

THE EFFECTIVE ADMINISTRATION OF CRIMINAL JUSTICE TO TACKLE TRAFFICKING IN HUMAN BEINGS AND SMUGGLING OF MIGRANTS IN THAILAND

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I. INTRODUCTION

For as long as there have been people there has been migration. People have always sought to move to better lives, many have had little option when faced with violence, terror or economic doom to seek a new life. For a large number of people, somewhere else looks better.

The International Organization for Migration (IOM) World Report 2000 shows that there are more than 150 million migrants, more than half of whom live in developing countries. The number is expected to be around 230 million by the year 2050.

- Year 2000 = 150 million migrants
- Year 2050 = 230 million migrants

It is estimated that more than 50% of illegal immigrants globally are now being assisted by smugglers.

Trafficking and smuggling of human beings has increased throughout the world, owing to the globalization process and other factors. The problem has increased in both size and seriousness by the growing involvement of organized criminal groups. The trafficking and smuggling of migrants by these organized criminal groups cause the following:

- Disrupt immigration policies
- Lead to human rights abuse
- Increase crime and the spread of diseases
- Creates a new form of slavery

Domestic efforts to improve the capacity to match the competence of criminals may be limited, normally by the following factors:

- Limited resources
- Red tape management
- Corruption

However, domestic efforts are generally concentrated within national borders. Regional and international co-operation is needed to address the transnational elements of organized criminal groups.

II. DEFINITIONS

There are various definitions of people trafficking and smuggling but the following are the definitions that are used in this paper.

A. Trafficking in Persons

“Trafficking in persons” shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of

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deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal of organs.

Child shall mean any person under eighteen years of age.

(Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, UN Convention against Transnational Organization Crime, 2000.)

Trafficking is normally concerned with the recruitment, transportation or receipt of persons through deception or coercion for the purposes of prostitution, other sexual exploitation or forced labor.

Examples of the purposes of trafficking include, but are not limited to, the following:

- a) Prostitution*
- b) domestic work including forced domestic labor*
- c) illegal labor*
- d) bonded labor*
- e) servile marriage*
- f) false adoption*
- g) sex tourism and entertainment*
- h) pornography*
- i) begging*
- j) use in criminal activities*

(Suggested by the Conference on Illegal Labor Movement and Trafficking in Women and Children, held in Bangkok, 25-28 November 1997)

B. Smuggling of Migrants

“Smuggling of migrants” shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident.

(Article 3 of the Protocol against the Smuggling of Migrants by Land, Sea and Air, UN Convention against Transnational Organized Crime, 2000.)

Smuggling is clearly concerned with the manner in which a person enters a country, and with the involvement of third parties who assist them to achieve entry but are not involved in prostitution, labor etc.

C. Organized Criminal Group

“Organized criminal group” shall mean a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit.

(Article 2 of the UN Convention Against Transnational Organized Crime, 2000.)

III. THAILAND'S TRAFFICKING PROBLEMS

Trafficking that causes problems can be separated into two categories based on the final purposes of exploitation. One type is the trafficking for labor exploitation and the other is for sexual exploitation.

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A. Trafficking for Labor Exploitation

1. Thai Labor

Thailand has been both the sending and receiving state in trafficking of labor. During the last two decades the exploitation of that labor to the Middle East countries, Japan, Taiwan, Hong Kong, Singapore, Brunei and other countries has been one of the most important national income sectors. The amount of money sent back to Thailand by Thai workers abroad in 1995 was 42,250 million baht (approximately US \$1,690 million)

Table 1. Labor Trafficked from Thailand.

From	Destination	Purpose	How
1. Thailand	- Middle East - Japan - Taiwan - Hong Kong - Singapore - Brunei	- Labor - Worker	- By airplane - With passport

Some of those workers were legally sent, while many were deceived and exploited. The living conditions of these workers were normally poor. Men were trafficked to work abroad for higher salaries than they could get at home. Many were exploited by their employers. In many cases their wages were fraudulently cheated either by their exporting agents or the employers. The worst were those who had mortgaged or sold their land to pay for the trafficking fee and were sent only to be stranded in a foreign land without jobs and means of living.

