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A Qualitative Analysis of the Judicial Aspects of Child-Sex Tourism in Thailand

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Abstract

Every year Thailand is invaded by tourists seeking the sun and white beautiful beaches. Most of them come for the inexpensive travel and lodging, good food and kind inviting people. For some of them the purpose of visit is somewhat different: every year there are people travelling to Thailand with the purpose to sexually exploit children. The world wide globalisation has contributed to a massive growth in tourism which has brought an economical growth to the country. This in turn has had some negative effects, where the poor rural areas are largely affected by inequality and the dream of a better lifestyle. Economical disadvantage, lack of education and the absence of capable guardians affect children's vulnerability and make them an easy target for child-sex tourism. I argue that potential child-sex tourists travel to Thailand due to a perception of the prevalence of easy targets affected by people in a society that is not always aware of what is happening around them as well as due to a common perception that Thailand has a weak legal system. Based on this assumption and with the theoretical basis of routine activity and rational choice I research if there is a reason to believe that the legal system is corrupt. I believe that a combination of the three elements provided routine activity as well as analysing a phenomenon through rational choice can open up to answers of why perpetrators chose Thailand as their child-sex vacation hot-spot. To address the aim of my study I conducted six semi-structured interviews with people working in Bangkok, Thailand. From these interviews I first explain the process leading to the prosecution of Swedish child-sex tourists in Thailand and, second, uncover and examine potential difficulties in this process. In the result of this study a few of the answers differ substantially from previous studies as well as some of the interviewees sharing controversial opinions. The results of the conducted interviews show three identifiable weaknesses that play a large part in the problems of the judicial process. These three are: education, bail and cooperation between authorities.

List of Contents

1. Introduction	7
2. Aim and Research Questions	8
3. Background	9
3.1 Prostitution in Thailand	9
3.2 The Perpetrators	10
3.3 The Victims	11
4. Efforts to Combat Child-Sex Tourism	12
4.1 Organisations Fighting Child-Sex Tourism.....	12
4.1.1 ECPAT	12
4.1.2 The Code of Conduct	12
4.1.3 Fight Against Child Exploitation.....	13
4.1.4 The Stockholm Agenda for Action	13
4.2 Legislation.....	13
4.2.2 Thailand	14
4.2.3 Relevant Thai Laws in Combating the Sexual Exploitation of Children	15
4.2.4 International Legal Instruments.....	15
4.2.4.1 Summary.....	17
4.2.5 Research on Effectiveness of Extraterritorial Legislation	17
5. Methodology.....	18
5.1 Material.....	18
5.2 Semi-Structured Interview.....	19
5.3 Selection	19
5.4 Conducting the Interviews	20
5.5 Analysing the Interviews	21
5.6 My Understanding of Child-Sex Tourism	21
5.7 Validity and Reliability.....	22
5.8 Limitations with Interviewing a Relative.....	23
6. Rational Choice and Routine Activity in Child-Sex Tourism.....	23
7. Result	25
7.1 The Victims.....	25
7.2 The Perpetrators	27
7.3 Preventive Measures.....	28
7.4 The Development of Child-Sex Tourism.....	28
7.5 The Judicial Process.....	29
7.6 Problems of Arrest and Prosecution of Child-Sex Tourists.....	32
7.7 Addressing the Gaps	34
8. Discussion	34
9. Conclusion	37
10. Bibliography.....	38
11. Appendix	44
11.1 Interview Guide.....	44

1. Introduction

Asia and Thailand in particular, has become a popular tourist destination over the last decade. Inexpensive travel and lodging, white sandy beaches, and kind and inviting people have led to Thailand's increase in popularity. According to numbers of international visitor arrivals Thailand received 14,464,228 international visitors in 2007 (Statistic's from Thailand's Office of tourism development. Figure excludes Thai citizens.), 383,346 of those visitors were Swedes (Statistic's from LFV Group Swedish Airports and Air Navigation Services). Over the same time period, due to development and an increase in globalisation, the exploitation of children and child-sex tourism (CST) has grown along with the tourist industry (Seabrook, J. 2000. p,8 Klain. p, 32). The internet is a major factor in the increase of child-sex tourism with websites and online advertising providing easy access to child-sex tourism information and contacts around the world (Nair. Song).

There are estimates that around 2 million children around the world are sexually abused through the child-sex industry every year; 200,000 -- 250,000 are estimated to be in Thailand (Statistic's from UNICEF). Calculations have been made claiming that around 250,000 international sex tourists visit Asia each year (Jubilee Action, 2008. p, 6), while other sources claim that Thailand itself receives 500,000 international sex tourists annually (The Factbook on Global Sexual Exploitation). One reason why statistics on the victims of child-sex tourism and the exploitation of children is inconsistent is that the sexual exploitation of children is hard to detect and laws against it are difficult to enforce (ECPAT, 2008. p, 30).

