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**UNIVERSAL PERIODIC REVIEW
39TH SESSION**

**STATUS OF HUMAN RIGHTS IN THE KINGDOM OF THAILAND
FOR THE 39TH SESSION OF THE
UNIVERSAL PERIODIC REVIEW**

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Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organisation dedicated to promoting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. The purpose of this report is to discuss the status of human rights in the Kingdom of Thailand (Thailand) for the 39th Session of the Universal Periodic Review (UPR).

Background

2. Thailand is a country located in Southeast Asia, and has an estimated population of 69.9 million people¹. It is a predominately Buddhist country, with approximately 94.6% of the population identifying as Buddhist, 4.3% as Muslim, and 1% as Christian².

3. Thailand’s previous review was held on 11 May 2016³. As a result of the review, Thailand received 247 recommendations, 189 of which it supported⁴. One recommendation in particular, which was supported by Thailand, was that the government “[s]tep up efforts and legislation to combat human trafficking”⁵. Another recommendation, which was also supported by Thailand, was that the government “[t]ake all necessary legislative and enforcement measures to eradicate trafficking rings and prosecute perpetrators”⁶. Furthermore, it was recommended, again with the support of Thailand, that the government “[c]ontinue in its efforts to prevent, punish, and eradicate forced labour, labour exploitation, including the issue of trafficking in persons, particularly for women and children who are involved in cases of sex tourism and pornography”⁷.

Legal Framework

4. Under Section 28 of the Constitution of Thailand:

A person shall enjoy the right and liberty in his or her life and person.

Arrest and detention of person shall not be permitted, except by an order or a warrant issued by the Court or on other grounds as provided by law.

Search of person or any act affecting the right or liberty in life or person shall not be permitted except on the grounds as provided by law.

Torture, brutal acts or punishment by cruel or inhumane means shall not be permitted⁸.

5. Section 4 of Thailand’s Anti-Trafficking in Persons (TIP) Act defines “exploitation” as:

seeking benefits from the prostitution, production or distribution of pornographic materials, other forms of sexual exploitation, slavery, causing another person to be a beggar, forced labour or service, coerced removal of organs for the purpose of trade, or any other similar practices resulting in forced extortion, regardless of such person's consent⁹.

6. Section 6 of the TIP Act states:

Whoever, for the purpose of exploitation, does any of the following acts:

(1) procuring, buying, selling, vending, bringing from or sending to, detaining or confining, harboring, or receiving any person, by means of the threat or use of force, abduction, fraud, deception, abuse of power, or of the giving money or benefits to achieve the consent of a person having control over another person in allowing the offender to exploit the person under his control; or

(2) procuring, buying, selling, vending, bringing from or sending to, detaining or confining, harboring, or receiving a child;

is guilty of trafficking in persons¹⁰.

7. The TIP Act also establishes the procedures and mechanisms for aid and assistance to victims of human trafficking. Section 33 states:

The Ministry of Social Development and Human Security shall consider to provide assistance as appropriate to a trafficked person on food, shelter, medical treatment, physical and mental rehabilitation, education, training, legal aid, the return to the country of origin or domicile, the legal proceedings to claim compensation according to the regulations prescribed by the Minister, providing that human dignity and the difference in sex, age, nationality, race, and culture of the trafficked person shall be taken into account. . . .

The competent official, in providing assistance under paragraph one, may place the trafficked person in the care of a primary shelter provided by the law on prevention and suppression of prostitution, or a primary shelter provided by the law on child protection, or other government or private welfare centers¹¹.

8. In addition, Thailand has signed and ratified the International Covenant on Civil and Political Rights (ICCPR). Articles 7, 8, and 24 of the ICCPR address trafficking in persons, as well as forced child labour:

Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation¹².

Article 8

1. No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.
2. No one shall be held in servitude.
3. (a) No one shall be required to perform forced or compulsory labour¹³.

Article 24

Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State¹⁴.

9. Thailand is a party to the Convention on the Rights of the Child (CRC). Under Article 34 of the CRC:

State Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, State Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performance and materials¹⁵.

Human Trafficking and Sexual Exploitation in Thailand

10. The majority of trafficking victims are Thai nationals who are used for sexual exploitation domestically¹⁶. However, victims from neighboring countries, such as Cambodia, Laos, and Myanmar, also comprise a high number of the individuals trafficked into Thailand each year¹⁷. According to the Global Slavery Index, there are an estimated 610,000 human trafficking victims in Thailand today¹⁸. In 2019 alone, Thailand rescued a record high of 1,807 victims of human trafficking – up from 622 in 2018¹⁹.

11. While sex work is illegal, it is still practiced very openly within the country. It is estimated that the sex trade in Thailand is worth about \$6.4 billion a year or 3% of the country's GDP²⁰. This

massive industry is exploitive in its very nature and takes advantage of those who are desperate and further fuels human trafficking. According to the United Nations Action for Cooperation Against Trafficking in Person (UN-ACT):

The majority of victims identified within Thailand have been forced, coerced, or deceived into labour or sexual exploitation. Sex tourism continues to be a factor, fueling the supply of trafficking victims for sexual exploitation, and at the same time corruption, limiting the progress of anti-trafficking efforts²¹.

12. Children are targeted by human traffickers for use in prostitution, as well as for online pornography. According to estimates, there are approximately 30,000 to 40,000 children working as prostitutes in Thailand²². The COVID-19 pandemic has only further contributed to the exploitation of children, and has led to a massive increase in online sexual abuse of children in 2020²³. In 2020 the Internet Crimes Against Children (TICAC) taskforce was able to rescue more than 100 children from sexual abuse, recover over 150,000 files of child sexual material, and open 53 cases²⁴. As stated by the head of the TICAC, “Children aren’t going to school and criminals are taking advantage of this to look for income during unemployment”²⁵.