The notion of “a lot of money awaiting overseas” was the tempting bait for women to follow men to work too. Some women who worked as domestic servants were under the risk of sexual abuse or harassment. The conditions of working and exploitation are normally the same as for men.

The Thai Government is trying to solve Thai labor problems, by reshuffling the high ranking officials in the Ministry of Labor, looking for new labor markets and making more agreements with the countries that need labor.

2. Foreign Labor

At the same time, the economic development in Thailand had been more advanced than the Northern and North-Eastern neighbors. This economic gap created an influx of labor into Thailand. Some migrant workers, particularly those from Bangladesh and Myanmar, were trafficked through Thailand to Malaysia and Singapore using Thailand as the transit point.

Other migrants who were trafficked to Thailand are Cambodian and Laos. Almost all of these groups enter Thailand at the borders of the North, East and West. Most people enter the country without passports or correct documents. Some of these migrants intend to travel to third countries.

Table 2. Labor Trafficked into Thailand.

From	Destination	Purpose	How
1. Myanmar 2. Cambodia 3. Laos	- Thailand	- Labor	- Cross the border - Without passport

The migrants from China, India, Pakistan, Nepal and other countries enter Thailand by airplane, use legitimate passports, and stay past the period allowed by the law to become illegal workers. A lot of these migrants will probably travel to a third country for the purpose of illegal work.

Table 3. Labor Trafficked into Thailand.

From	Destination	Purpose	How
1. China 2. India 3. Pakistan 4. Nepal 5. Others	- Thailand	- Labor - Travel to a third country	- By airplane - With passport

Most of the migrant workers from the borders were illegally brought into Thailand. It was impossible to know precisely how many illegal cross-border migrant workers are in Thailand.

The Thai Immigration Bureau estimated that 700,000 illegal migrant were in Thailand before mid 1996, while the estimation from other sources put the number at 1,000,000 - 1,200,000.

Table 4. Number of Illegal Migrant Workers in Thailand.

Official Estimation	Non - Official Estimation
700,000 persons	1,000,000-1,200,000 persons

The plight of these illegal migrant workers in Thailand is obvious. They were unpaid or paid lower than the minimum wage. Some have to work for long hours or had to do dangerous work without protection. Some are cheated or paid less than promised and the worst is that they could not turn to Government officials for help due to their illegal status.

These illegal immigrant workers also committed crimes and spread some new diseases to the Thai people. In order to control the number of illegal migrant workers, the demand for cheap labor has forced the Thai cabinet to allow employers to register their Myanmar, Laos and Cambodian illegal employees, with the Labor and Public Welfare Ministry.

The policy allowed workers that had entered Thailand before 25 June 1997 with the purpose of working, to stay in Thailand temporarily subject to some occupational and geographic restrictions (43 provinces including Bangkok). There was also a grace period of 2 years. The employers were required to register and follow procedures within the designated period of 90 days. The policy of registering illegal workers, helps the Thai government officials to control the foreign workers and prevent their exploitation, to some extent.

The other form of labor exploitation for women and children is begging. Most of them are Cambodian and exploited by organized crime syndicate. They were lured, or willing to be brought into Thailand to work as beggars. Some have to pay traffickers for trafficking them. When they are in Thailand they cannot work on their own but have to work under the control of agents who provide them with shelter and protection.

According to research, most of the agents were Vietnamese who lived in Thailand. The victims were charged for shelter and had to give a major share of their earning from begging each day to agents. If they resisted or tried to work independently, they might be beaten or arrested by officials according to the arrangement of the agents.

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The number of foreign child beggars in Thailand is estimated at 1,060, 25 % of which are girls. About 95% of the 530 foreigners arrested between 1 October 1996 and 31 July 1997 were Cambodian, 5% were Burmese.

Foreign Child Beggars in Thailand

- Total number 1,060 persons
- 75% boys 25% girls
- 95% Cambodian 5% Burmese

The other type of trafficking in Thailand is in child workers. These children normally work in small factories such as candy or toy factories etc. A lot of them work as domestic servants, in garages or in agricultural jobs. Most of the working conditions are not dangerous, but there are some inappropriate working conditions. It was estimated that 194,180 foreign child workers enter Thailand illegally, 70% of them were boys.e.