According to the UN convention on children's rights children have the right to be protected from all forms of sexual abuse, and it is the government's responsibility to ensure this right. Sweden has attempted to combat some of the CST problems with legislation that permits prosecution in Swedish courts for sexual offences committed against children while abroad, regardless of the laws in the country of visit (Ministry of Justice 2005: Ju 05.07e Fact Sheet). Globally, other efforts have been made to combat child-sex tourism. Training police officers on, for example, how to interview children, establishing harsher penalties for child-sex crimes, working with neighbouring countries to tighten border controls, and establishing legal agreements with popular child-sex tourist destinations are some of the changes that have been made (Emmons, K. 2007).

In most countries, however, most of the work being done against the exploitation of children is by different volunteer organisations and non-governmental organisations (NGOs). End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT) is one

such global network of NGOs that has played a large role in combating child trafficking (ECPAT. p, 2).

Yet, despite these efforts to prevent child-sex tourism and Swedish law, there are still many problems concerning the prosecution of Swedish sexual offenders abroad. Finding enough evidence to prosecute the offender and convincing the victim to testify can be difficult. Successful prosecution also depends upon the cooperation between the national police in Thailand, the Royal Thai Police, and the Liaison Officers posted in Bangkok on behalf of the Nordic police.

The result is that actual arrests of alleged child-sex tourists appear to be low. Some estimate that only 50 arrests were made in Asia in 2007 (Childwise. p, 7). Compared to the estimate that up to 250,000 international sex tourists visit Thailand each year, only 50 arrests indicates that there may be some difficulties with detecting and prosecuting child-sex tourists.

2. Aim and Research Questions

Using routine activity and rational choice theory I want to research whether potential offenders are drawn to Thailand because of problems with detecting and prosecuting offenders. The aim with this study is to research why the number of arrests and convictions of alleged child-sex tourists is so low.

To answer my research questions I conduct qualitative interviews with one police officer, one prosecutor, one liaison officer, a ministry official and two representatives from NGOs. From these interviews I first explain the process leading to the prosecution of Swedish child sex tourists in Thailand and, second, uncover and examine potential difficulties in this process.

My specific research questions include:

- What does a process of bringing a suspect to justice involve?
- What types of problems are there with the arrest and prosecution of child sex tourists?
- Are there any specific areas within the above noted processes that suffer from identifiable weaknesses?
- How can those weaknesses be addressed?

3. Background

3.1 Prostitution in Thailand

Prostitution by women and children is not a new phenomenon. In Asia, World War II and the Vietnam War were said to have been a seedbeds for the growth of prostitution. The wars brought a large number of foreign men into the region, producing a demand for prostitutes. (Klain, 1999. p, 36). When the soldiers of the wars started coming into Thailand, the US army created “rest and recreation” (R & R) areas where the soldiers could relax and recover in-between missions. The all-male R&R centres created a demand for female company, which many times had to be purchased (Wilson & Henley, 1994 & Klain, 1999). Thailand was encouraged by the World Bank and by aid and development organizations to focus on the tourism industry as means to develop the country and the economy (Klain, 1999. p,39). Recently, the Thai government has campaigned for their “Amazing Thailand” with some advertisement specifically mentioning the beautiful country and the beautiful women (Pusurinkham).

At the same time that tourism was expanding the demand for adult prostitution, it was also increasing the demand for child prostitution (Pusurinkham. Klain 1999). Present estimates claim that one-third of the women involved in prostitution are minors (UNICEF. p, 1). In the mid-90’s it was said that profits from the Thai-sex industry, including both prostitution by adults and children, exceeded the profit from weapons sales and were three times higher than the profits from the drug trade, two other common illegal trades (WHO, 2001. Pusurinkham. Hughes et al 1999). What is common for most child-sex tourists is to take advantage of the socio-economic inequalities between their home country and their destination country. Several studies indicate that economic inequality and factors affected by economy such as schooling are what makes children in South East Asia an easy target for child-sex tourism (UNICEF, ECPAT, WHO, Peters. Brown 2007). Not only are there economic differences between the tourists and the natives, there are also large differences in income between the inhabitants. The problems of inequality are that it brings forth problems such as children working on the street and children without their parents guidance, which leads to and availability of children which in most cases differ from the perpetrators country of origin (ECPAT 2008. p, 14).

A growing tourism industry makes the socio-economic differences, not only among the citizens of Thailand, but between citizens and tourists more apparent. This in turn affects the already vulnerable children and their families as well as the legal system which is built to protect them. The growth of tourism and the economical growth as a consequence of this have also led to an increased

desire for consumer goods: clothes, cell phones and other. This can lead to the need for money, many times leading to inhabitants from rural areas move toward the cities in search of tourism-related employment; but they instead end up in prostitution (www.DEPCD.org).

People from urban communities seek good fortune in the big cities and by showing off their good luck inspire others to do the same, which can lead to children being left unguarded as their parents go off to find well-paid work. The expansion of the tourism industry leads to a higher spending rate, not only among the tourists but also among the natives. People who depend on tourism for their living are a growing group and the need for money contributes to the opportunity for perpetrators to take advantage of vulnerable communities and socio-economic differences (Childwise. p, 11. WHO 2001. p,4).