13. In order to effectively combat human trafficking, the police force has begun increasing training for its officers nationwide²⁶. Most of the human trafficking cases come from outside Bangkok where police have less experience dealing with human trafficking²⁷. As stated by the director of the Anti-Human Trafficking Center under the Royal Thai Police, “We have found an increase in cases in provincial areas where we couldn’t send out staff (from Bangkok) in time” and that “[o]fficers in general don’t know how to handle (trafficking cases) . . . some still can’t identify victims . . . In the past, we conducted simple training, and mistakes happened”²⁸. In order to better combat human trafficking, the government must dedicate time, resources, and training to help police better understand and identify human trafficking.

Conclusion

14. It is critical that Thailand work to put a stop to the massive sex industry. While Thailand is making strides to combat human trafficking, they must increase resources and training for police officers across the country. Additionally, Thailand must vigorously go after individuals who are exploiting vulnerable and desperate people. Furthermore, they must also prosecute individuals who pay for prostitution which is critical to drive down the demand for more sex workers. It can no longer be allowed to be a lucrative industry. Finally, the government must undertake measures to better provide for and protect children from being sexually exploited.

¹ *Thailand Population 2021 (Live)*, WORLD POPULATION REVIEW, available at <https://worldpopulationreview.com/countries/thailand-population>.

² *Thailand Religions*, INDEX MUNDI, available at <https://worldpopulationreview.com/countries/thailand-population>.

³ *Universal Periodic Review – Thailand*, UNHRC, available at <https://www.ohchr.org/EN/HRBodies/UPR/Pages/THindex.aspx>.

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- ⁴ UPR of Thailand – Second Cycle – Thematic List of Recommendations, UNHRC, *available at* http://lib.ohchr.org/HRBodies/UPR/Documents/Session25/TH/UPR25_Thailand_recommendations.docx.
- ⁵ *Id.* at A/HRC/33/16 – Para. 158.
- ⁶ *Id.*
- ⁷ *Id.*
- ⁸ *Constitution of Thailand*, § 28, *available at* https://www.constituteproject.org/constitution/Thailand_2017.pdf?lang=en
- ⁹ *Anti-Trafficking in Persons Act, B.E. 2551 (2008) sec. 4*, *available at* <https://library.siam-legal.com/thai-law/anti-trafficking-persons-act-introduction-sections-1-5/>.
- ¹⁰ *Anti-Trafficking in Persons Act, B.E. 2551 (2008) sec. 66*, *available at* <https://library.siam-legal.com/thai-law/anti-trafficking-persons-act-introduction-sections-1-5/>.
- ¹¹ *Anti-Trafficking in Persons Act, B.E. 2551 (2008) sec. 33*, *available at* <https://library.siam-legal.com/thai-law/anti-trafficking-persons-act-assistance-and-protection-of-safety-sections-33-41/>.
- ¹² International Covenant on Civil and Political Rights, Dec. 16, 1966, S. Treaty Doc. No. 95-20, 6 I.L.M. 368 (1967), 999 U.N.T.S. 171, art.7
- ¹³ *Id.* art. 8
- ¹⁴ *Id.* art. 24.
- ¹⁵ Convention on the Rights of the Child art. 34, *available at* <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>.
- ¹⁶ *Thailand*, UNITED NATIONS ACTION FOR COOPERATION AGAINST TRAFFICKING IN PERSONS, *available at* <http://un-act.org/thailand/>.
- ¹⁷ *Id.*
- ¹⁸ *Country Data Thailand*, GLOBAL SLAVERY INDEX, *available at* <https://www.globalslaveryindex.org/2018/data/country-data/thailand/>.
- ¹⁹ *Thailand Hit by Record Number of Human Trafficking Cases*, THE GUARDIAN (6 Jan. 2020), *available at* <https://www.theguardian.com/world/2020/jan/07/thailand-hit-by-record-number-of-human-trafficking-cases>.
- ²⁰ *How the Pandemic Has Upended the Lives of Thailand's Sex Workers*, NPR (3 Feb. 2021), *available at* <https://www.npr.org/sections/goatsandsoda/2021/02/03/960848011/how-the-pandemic-has-upended-the-lives-of-thailands-sex-workers>.
- ²¹ *Thailand*, UNITED NATIONS ACTION FOR COOPERATING AGAINST TRAFFICKING IN PERSONS, *available at* <http://un-act.org/thailand/>.
- ²² *ASEAN's Child Sex Trade Thriving*, THE ASEAN POST (19 Dec. 2020), *available at* <https://theaseanpost.com/article/aseans-child-sex-trade-thriving-0>.
- ²³ *Online Child Sex Abuse in Thailand Nears Record High with Coronavirus*, REUTERS (18 Jun. 2020), *available at* <https://www.reuters.com/article/us-thailand-sexcrimes-internet-trfn/online-child-sex-abuse-in-thailand-nears-record-high-with-coronavirus-idUSKBN23P33K>.
- ²⁴ *Id.*
- ²⁵ *Id.*
- ²⁶ *Thailand to Improve Police Training to Tackle Human Trafficking Nationwide*, REUTERS (29 Jul. 2020), *available at* <https://www.reuters.com/article/us-thailand-trafficking-police-trfn/thailand-to-improve-police-training-to-tackle-human-trafficking-nationwide-idUSKCN24V00P>.
- ²⁷ *Id.*
- ²⁸ *Id.*