Foreign Child Workers in Thailand

- Total number 194,180 persons
- 70% boys 30% girls

According to the Immigration Division, the number of foreign immigrants from ten countries, arrested by the Thai Police in 1999-2001 were as follows:

Table 5. Number of Illegal Immigrants in Thailand

Nationality	Sex	1999	2000	2001
1. Burmese	Male	32,334	32,334	35,323
	Female	24,165	24,165	23,818
	Total	56,499	56,499	59,141
2. Cambodian	Male	4,561	8,166	11,234
	Female	2,317	7,157	4,961
	Total	6,878	15,323	16,195
3. Laotian	Male	1,038	1,412	1,079
	Female	1,251	1,736	1,634
	Total	2,289	3,148	2,713
4. Chinese	Male	353	329	216
	Female	148	164	123
	Total	501	493	339
5. Nepalese	Male	35	32	197
	Female	-	1	22
	Total	35	33	219
6. Indian	Male	54	75	109
	Female	2	-	3
	Total	56	75	112
7. Pakistani	Male	69	57	73
	Female	-	3	2
	Total	69	60	75
8. Sri Lankan	Male	16	73	13
	Female	-	49	1
	Total	16	212	14

Table 5. Number of Illegal Immigrants in Thailand

Nationality	Sex	1999	2000	2001
9. Nigerian	Male	4	4	26
	Female	-	-	-
	Total	4	4	26
10. Bangladeshi	Male	17	8	10
	Female	-	-	-
	Total	17	8	10

B. Trafficking for Sexual Exploitation

It appears that trafficked women come from almost all over the world. Some well known countries concerned with the trafficking for sexual exploitation are as follows.

Table 6. The World Situation of Women Trafficking.

Country	Region / Continent
- Ghana - Nigeria - Morocco	Africa
- Brazil - Columbia	Latin America
- Dominican Republic	Caribbean
- Philippines - Thailand	Asia

In Southeast Asia, Mekong sub-region, the countries having problems of trafficking in women and children are Cambodia, China (Yunnan), Laos, Myanmar, Thailand and Vietnam.

The sex industry in Thailand is rampant and has become a big illegal business.

The number of prostitutes (including males and children) is not known exactly. The only official survey is the figure of the Public Health Ministry. The latest report of 1996 revealed that there were 66,196 prostitutes, working in 7,318 commercial sex service places throughout the country of which 1,945 prostitutes were male. Nevertheless, the most accepted figure by many government agencies and NGOs, is 200,000 prostitutes in Thailand. It is believed that 36,000-40,000 of them are children..

Number of Prostitutes in Thailand

- Official Survey 66,196 persons
- Estimation 200,000 persons
- Children 15 - 20 %
- Children 36,000-40,000 persons

Trafficking is one of the most profitable illegal businesses. It generates a huge income for the exploiters. An informal estimation of money illegally generated by the sex workers in Thailand in 1995, using the figure of 150,000 to 200,000 prostitutes as the basis for estimation, is between 45-60 billion baht (approximately US \$ 1.8-2.4 billion, using the exchange rate at the time of estimation).

Young Thai women and girls mostly from poor rural areas of northern and northeastern part of Thailand are the main targets for traffickers. This includes the offspring of minority hill tribe villagers.

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Traffickers approach the parents of a child and give them an amount of money in exchange for their daughter to 'work' in a restaurant, factory, shop etc.

They usually demand that the parents sign their names in a disguised loan contract for the money given. When the time comes these girls are brought to work in disguised places of prostitution in Bangkok or other towns and they are forced or lured into prostitution.

1. Trafficking Abroad from Thailand

Many of the victims of trafficking, mostly women from rural areas of Thailand, gave their consent to be trafficked in order to get better pay in other countries. These women know what kind of work they had to do and most of them agreed to pay back the inflated cost set by the traffickers. Some paid back the debt by sleeping with a number of customers. What most of them did not know in advance was that they had to be detained in brothels until their debt had been fully paid. They could not resist because their passports were taken away by the traffickers.