3.2 The Perpetrators

Without a demand for child-prostitutes and without child-sex tourists, CST would not exist and would therefore also not be a problem. In this chapter the profile of a child-sex tourist is explained as well as reasons to why child-sex tourists commit this type of crime.

ECPAT has established two typologies of child sex tourists: preferential and situational perpetrators. A preferential perpetrator is an individual who has a sexual preference for children and who actively seeks out minors. Paedophiles are also what ECPAT calls a preferential perpetrator but paedophiles are distinguished by an exclusive sexual interest in pre-pubescent children (Childwise. p, 12). A situational perpetrator does not have a sexual preference for children, but is more attracted by the experimental factor and are triggered by the fact that they can take advantage of their own anonymity and the lowered risk of apprehension (ECPAT 2008. p, 12). These types of perpetrators are likely to feel safer in a foreign country and far away from the moral and social values that might restrain them in their home country (Klain, E. 1999. p, 38 & www.captive Daughters.org). It is easy to become a situational perpetrator in Thailand due to the extensive development of sex industry, where the “normal” sex industry has created the opportunity to sexually abuse children (ECPAT. p, 10). The majority of child-sex tourists, according to ECPAT, are situational perpetrators (Ibid. p, 12).

It is reported that perpetrators often do not consider their actions to be wrong and harmful. Instead, they convince themselves that the child has already been harmed by somebody else, in previous prostitution, and what they are doing is not an illegal act. They might try to justify their actions by claiming that the child needs money and food (UNICEF, 2001. p, 6). Some perpetrators may also

try to legitimise their behaviour using a cultural defence and rationalising that there is a difference in cultural and moral values in the country of visit (ECPAT, 2008. p, 14). Thus, the perpetrator is able to legitimise his actions because he is abroad.

According to a report written by ECPAT, eight percent of all Swedish men buy sex at least one time in their life (ECPAT). There is some indication that the offenders are intentionally going to areas with more lenient laws and attitudes regarding prostitution as seventy-one percent of these purchases take place abroad. This results in estimated 20,000 – 25,000 cases of sex trade abroad occurring every year. A large portion of these incidents are with children under the age of 18 years. Every fifth purchased sexual encounter is said to be with a minor, this adds up to around 4,000-5,000 cases of sexual exploitation of children by Swedes taking place around the world each year (Diesen & Diesen 2008. p, 30).

3.3 The Victims

Without the prevalence of vulnerable targets child-sex tourism would not be a problem as it is today. The children that are victimised by child-sex tourists range from preschool up to eighteen, when a child is considered an adult. They come from all parts of Thailand, but the poor rural areas of northern and north-eastern Thailand are especially vulnerable.

Widespread lack of education among Thai children plays an important role in the prevalence of potential child prostitutes. In 1996 1.2 million children in Thailand did not enter kindergarten, and 400,000 children failed to finish the first six years of schooling due to poverty (Assavanonda, A. 1996). Nine years of education is compulsory for Thai children, and efforts from the government such as scholarships have had some impact in the reduction of children in the sex industry (Emmons, K. 2007). The school environment serves to educate children and provide them with a safe environment. The lack of education contributes to children falling into the hands of sex offenders in two ways. First, education teaches children to recognise the way they deserve to be treated and that sexual intercourse between adults and children is not “normal” behaviour (Song, ECPAT, *Captive Daughters*, “Combating Child Trafficking”, UNICEF 2001, Peters, H. 2007, Baker, S. 2000, Klain, E. 1999). Second, obtaining education is also important for developing work knowledge and skills that can move children beyond the sex trade.

Drugs are another factor that can contribute to children’s vulnerability. Since the drug industry is so large, child and adult drug addiction is common. A child’s use of drugs can lead to the need for money and inevitably selling their body to receive money. Having parents addicted to drugs leads to

increased vulnerability (Baker, S. 2000. p, 18). This in turn can affect the absence of capable guardians as well as increasing the child's status as a suitable target.

4. Efforts to Combat Child-Sex Tourism

In this chapter I discuss the legal and organisational aspects of child-sex tourism. Initially I examine the organisations fighting child-sex tourism. Secondly I discuss the legislative situation in Sweden and Thailand as well as the relevant Thai laws and International legal instruments.

4.1 Organisations Fighting Child-Sex Tourism

The organisations below are all working toward raising awareness about child-sex tourism in different ways. Their importance in relations to this study is that without them the judicial problems surrounding child-sex tourism would maybe not have been surfaced and shown in the extent that it has. And therefore a lot of the preventive work and changes in legislation that has been made in Thailand would maybe not have taken place. The victims of child-sex tourism owe a lot to these organisations, as the organisations stand up and fight for their rights. There are thirteen organisations in Thailand working against the sexual exploitation of children (<http://www.humantrafficking.org/organizations/255>).

4.1.1 ECPAT

ECPAT was established in 1990 as a result of a tourism consultation in Thailand leading to an exposure of the degree of child prostitution in many Asian countries. The organisations main focus is to campaign and spread information about commercial sexual exploitation of children (ECPAT International) and their work lead to the first world congress on commercial sexual exploitation of children in Stockholm 1996. The goal is to promote and support the development of national plans of action against the exploitation of children. ECPAT monitors government work and explores preventive models as well as developing learning tools for police and advice for groups trying to make a difference (Ibid).

