forcing them to beg for the benefit of the gang has further complicated the issue. Solutions are linked to dealing with the causes that bring families and children into the streets to beg, as well as to dealing seriously with criminal elements exploiting those in need.

### *Recommendations*

More accurate information is needed on the nature and extent of the problem of street children and child beggars. It is recommended that a national database be developed and maintained. Its contents should be shared with NGOs and others, and used in the formulation of a conceptual framework for policy formulation and programme implementation.

The community must be more involved in education, and it is important to maintain the three existing models of assistance: street-based, institution-based (in welfare institutions and Open Houses), and school-based teaching. In addition, it is suggested that the school curriculum be redesigned with children as the focal point, in order that the curriculum be truly relevant to children's needs. Teaching and learning processes should be improved in order to increase child participation. The partnership between the Government, NGOs, educational institutions, and the private sector should be encouraged in the provision of vocational aspects of schooling and implementation of apprenticeship programmes in order to increase the career prospects of street children and child beggars. There should be an expansion of community-based learning, and an introduction of credit transfer or accreditation system between in-school and out-of-school learning (Chongsatidyue).

## 5. Overall conclusions and recommendations

### 5.1 Conclusions

As this report indicates, a growing body of evidence suggests that the worst forms of child labour share some root causes. Whether one is dealing with child prostitution, child pornography, child beggars, street children, or children peddling drugs, common factors recur in reports from the Government, NGOs, and international organizations. These factors include poverty, dysfunctional families, poor or low levels of education, few or no job opportunities, and the effects of an economy in transition in which traditional family values and morality are increasingly being replaced by consumerism and materialism.

Despite the spectacular economic growth of the last decade, millions still live in rural poverty. If a rural family owns its house and has a rice field, it might survive on as little as 500 baht per month. Such absolute poverty means a diet of rice supplemented with insects (crickets, grubs, and maggots), wild plants, and whatever fish they can catch. Falling below this level, which can be sustained only in the countryside, entails hunger and the loss of any house or land. Whether in city, town, or village, to survive many Thais must work six or seven 12 to 14 hour days each week. Illness or injury can quickly send even this standard of living plummeting (Bales, 1999).

As part of this economic revolution, there also emerges the chaos of greed, violence, and corruption, and without protection or alternatives, the poor become powerless, and the violent – without state intervention – become supremely powerful. Some of the illegal economic activities that thrive on the worst forms of child labour do not exist independently. Many are linked in a complex network of relationships. Some of the drug traders are linked to dealers in contraband arms. Some of the traffickers in children and women are connected to high military officers who provide protection to organized crime syndicates involved in gambling and other activities such as drug trafficking (Pasuk, 1998).

Solutions to some of the key factors referred to above are likely to have a beneficial impact on several of the worst forms of child labour.

### 5.2 Recommendations

#### *Poverty alleviation*

Poverty alleviation measures in rural communities reduce the risk of children being trafficked or seduced into exploitation. But these measures have to fit the local context. In most cases, this means a stronger orientation towards agricultural measures or basic industrial work to generate income.

A promising initiative to diversify career development opportunities has been undertaken by the Thai Yuwa Kasetkorn Promotion Foundation (TYPF). This national NGO has developed an occupational training model responsive to the needs of children in agricultural settings, thereby providing them with local alternatives to migration to urban areas. The children go through a career development process that includes bicycle repair, artificial flower-making, mechanics,

motorcycle repair, electronics work, fish and frog farming, food processing, dress-making, and hair-dressing. Once they complete the course and have conceptualized their work plan, they receive a start-up fund to implement their plan. The ILO-IPEC supported project is being implemented in Nong Khai and Si Saket provinces in Thailand's North-east. At present, the model is being replicated in Si Saket by the provincial labour office, and in Nong Khai by village committees. The Department of Public Welfare, under the MoLSW, and the Ministry of Agriculture and Cooperatives are furthermore committed to mainstreaming this model into their routine operations.

### *Awareness-raising campaign*

Overall, large-scale awareness-raising campaigns need to promote family values and the importance of meaningful education. Attitudes in society need to change to make it morally unacceptable to exploit children, be it sexually, as beggars, or as drug pushers. Communities need to be mobilized to undertake action where necessary and within the accepted legal framework.

Awareness-raising campaigns can benefit from the identification of committed and influential "change-agents" such as religious leaders, media celebrities, or sports heroes who can contribute to mainstreaming the issues of worst forms of child labour.

### *Participatory approach*

While the responsibility for addressing the problem of worst forms of child labour resides first and foremost with the national Government, effective solutions require the participation of the community as a whole. Participatory approaches are vital for the social and economic empowerment of affected disadvantaged groups. Formal and informal community leaders, community-based organizations such as women, youth and farmers' groups, and parents need to be involved closely in the design, management, and evaluation of programmes. They can also play an active monitoring role in the early detection of abuses. Both fathers and mothers need to be mobilized. Mothers need to be stimulated to take a larger share in family decision-making, while fathers need to be encouraged to take an active part in looking after their children. Girls and boys should be treated equally at home and at school, and both need to be sensitized to the rights of women including girls. Children and teenagers themselves need a nurturing environment for healthy development, but should also be made aware of their rights and responsibilities and take an active role in preventing child labour exploitation.