Some women were cheated although they had slept with the required number of customers but they were not freed because the traffickers had added the untold cost mounted during the time they had worked in the brothels. Many were resold to other brothels. The benefit that the traffickers gained for each woman was abundant.

Benefit = 10 times the investment

A Trafficked woman testified in a Thai court that she had to pay the traffickers back by sleeping with 400 customers within three months, if she could not attract 400 customers to use her service within that period the number would be increased to 500 customers. Each customer was charged US \$ 130 for 45 minutes. An amount of \$100 went to the trafficker while the other \$30 went to the brothel owner. Therefore, the trafficker received the sum of \$40,000 within three months or \$50,000 if the women could not sleep with 400 customers within three months.

Trafficker receives

- within 3 months = US \$ 40,000
- more than 3 months = US \$ 50,000

This same phenomenon happened to the Thai women who were trafficked to Japan, Germany, Australia and other countries. It is not exactly known how many other countries that these women were trafficked to. The countries are believed to be France, United States, Taiwan, Hong Kong, Singapore and Malaysia.

Table 7. Women Trafficked from Thailand.

From	Destination	Purpose	How
Thailand	<ul style="list-style-type: none"> - Japan - Germany - Australia - France - United States - Taiwan - Hong Kong - Singapore - Malaysia 	- Sex services	<ul style="list-style-type: none"> - By airplane - With passport

Additionally, a lot of trafficked women were detained and forced to work as prostitutes in many countries without being paid. The worst was the situation when the women had nearly paid all the debt for coming overseas to the trafficker, then she was sold to another trafficker or brothel owner and the process of paying back the debt had to restart again. Although the women realized they were being cheated, there was little they could do but to accept it.

In many cases, those women did not consent to work as prostitutes but believed that they would have good jobs and chances to travel abroad. The women knew that they were illegal labor immigrants with only a tourist visa. After they realized that they were to work as prostitutes, it was too late to turn back. A lot of women arrested in many countries were not voluntary.

Take Japan for example, the recent ratio of women deceived and forced to work as prostituted to the women who consent to be prostituted was estimated to be 20:80 nowadays.

Deceived and forced : Consent = 20 : 80

The number of Thai women trafficked to other countries is not exactly known. However, 761 women contacted the Ministry of Foreign Affairs in 2001, for help and asked to be sent back home. It is believed that a great number of these suffering women are the victims of trafficking.

The statistics of female illegal workers from Japan shows that there are many Thai women being repatriated back to Thailand in each year. More than 90% of these women, according to Japanese officials' investigation, are believed to be prostitutes.

Table 8. Women Repatriated from Japan

Year	1999	2000	2001
Male illegal workers	1667	1460	1122
Female illegal workers	2259	2442	1678
Total	3926	3902	2800

The Thai Government is highly concerned with prostitution. Many campaigns and educational programs are being provided by many government agencies and NGOs to reduce the new generation of prostitution. Education programs in the northern part of the country can reduce a great number of the new prostitutes. These people have the chance for an education and have opportunities to get jobs such as in the factories.

The situation of trafficking Thai prostitutes is becoming less but it is not altogether eradicated. As Thai children become more difficult to recruit, the traffickers are now turning to foreign children.

2. Trafficking into Thailand from Abroad

The first transnational trafficking case that Thailand handled in 1990 involved 150 children and women from Myanmar. They were forced into prostitution in the brothels of Rayong province in the South of Thailand. The brothels were raided, the women and children rescued and efforts were made to assist them. Even though they illegally entered Thailand, they were entitled to be treated as victims rather than offenders.

The special treatments given to the children and women at that time were:

- Shelter and rehabilitation service provided at the Women's Home under the supervision of the Development of Public Welfare instead of being detained at the Immigration Detention Center. The services include health care, vocational training and consulting sessions.

- Identification for repatriation was undertaken by the Myanmar Ambassador to Thailand.