ECPAT also composes and disseminates annual reports to governments and non-governmental organisations concerning the status of action against commercial sexual exploitation of children in various countries. This affects government work against child-sex tourism as it helps to show where improvement has to be made, for example regarding the lack of education.

4.1.2 The Code of Conduct

ECPAT Sweden in collaboration with Scandinavian Tourism Operation and World Trade Organisation developed the Code of Conduct in 1998. The Code of Conduct is a global tool in the fight against the sexual exploitation of children and an instrument in regards to the social

responsibility of corporate agents in travel and tourism (ECPAT 2008. p, 30). In 2007 this Code of Conduct had been signed by almost 600 tour operators globally, such as hotels and travel agents, contributing to the sexual exploitation of children becoming a well-known phenomenon (www.thecode.org). This improves the awareness around this issue as well as trying to make the tourism industry take responsibility in the fight against child-sex tourism and is an invaluable tool when trying to increase the society's awareness of child-sex tourism. The code of conduct contains of six criteria that travel and tourism companies are to follow in order to provide protection to vulnerable children in tourism destinations.

4.1.3 Fight Against Child Exploitation

Fight Against Child Exploitation (http://www.un.or.th/TraffickingProject/FACE/face_home.html) was founded in 1995 as a part of ECPAT finding the need for a separate organisation to effectively monitor the legal and justice mechanism in Thailand. FACE works at both policy and action level and links with other local and international non-governmental organisations.

FACE objectives are to monitor child abuse cases through the judicial process, as well as networking with government and non-governmental organisations to coordinate towards successful arrest, prosecution and conviction of child sex offenders. FACE campaigns and works towards raising awareness through education and media as well as lobbying for improvements of legal procedures.

4.1.4 The Stockholm Agenda for Action

In Stockholm, Sweden, in 1996 participants, representing governments, NGOs and UN agencies gathered for the first world congress against Commercial Sexual Exploitation for Children. The participants represented committed to a global partnership against sexual exploitation of children. This commitment was manifested in the Stockholm Agenda for Action which today is adopted by 161 countries (ECPAT 2008. p, 31). The Stockholm Agenda for Action calls for a better cooperation between countries and international organisations, as well as protecting children from sexual exploitation and pressing for full implementation of the Convention on the Rights of the Child by all state parties. Thailand adopted the Stockholm Agenda for Action in 1996, and reaffirmed the commitment in Yokohama in 2001 (ECPAT 2006. p, 13).

4.2 Legislation

4.2.1 Sweden

In 1962, extraterritorial legislation was enacted in Sweden that made it possible to prosecute people

for offences committed abroad. While not specifically aimed at child-sex tourism, this legislation states that an individual who commits an illegal act abroad can either be prosecuted in a Swedish court or in the court of the country where the illegal act was committed. The requirement for this law to be enforced is that a Swede travelling abroad commits an act that is defined as illegal in the country they are travelling to, as well as the act having to be illegal in Sweden. Sexual offences against children are an exception to this law and can be prosecuted in Swedish courts, regardless of the laws in the country of visit (Ministry of Justice 2005).

The use of extraterritorial legislation has also been expanded due to the fact that Sweden has changed the demand for double criminality. For sexual crimes against children there is no longer a need for the criminal act to be illegal in the country where the act was committed (Ibid).

In April 2005, the sexual offence law in Sweden was broadened to define sexual intercourse as any sexual act, including non-penetrative acts. There is no requirement that the use of violence or threat is present in order for the act to be considered a crime in regards to sexual acts with children. The law has also become harsher in that the purchase of sex does not have to take place in a prostitution-like environment, such as brothels. The penalty has also been increased from 6 months to 2 years imprisonment (Ibid).

4.2.2 Thailand

Prostitution has been illegal in Thailand since the Suppression of Prostitution Act of 1960. Since then, Thailand has made some legal changes and adjustments to meet the new requirements regarding sexual exploitation of women and children. The Thai police have extended their methods to target and reach child-sex tourists. They cooperate with international authorities such as liaison officers from around the world as well as Interpol. The police have cooperated with The United Kingdom, Canada and Australia to gain expertise in investigation procedure and improve the way victims are treated (The Bangkok Post, 1998: Just who are the victims?) Thailand has adapted to the changing faces of child-sex tourism by establishing harsher penalties for child-sex tourists and working together with neighbouring countries in tightening boarder controls.

The result of Thailand ratifying the Convention on the Rights of the Child is the promotion of child rights and improvement in the selection of law enforcement. This includes education and training as preventive strategies and support for effective law enforcement. To promote effective law enforcement and counter corruption the suggestion is to raise the income of law enforcement officers as well as expanding the penalties for corruption (Assavanonda, A. 1998).