### *Education and skills training*

Programmes to improve educational opportunities will have a significant impact in reducing the number of victims of the worst forms of child labour. Quality education is a key element in breaking the vicious cycle of poverty and achieving a lasting difference (IPEC, 1998). A study by Dr. Dusit of 20 educational programmes in 5 Asian countries, including Thailand (1998),<sup>55</sup> concluded that the most successful educational programmes were those that took children's specific circumstances into account. Such programmes should focus on providing practical information that is useful in the day-to-day life of children, and should change parents' perceptions that education is worthless. Programmes should offer young children pre-vocational

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55. Dr. Dusit is attached to Chiang Mai university and conducted the assignment on behalf of ILO-IPEC.

skills such as timeliness, discipline, team-work, and responsibility. Skills training for older children should be problem-oriented, child-centred, and activity-based. Extra-curricular activities<sup>56</sup> should be increased. Greater course flexibility would enable children to learn at their own pace. In rural communities, courses could focus more on agriculture-oriented skills. In all settings, courses should steer clear of reinforcing gender-related stereotypes. Furthermore, the range of skills training courses offered should be varied, and based on sound market opportunity analyses. Efforts should be made to empower children, while encouraging them to aspire for and believe in the possibility of a different future. Education should be fun and appealing, if it is to keep children off the streets and away from exploitation.

To achieve the above, a review is recommended of the rules, regulations, and procedures that hinder effective formal and non-formal education provisions. Such a review should aim to institute more flexibility and creative working mentality in the public service system in order to better accommodate children's needs, for example admitting children who have no housing registration document. Schools within the formal education system should pursue special measures targeting vulnerable groups, for instance children from poor and broken families and those who have learning difficulties or show deviant behaviour. These children need educational and psychological counselling and remedial teaching, which, if it is to be effective, needs to be done in close collaboration with the family. In addition, extensive educational campaigns targeting the risk group families should be undertaken (Chongsatidyue).<sup>57</sup>

### *Legislation, law enforcement, and capacity building*

Legislation is needed to provide the authorities with the means to tackle the growing role played by organized crime in the worst forms of child labour. Without the appropriate legislation, law enforcers will be unable to deal with those at the higher levels of such criminal organizations. Enforcement of such laws needs to take place in conjunction with the development and implementation of policies and programmes geared towards the provision of viable alternatives to poor families.

Improving the enforcement of existing and new legislation will require the strengthening of the capacity of law enforcement agencies. This includes the provision of continuous on-the-job training in areas as varied as the following: the latest developments in Thai law; the root causes of children in exploitation; basic human rights; and the latest investigation techniques. It also includes improved recruitment and selection processes for new staff, raising salaries, reducing the number of hierarchical levels in the police force, the decentralization of authority, greater transparency, and the imposition of punishments for those law enforcers who violate the law. It is essential that the rule of law prevail. The impunity of those who use their position of authority to gain personal benefits must end immediately.

Capacity building is needed among all actors involved, including direct service providers – such as extension workers in education, community development, agriculture, trade and industry, and other forms of employment – in villages and poor neighbourhoods. They need to be informed about the problem and strategies against the worst forms of child labour, and learn how to focus their services towards the communities and the children at risk.

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56. E.g. leadership games, life skills camps, study visits, and sports.

57. These recommendations were adapted from *Basic education: The opportunity of street children*, by Dr. Juachan Chongsatidyue.

At the national level, actors need to work synergistically, rather than in competition, to play a facilitating role at more local levels, where action is generally most successful. Greater use of cross-departmental and multi-disciplinary teams should be made where appropriate. Decentralization and cooperation across departmental boundaries and between governmental and non-governmental agencies is not always easy, but is nevertheless essential.

Lessons from successful recovery programmes further indicate the importance of a multi-sectoral and comprehensive approach to integrate the victims of the worst forms of child labour. The work is demanding and, as the capacities of the various service providers are still limited, it is important to build upon existing expertise, share information, strengthen referral services, and coordinate integration activities.

### *Trans-national cooperation*

Cooperation is particularly vital for cross-border return operations, with agencies from different countries involved at both the sending and the receiving end. Dealing effectively with the trans-national element of the problem requires greater exchange of information and collaboration between law enforcers in neighbouring countries in the Greater Mekong Sub-region (GMS). Greater collaboration between relevant government agencies and NGOs across borders is also essential in order to ensure smooth and effective integration of child victims back into their home communities. Common legal definitions need to be found for the problem of human trafficking, and procedures are needed to facilitate the exchange of information in the prosecution of criminals and in the return of victims.

### *What is needed if successes are to be widely replicated?*

Key ingredients that will contribute to replicating successes include these:

- improved educational standards and empowerment of individuals across the country;
- responsible behaviour in a family context, with awareness and willingness to fight the problem;
- an end to impunity for those who abuse positions of authority;
- systematic application of the rule of law;
- greater transparency and good governance;
- networking, information sharing, and collaboration among and between government agencies and NGOs; and
- hard work, commitment, and financial means.

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