- A request was made by the Thai Government to have high-ranking officials of Myanmar to receive the victims at the border and to ensure that they would be provided with an appropriate social integration program.

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It was apparent during the process that many agencies had to be involved in all these undertaking e.g. police officers, immigration officers, social workers, health personnel, NGO staff, as well as the embassy and the Ministry of Foreign Affairs. Effective coordination was evidently crucial.

The practices used at that time have become the principal for the Thai authority to help women and children ever since.

During this decade a great number of foreign women were recruited to work in the sex industry in Thailand which include not only those from the Mekong sub-region but also those from Russia and Eastern Europe. Women from Shan State and minority people from the northwestern borders were the largest group.

Many of them decided to use the traffickers because of the complex arrangements and the traffickers influence with authorities particularly in crossing borders and travel within the country which required passing several checkpoints. Women trafficked from Yunnan, South China, had to cross borders two times, the Chinese-Myanmar border and Myanmar-Thai border before coming into the Kingdom.

However, it was considered to be quite easy for the traffickers to persuade or lure young women from the neighboring countries into the commercial sex business in Thailand. The supply of foreign women is still abundant.

Most foreign prostitutes in Thailand are from Myanmar, and an estimated 10,000 Burmese women and children are entering prostitution in Thailand yearly. The next largest source of foreign prostitutes in Thailand is Yunnan.

Other groups of trafficked women are from Laos, Vietnam and Cambodia. These groups are generally lured into the sex industry from border provinces, which are easy to enter Thailand from.

Table 9. Foreign Women Trafficked to Thailand.

From	Destination	Purpose	How
- Myanmar - Yunnan (China) - Laos - Vietnam	Thailand	- Sex services	- Cross the border - Without passport
- Russia - East Europe			- Airplane - With passport

Altogether, Thailand is estimated to have 16,426 foreign prostitutes from Mekong sub-region countries, 30% of whom are children under 18; but 75% of them became prostitutes when they were under 18.

Prostitutes from the Mekong Sub-region

- foreign prostitutes 16,426 persons
- children under 18 30 %

It is estimated that between 1990 and 1997, 80,000 women and children were trafficked along the Thai-Myanmar border to work in the sex industry.

IV. ROOT CAUSES OF TRAFFICKING AND SMUGGLING

The root causes of trafficking and smuggling within the country, and cross border trafficking are very much the same. There are some contributing factors specific to some areas but normally these factors are the same in many countries:

A. Poverty

Poverty is the most popular contribution factor cited by many. Extreme poverty and unemployment are the most common reason for the trafficked victims both male and female.

B. Improvement of Earnings and Living Standards

This factor is the reason for illegal immigrants particularly those who have more skill, more education, or want to travel to the third country.

C. Culture

Culture and social values have strong influences on most of the Mekong sub-region, Southeast Asia people. In some regions it is believed that it is the duty of daughters to sacrifice themselves for the well being of the family.

Consumerism and materialism are also very important values that become push-factors for migration.

D. Agents

Agents or brokers are the push-factor especially for the female to work in the sex industry or labor. There are abundance of agents nearly everywhere. Some of the respected people in the villages are also agents because of the huge profits that can be made.

Apart from those ordinary agents, organized crime syndicates have jumped on the bandwagon to ensure they have their share of the profit. Without efficient suppression, the agents can be recruited to work for the syndicates or connected to the transnational organized crime.

E. Other Factors

- Escape from the conflict of war.
- Gender discrimination.
- Fake passport services.

V. LAWS RELATING TO TRAFFICKING AND SMUGGLING

The laws, which are related to trafficking and smuggling of human beings in Thailand, are as follows:

A. The Prostitution Prevention and Suppression Act

The work to combat trafficking in Thailand has evolved since the late 1980's with the revision of a law: The Prostitution Prevention and Suppression Act of 1960 which had been used for 36 years.

The enactment of the revised laws began in 1996. The new laws facilitate effective actions to solve the trafficking problems.

1. The Former Prostitution Suppression Act (1960)

The former Act was enacted with the intention of outlawing all forms of prostitution, which used to be legal under license from authority before 1960. The purpose of the Act was to punish prostitutes (more severely than the procurers).