The Criminal Code (No. 23 B.E 2008) states that it is illegal to have sexual intercourse with a child who is not yet fifteen years old. The definition of sexual intercourse is wide and includes action against person's sexual organ, anus or oral cavity (Title IX Specific Offences: Section 277-280). There is also a section concerning if a perpetrator takes away, buys or dishonestly disposes of child or accepts such child for indecent purpose. The punishment in Thailand is harsh from three years to life imprisonment (Title XI Offence against Liberty and Reputation: Section 317 & 319).

4.2.3 Relevant Thai Laws in Combating the Sexual Exploitation of Children

Following laws are especially important when combating the sexual exploitation of children:

- The Entertainment Places Act of 1966
- Prevention and Suppression of Prostitution Act B.E 2539 (1996)
- Child Protection Act B.E 2546 (2003)

The Entertainment Places Act and the Prevention and Suppression of Prostitution Act have in common that they focus on the control of prostitution. The Entertainment Places Act was designed as a way for the government to increase their state profits regarding massage parlours, bars and nightclubs that opened during the "Rest and Recreation" period of the US Army stationed in Vietnam. The act made it possible for entertainment places to open and operate under government rules with a licence from the local police office (Ibid). The Prevention and Suppression of Prostitution Act controls prostitution by legally defining parents, customer, agents and sex-establishment owners as the perpetrator in cases of prostitution by minors.

The Child Protection Act (CPA) differs from the previous acts as it focuses on the protection of the child. It is a National Act to ensure the safety of all children and to protect them from abuse, exploitation and harmful behaviour. The CPA states procedures that are necessary to ensure safety and protection to all children, and ensure the way the different ministries, agencies, and organisations are to work to uphold this. The committee of the CPA is also responsible for giving advice and recommendations as well as co-coordinating with government agencies and other organisations.

4.2.4 International Legal Instruments

The Convention on the Rights of the Child (CRC) was adopted by the United Nations on the 20th of November 1989. Sweden ratified this convention in 1990 and Thailand ratified this convention in 1992.

The CRC contains 41 articles that define rights that every child should have. It also explains how the affected states are to abide by the convention and how to interpret the CRC (The Convention on the Rights of the Child: Article 2,3,6 & 12). The CRC states that every child has the same rights, children are equally valuable, that no child should be discriminated and that every child has the right to live (www.barnombudsmannen.se). The CRC protects children from sexual abuse, exploitation, prostitution and any other form of abuse or maltreatment (The Convention on the Rights of the Child: Article 34 & 35).

The Convention on the Rights of the Child addresses equality, for example the inequality in children's upbringing that might lead to vulnerability against sexual predators. Governments are obliged to respect human rights and to take all available measures to make sure that children's rights are respected, protected and fulfilled (Ibid. Article 4). It is the parent's responsibility to see that their child, depending on the age, understands their rights.

The CRC establishes that the state parties are obliged to adjust and/or change their laws so that children are covered as well as all aspects regarding childcare and their right to a decent life (Ibid. Article 4). State parties must beside providing aid for children in need see to it that the children become socially reintegrated in society and have the means to live a normal life (Ibid. Article 39).

The Optional Protocol on the CRC on the Sale of Children, Child Prostitution and Child Pornography (OPSC) includes in addition to the Convention on the Rights of the Child that state parties shall: prohibit the sale of children, child prostitution and child pornography (The Optional Protocol on the Sale of Children: Article 1). The OPSC also states that all countries involved shall: adopt, strengthen, implement and disseminate laws, administrative measures, social policies and programmes to prevent the offences referred to (Ibid. Article 9).

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children is signed by Thailand and includes in addition to the previous two a protocol to ensure the work against trafficking. The recommendation according to this protocol is that each state party should adopt legislative and other measures to ensure the criminalisation of such offences (The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children Article 9 & 10). The protocol also ensures the protection for victims against violation of their human rights.

Thailand is an origin, destination and transit country for trafficking with a lot of children coming from the neighbouring countries and is therefore seriously affected by this issue. This protocol is relevant in cases of child-sex tourism due to that it includes exploitation of women and children. The exploitation of children, forced labour or services does not have to include the use of threat and force (Ibid. Article 3) and child-sex tourism is one example of exploitation.

4.2.4.1 Summary

The Convention on the Rights of the Child, the Optional Protocol on the sale of Children, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons are all relevant in the fight against child-sex tourism. The Convention on the Rights of the Child states every child's right to a safe upbringing and also places responsibility on the parents in for instance regarding education. The Protocol to Prevent, Suppress and Punish Trafficking in Persons is relevant due to the reason that there can be cases of indirect trafficking in cases of child-sex tourism. This due to that many of the exploited children in Thailand come from the neighbouring countries. This protocol is relevant regarding the influential aspects regarding domestic laws in relation to international laws, where change and/or development in international law can toughen the laws in Thailand.

4.2.5 Research on Effectiveness of Extraterritorial Legislation

Seabrook, J. (2001), on behalf of ECPAT, studied how extraterritorial legislation works regarding the sexual exploitation of children.