- *A prostitute arrested might be faced with imprisonment for not more than 3 to 6 months or fined 1,000 - 2,000 baht.*

In addition, she might be detained in a closed rehabilitation center for another 2 years.

(While the maximum punishment for a procurer was 3 months imprisonment and a fine not more than 1,000 baht with no rehabilitation requirement).

- *An owner of a place for prostitution might face up to a 1 year jail term.*

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2. The Prostitution Prevention and Suppression Act (1996)

The main concept of the Prostitution Prevention and Suppression Act 1996 is that prostitutes are victims of poverty, social problems and organized crime. Therefore, the Act concentrates on punishing procurers, brothel owners, pimps, customers and parents who sold their offsprings for prostitution. With this concept, the punishment for prostitution is greatly reduced. On the contrary, the punishment of the exploiters is greatly increased.

- *Prostitutes are prohibited from causing a nuisance to the public by overtly and shamelessly soliciting or imposing themselves on people.*
- *Maximum punishment is a fine not more than 1,000 baht.*
- *They are not allowed to gather in a place of prostitution and they are also barred from advertising themselves for prostitution.*

Maximum punishment is 1 month imprisonment and a fine not more than 1,000 baht with rehabilitation depending on her agreement.

- *A procurer or trafficker is punishable with imprisonment from 1 to 20 years.*
- *An owner, manager or pimp is liable to be imprisoned from 3 to 20 years.*
- *Anyone who detains another person for prostitution will be punished with 1 to 20 years, life imprisonment or the death penalty.*
- *Customers who buy sex from children under eighteen years old will be imprisoned from 1 to 6 years.*
- *Parents who sell their child to a procurer or customer for prostitution are liable to imprisonment of 4 to 20 years and their guardianship may be revoked by a court's order.*

B. The Prevention and Suppression of Trafficking in Women and Children Act (1997)

This is the specific law expected to deal with trafficking. The Act on the Trafficking of Women and Girls was enacted in 1928 and is still in use. It has been updated to be more efficient.

The Act stipulates that the conspiracy to commit an offense regarding trafficking in women and children is a crime which is to enable the undertaking of legal proceedings from the start. The aider of any offense will be punished as severely as the principal offender.

- *The penalty for traffickers is imprisonment from 1 to 20 years, life imprisonment or the death penalty.*
- *The officials have wider authority to stop and confine suspected victims for questioning that can interrupt the trafficking process.*
- *Official are authorized to search various places, not only vehicles, to facilitate the prevention, suppression and assistance to those victims.*
- *The court is empowered to take deposition of a victim's testimony soon after she is rescued from the offender.*

C. The Immigrant Act

This law has been used since 1969. According to this Act, any foreigner who does not enter into Thailand through an immigration control point, with a valid passport and visa, is considered an illegal immigrant.

- *An illegal immigrant might face an offense punishment with not more than 2 years imprisonment and a fine not exceeding 20,000 baht.*
- *An Immigration authority can prohibit any person, who is suspected of coming to sell labor, be a prostitute, traffic women, children or narcotics, from entering into Thailand.*

If these illegal immigrants are found out later on, the authority can order such persons to leave the Kingdom.

D. The Penal Code

The modern Penal Code of Thailand has been effective since 1957. Some of the laws, which are related to human trafficking problems, are as follows:

- *Rape is punishable by 4 years imprisonment if the age of consent is over fifteen years.*
- *In case the victim of rape is dead the punishment is the death penalty or life imprisonment.*
- *Anyone who procures, seduces or leads away a woman for an indecent act in order to gratify the sexual desire of another person is punishable with 1-20 years imprisonment.*

If the victim is a girl under 18, 15 or 13 the penalty is heavier depending on the age of the victim.

- *A pimp is liable to be punished with 7-20 years imprisonment.*

E. The Constitutional Law

The Constitutional law of Thailand 1997, has some articles that are relevant to trafficking and smuggling. These articles are as follows:

Article 30

Persons shall be equal under the law and shall be equally protected in the enforcement of the law.

The discrimination to any person because of the difference in his/her origin or place of birth, race, language, gender, age, physical condition or health, status of the person, economic or social status, religious beliefs, education, or political belief not contrary to the provisions in this Constitution, shall be prohibited.

The Constitution guarantees that all persons will be treated equally under the law no matter whether they are a Thai citizen or an illegal immigrant.

Article 43

Persons shall have an equal right to receive basic education for not less than 12 years, which the State has the duty to adequately and satisfactorily provide.

Article 43 provides that the State has the duty to raise the compulsory education length from the present nine years to twelve years. The long compulsory education, it is hoped, will prevent the risk groups of children from being trafficked when they are very young. It is hoped that higher education and more opportunity to get better jobs will help them.

Children of illegal immigrants also have the same right to education as well.

Article 53

Children and juveniles have the right to be protected by the State from being abused.

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Children and juveniles who do not have custodians shall be raised and provided education by the State according to the provision of laws.

Article 53 states that it is the duty of the State to protect all children and juveniles (under 18 years old) both Thai and foreigners from being abused. According to Thai law, children and Juveniles are people, less than 18 years old.

The abuse is not specified, therefore it means abuse in all forms, which includes labor, sexual, commercial gain, etc.

VI. REGIONAL CO-OPERATION

Smuggling and trafficking problems are very difficult for a country to deal with. Co-operation within the region is very important to prevent and tackle smuggling and trafficking. For Thailand, the co-operation activities within the region are as follows:

A. Thai-Lao PDR

The governments of Lao PDR and Thailand discussed the formalization migration movements for labor in 1997. Both governments have become stricter in regards to allowing children to cross the border

The Lao PDR proposed the Technical Cooperation Committee to solve the illegal migration problem in 1997. Lao laborers to Thailand, can be arranged by a formal agreement between the two countries. Children under 18 will be prohibited from working abroad except for light domestic work.

B. Thai-Yunnan

The police Department of Thailand and Yunnan developed a repatriation programme for Yunnanese women who are trafficked to be prostitutes in Thailand. Thai authorities and NGOs will inform the Chinese embassy or consulate whenever they counter trafficked victims from China. The Chinese authorities then will provide and support the repatriation, health services and reintegration of the victims into their home villages, schools, workplaces etc.

C. Vietnam-Cambodia

The department of Prevention and Control of Social Evils in Ho Chi Minn City and the Center for Protection of Children in Cambodia had a meeting to combat trafficking in women and children in 1997. Both countries discussed the conditions of Vietnamese child prostitutes in Cambodia, repatriation and other collaboration matters.

D. ASEAN countries

Association of Southeast Asia Nation (ASEAN) had a workshop on trafficking in women and children in Thailand, June 2002. The member countries of ASEAN*¹ comprise Brunei, Cambodia, Indonesia, Lao, Malaysia, Singapore, Thailand, Myanmar and Vietnam. The workshop considered and adopted an agenda concerning trafficking of women and children as follows:

- Information exchange
- Legal matters
- Law enforcement matters
- Training
- Institutional capacity-building
- Extra-regional co-operation
- Assistance to and protection of victims

¹ ASEAN <http://www.asean.or.id>

VII. ENFORCEMENT

Enforcement is one of the main problems in the suppression of trafficking and, thus, is needed to be explored. The effectiveness of law enforcement for the suppression of human trafficking in Thailand depends very much upon the active roles of the police. The reason is that, according to the Criminal Procedure Code, only the police can initiate a case. The Immigration Bureau, which has the responsibility to control all border passages, is also under the Police Department.

The law enforcement in Thailand which play a tough role in preventing trafficking and smuggling of human beings consist of:

- Immigration Police
- Police Stations
- Crime Suppression Division
- Highway Police Division

The administration of Criminal Justice in Thailand depends on the following:

- Police
- Attorneys
- Courts
- Corrections

A. Immigration Control of Thailand

The Police Department and Immigration Division are currently carrying out the following:

1. Establishing a Committee

Establishing a committee to control and solve illegal immigration. The purpose is to control the migrant labor and have more concrete ways of solving the problem.