This study considered 15 different cases of sex exploitation where the use of extraterritorial legislation has become necessary. The offenders were from different countries around Europe and Asia, and the victims from Cambodia, Czech Republic, The Philippines, Romania, Sri Lanka and Thailand. The research where based on case studies and interviews with lawyers. Seabrook concluded that there is a need for developing the co-operation strategies between the affected countries, government, and active non-governmental organisations (Seabrook, J. 2001).

The results where recommendations regarding that there is need for adjustments in the use of extraterritorial legislation. For example he points out the need to expand the use of extraterritorial legislation to include all crime committed abroad concerning the sexual exploitation of children as stated in the Convention on the Rights of the Child. The principle of double criminality, that extraterritorial legislation can only be used upon a crime that is illegal in both the perpetrators country of origin as well as country of visit, should be abolished. As this according to Seabrook goes against the Convention on the Rights of the Child due to that this could affect the perpetrators

choice of destination. Leading to child-sex tourists actively seeking out destinations where the children's legal protection may be weak (Ibid).

Further recommendations were made regarding which crimes should be covered by extraterritorial legislation. Seabrook recommends that all actions regarding commercial sexual exploitation of children and sexual abuse of children should go under extraterritorial legislation (Ibid).

5. Methodology

5.1 Material

The literature review conducted for this study is based on reports and studies from organisations in Thailand and around the world. The relevant organisations have been active in the area for a long time and often have access to first hand information as well as being involved in repeated studies of this phenomenon from different angles.

Research focusing plainly on child-sex tourism is *scarce* where research on the sexual exploitation of children many times evolves around the issue of trafficking in human beings that contains many more contributing factors which for this study is too large to handle as well as not being research focus. Therefore research on trafficking is not a part of this study.

The organisations, for example ECPAT and UNICEF, are widely known and respected. An aspect that is two-faced. On one hand information from these organisations is respected and well received. On the other hand this can be used in their advantage as one could claim that they only study, and publish, issues in favour of their image and organisational goal.

The literature review is extensive. The reports conduct their research using ethnological observations, interviews, secondary data, statistics as well as analysing legal effectiveness. The information brought forward is relevant for the study and is, I state, of contemporary and criminological relevance. The information is supported by different organisations claiming the same thing, or discussing otherwise. The aspects of child-sex tourism are also discussed in a variety of articles, some published in a respected and in the area well-known newspaper, the Bangkok Post.

The reason to why I chose to conduct my literature review on mainly organisational reports and not scientific material is due to that I believe organisational reports to be in the target line. Child-sex tourism is an ever-changing topic and the challenges and reflections around tackling the phenomenon demand updated situation reports. Scientific research having other demands and

criteria, the numbers of interviews conducted for a qualitative report for instance. Therefore I argue that organisational reports, though not always defined as scientific, should not be dismissed. They have, excluded contributing to the background for this report, formed basis for legislative procedures as well as affected police work all around the world.

5.2 Semi-Structured Interview

I have chosen a qualitative method as this I believe will give me the broad and reflective answers I need for my analysis. Qualitative interviews are best for these questions because I am trying to analyse whether there is a corrupt process; one that does not function in the ways that would be clearly interpretable through statistical information. Interviews can be defined as a conversation where the researcher tries to understand the person she is talking to. What distinguishes a conversation from an interview is the level of structure and that the participants in an interview situation often have socially defined roles. An interview, unlike a normal conversation, is often structured around a subject or an area of interest. (Aspers, P. 2007, p, 133 ff.)

A semi-structured interview is flexible because it allows the researcher to vary the order in which the questions are asked as well as providing the opportunity to ask supplementary questions (Bryman, A, 2007. p, 300 ff.). The method's flexibility allows for large variation of the context of the interviews, which in turn can reinforce the subjectivity of the answers (Backman, J. 2009. p, 54). Semi-structured interviews also allow the interviewee to move towards what he or she regards as important or worthy of an answer (Bryman, A. 2007. p, 300). An interview guide for a semi-structured interview does not have to contain specific questions, but can evolve around a short list of areas that are to be covered during the interview (Ibid. p, 304)

I addressed four themes in the interviews: the victims, the perpetrators, the offence, and the legal process. I had specific questions covering each theme, based on my research aim and questions (See appendix 11.1). I pre-formulated these questions to avoid leading questions, or questions that would be hard to understand or relate to (Kvale, S. & Brinkman, S. 2009. p, 182f). The interviews were conducted in English, which is the second language for both me and the interviewee's, and an audio recording was made.

5.3 Selection

To address these themes I conducted six semi-structured interviews with people working in Bangkok, Thailand. The interview participants are all experts in their field. They have all actively worked with child-sex tourism and/or the sexual abuse of children for several years and have all contributed valuable information to the field. I contacted participants via the Swedish Embassy in

Bangkok, and I chose the interview participants based on a short introduction of each person. The introduction contained information about the interviewees work position and how the interviewee could be relevant for my study.

After the selection of the interview participant I booked time and place for the interviews by a telephone conversation with each participant. Each interview took place in the participant's office in various locations in Bangkok. Before the interviews participants were informed that an audio recording was being made, and they were allowed to refuse recording. Each interview began with information about the aim of the study as well as my background, per Swedish Research Councils ethics principals (Vetenskapsrådet: Forskningsetiska principer). Each participant was informed that they could be anonymous if they so wished.

The following people were interviewed:

Annethe Ahlenius (AA) - Detective Superintendent working for the Nordic Police and Customs Cooperation, assigned to work against serious transnational crime in Thailand, Laos, Cambodia, Vietnam and the Philippines. Included in transnational crime is the sexual exploitation of children.

Apichat Suriboonya (AS) - Police colonel who has served the Royal Thai Police for 22 years. Suriboonya has for the past 8 years worked for Interpol Bangkok where he is the Deputy Commander for foreign affairs. He is also the manager of the tri-national crime coordination centre of the Royal Thai Police in charge of intelligence and information sharing in regards to tri-national crime in Thailand.

Kannika Ratanamanee (KR) - The director of the division of child protection at the office of Welfare Promotion, Protection and Empowerment of Vulnerable Groups, which is part of the Ministry of Social Development and Human Security.

Ratchida Tomchinda (RT) - Works at the Pattya Orphanage and is also the director of the Child Protection and Development Centre.

Sudarat Sereewat (SS) - The general secretary of FACE.

Wanchai Roujanavong (WR) - The chairman of FACE. He has been a prosecutor for 27 years and is currently the Director-General of the Probation Department, Ministry of Justice.

5.4 Conducting the Interviews

Each interview took around an hour and took place in Bangkok in December 2009. During the interview I define the topic and the questions to be answered as well as guiding the interview in the right direction. I embrace a social-constructivist approach where reality is seen as something subjective and created in human interaction. Reality is constructed and re-constructed dependent on

the social actors taking part (Bryman, A. 2007. p, 31-32). My subjective approach affects the interviews and analysis as I believe that interpretation is dependant on the cultural context (Sohlberg, P. & Sohlberg, B-M. 2007. p, 92).

In an interview there is a power aspect which can be seen as asymmetrical. The questions and the purpose of the interview is defined by me but the interviewee holds the power over which answers to share and how (Kvale, S. & Brinkman, S. 2009. p, 49).

When meeting with the participant's I experienced that they despite their superior position in relation to me, were anxious in seeing to that the outcome of the interview would be as good as possible. I also experienced them to be very humble in their approach. By that I mean that even though they have all been active in the area for several years they were cautious about the way they expressed their answers. This can be referred to the power aspect of an interview.

5.5 Analysing the Interviews

The interviews were recorded and transcribed in whole. The transcriptions were printed and I started off by reading through them several times. Firstly I observed the similarities and disparities through the material. Secondly I compared the answers using the themes from my interview guide. With a critical approach, with my research questions in mind I then analysed the material in order to compile the results. (Ibid. p, 252ff)

The interviewee's quotations are reproduced in written language, due to that the linguistic aspects of the interviews not are important as well as written language contributing to an easier understanding of the context (Ibid. p, 301).

I chose to present the results as a running discussion, showing how the interview participants relate to each other in their answers. In the results section I present the information brought forward in the interviews by using my interview guide. In the discussion I highlight what I see as the most important aspects brought forward from the interviews and I discuss the answers to my research questions.

5.6 My Understanding of Child-Sex Tourism

I was born in Bangkok and have lived periods of my life there and also travelled a lot around Thailand and in Asia. This has affected my study positively due to that I have an understanding of

the country and the culture which is important in the interview situation. This contributes to an easier understanding of cultural aspects as body language and linguistics (Ibid. p, 160).

Spending time in Asia has contributed to me having seen adult prostitutes and sex-tourists both in Bangkok and on vacation hot-spots. This together with my mother's profession is what at an early stage influenced me in realising the severity of this issue and the importance of raising awareness around child-sex tourism. My pre-understanding of the topic has also been affected by observing the perseverance and hard-work in the fight against child-sex tourism.

5.7 Validity and Reliability

Validity concerns whether I have studied what I aimed to study. Have I asked the necessary questions and are qualitative interviews the suitable method. I believe I have reached my research aim and that some of the results can be reconnected to previous studies strengthen the validity of the results. The validity of the study is also strengthened by parts of the transcriptions of the interviews in the results. (Ibid. p, 264)

One issue of validity is to question the interviewee's answers. The answers received in an interview are based on the interviewees own perception on how the world is constructed and can therefore be seen as faulty (Ibid. p, 270). One might consider the interview participants answers as biased due to that they might have an intention of protecting their field. But considering that the interview participant's answers in many of the questions are pretty similar I do consider the information as reliable.

Reliability is dependant on the interpretations I make as a researcher. The reliability is adjustable in the sense that the conclusions I draw depend on my perception of the world and my surroundings (Bryman, A. 2007. p, 257). This in turn depends on my understanding of the topic that I would say have been largely affected by media presentation. Child-sex tourism is a topic where information is very one-sided, seeing that the information put forward is coming from either media or governmental organisations or non-governmental organisations often working toward the same goal.