2. Establishing Illegal Migrant Control Centers

Establishing Illegal Migrant Control Centers in order to wait for repatriation in specific areas and entrance points, making it convenient in control and repatriation. The various centers are located at:

- Mae Sai, Chiengrai
- Mae Sod, Tak
- Sangkaburi, Kanchanaburi
- Aranyapratet, Sakaew

3. Setting up Check Points

These are check points along the Thai border routes to control immigrants from foreign countries.

- Mae Sai route, Chiengrai
- Mae Sod route, Tak
- Tong Pa-Pum route, Kanchanaburi
- Aranyapratet route, Sakaew

B. The Weak Points of Police Administration

Some weak points of the Thai police administration in trafficking and smuggling problems are as follows:

1. The Limited Resources

The Police Department has limited manpower and expertise in dealing with trafficking. Such limited resources, force police to select crimes they believe should be handled first.

Police in Thailand also have a limited budget and equipment to deal with complicated cases or organized crimes. When one member of the organized crime racket is arrested, influence and money

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will be spent. On the other side, police officers are working with a lack of budget and support in the long run.

A lack of resources in the long run also causes red tape management and corruption in some areas, which are the obstacles of Criminal Justice.

- Lack of manpower
- Lack of budget and equipment
- Red tape and corruption

2. Lack of Witnesses

Trafficking is one of the crimes that are difficult to deal with. Most victims or witnesses are so vulnerable that they do not want to participate in the legal process and are not willing to give a statement or testimony. Things become more difficult when the victim is an alien woman or child who cannot speak Thai or English. Most of them want to go back home as soon as possible.

The long process of a criminal case, the lack of resources to keep the victim or witness for a long time, results in many cases going to trial without any witnesses or culminating in an unsatisfactory result.

In addition, a witness protection program is not available in Thailand yet.

3. Lack of Strong Policy

The Police Department's high-ranking officers always concentrate on, the spot-light crime, the crimes that newspapers are interested in or the Government declares as the policy, such as murder, robbery or drugs etc.

A lot of resources have been invested in order to deal with amphetamines, which are categorized in the same class as heroin, and is the first priority for the Thai Government. Other crimes are given less attention including trafficking.

The trafficking problem might seem not to be urgent. The majority of police officers still do not realize the seriousness of trafficking or smuggling and do not act continuously or properly.

Changing their attitudes requires more education or training for senior officers. Establishing a specific career path and developing expertise for police officers, working in this field can bring improvement.

- Training and education for police
- Career path and expertise

4. Lack of Co-operation

A lack of co-operation among countries regarding crime suppression is another factor. While the authority of an individual country cannot extend across the border, the organized crime syndicates are not limited.

Co-operation between authorities of sending and receiving countries is vital. Officers of each country should know what procedure they could carry out and to whom they could contact to achieve the objectives. A computerized database to collect information on trafficking in relevant countries should be installed and shared together. Teamwork among countries concerning the problems should improve the effectiveness to deal with transnational organization crime.

It is also necessary to improve co-operation among many agencies, namely the police, NGOs, the State Attorney, Department of Justice, the Interior ministry and concerned organizations in Thailand.

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Setting up a special police force in each country to support the international mission is important. The team must be alert to investigate, search for evidence or arrest criminals when a request is made from member countries.

Conclusion of co-operation problems:

- Co-operation multilaterally
- Co-operation bilaterally between sending and receiving countries
- Co-operation among organizations in the country
- Special police force for co-operation with the international mission .

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APPENDIX

The Number of Cases for Procurers or Traffickers in Women to be Prostitutes in Thailand

Year	Number of Offenders	Finished
1999	15	12
2000	26	13
2001	40	35

The Number of Illegal Immigrants Entering Thailand

Year	Number of Offenders	Finished
1998	85,641	68,907
1999	51,105	37,516
2000	29,580	22,983
2001	32,895	25,355
2002	33,898	27,547

Number of police stations in Thailand	1,446
Police officers in Thailand	212,696
Immigration police officers	3,109
Highway police officers	2,100
Population of Thailand	61,400,000