This study is a qualitative analysis and affected by my subjective interpretations and is therefore somewhat hard to replicate (Ibid. p, 257). It is also hard to generalise the results as the researched area is limited. The result depends on the interviewee's and the location where the study was conducted and can therefore by my opinion not be generalised. Qualitative research comes with

another dimension that can be hard to reach with quantitative material. The result is more reflective and can give deeper answers and a broader discussion.

5.8 Limitations with Interviewing a Relative

Interviewing my mother was an intentional choice based on her level of experience and expertise which I believe is a huge contribution to my study. Her role also becomes inevitable since, at this time, being the link between the Swedish police and Law Enforcement agencies and organisations combating Child Sex Tourism in Thailand. My relation to my mother have affected my choice of topic where I maybe more than others feel the importance of this issue.

Having a close relation to an interviewee can open up to a deeper interview situation and can lead to wider perspectives being shared due to the advantage of knowing each other and therefore experiencing a more relaxed interview situation. When contacting the other interview participants I have probably saved some time by, thanks to my mother, interviewing the right people from the beginning.

A negative aspect's is that my mother could feel responsible of the outcome of the results which may affect her answers. There is also the question whether she can be seen as objective in her reasoning which could affect the reliability of the study. Another aspect is that my relation could be seen as affecting the choice of questions for my interview guide. Where I, one could argue, could have asked questions especially important for my mother. I have asked the same questions for all interviewees, and in the results section is presented their answers strengthened by quotations. Which I believe speaks for the validity of the study.

Summarising this I argue that having my mother as active in the field contributes to me being aware that reality is not black and white. Even the positive legislative aspects have to be questioned.

6. Rational Choice and Routine Activity in Child-Sex Tourism

Based on the theory of routine activity, society's regular functioning creates the circumstances in which a crime can be committed (Sarnecki, J. 2003. p, 222). Routine activity argues that three elements are required for a crime to occur. They are: (1) the presence of a likely and motivated offender, (2) a suitable target, and (3) the absence of a capable guardian against (Clarke, R. & Felson, M. 2004. p, 3).

Child sex tourists travel to Asia and Thailand due to a common expectation that the risk of arrest is low. There is reluctance among the poor to report crime, due to a view of the laws being inadequate and the legal system corrupt. This in turn reinforces the picture that the perpetrators often have of Thailand and its legal system (ECPAT. Song. Klain). There is also an illusion among westerners that Thai women and children are passive, submissive and exotic making them a target that is easy to lure, which establishes the picture of the children as suitable targets (Klain, E. 1999. & www.captivedaughters.org).

The presence of a likely and motivated perpetrator I argue is affected by the child-sex tourist's economical status when travelling to Thailand. Money opens up to the opportunity of exploiting children in hidden arenas, as well as giving the perpetrator a chance to create a favourable appearance. Since there will always be rich Thai citizens money can not be seen as a sole reason to perpetrators choosing Thailand. What I argue is that money is an issue that opens up to the opportunity but does it is not something that creates a child-sex tourist.

The victims of child-sex tourism, the children, can also be seen as easy targets due to their vulnerability in the society they live in. The children's vulnerability is not the sole reason for them being suitable targets, but their vulnerability is reinforced by the outspread absence of capable guardians against crime. Capable guardians is firstly the child's parents and secondly the society around them. Due to that the most likely persons to prevent crime except for parents are: policemen, neighbours, friends and relatives (Williams, F. & McShane, M. 1998. p, 313-314).

The absence of capable guardians regarding the affected children in Thailand is largely due to poverty. Poverty in Thailand has contributed to family breakdown and a breakdown of the community safety net, which leads to children spending their days on the street in lack of other suitable environments. Children lacking from capable guardian's increases their status as suitable targets, as children who spend their days on the street become more available victims (Colasti, C).

I argue that the absence of capable guardians which leads to the access to vulnerable victims draws potential perpetrators to Thailand who in their home country would not likely have the opportunity to commit such crimes. The routine activity argues that only one element is required for a perpetrator to contemplate criminal activity but without a likely perpetrator crime would not occur.

By adding a rational choice perspective the issues of child-sex tourists become more apparent. A likely perpetrator according to the rational choice theory considers all options before committing a

crime by taking into account the pros and cons. The perpetrator must also take in and analyse the surroundings and circumstances of the potential crime (Pierre Tremblay in: Clarke and Felson, 2004. p, 17f).

Using routine activity I argue that potential child-sex tourists travel to Thailand due to a perception of the prevalence of easy targets affected by people in a society that is not always aware of what is happening around them. I believe that a combination of the three elements provided in analysing a phenomenon through rational choice can open up to answers of why perpetrators chose Thailand as their child-sex vacation hot-spot.

By travelling to Thailand child-sex tourists exploits the elements of routine activity and actively seek out locations where they can exploit children with a low risk of being detected. The perpetrators therefore makes a rational choice when, after assessing the status of the intended victim and capable guardians, coming to Thailand as a child-sex tourist.

In line with routine activity there will always be a motivated perpetrator present. The reason to as child-sex tourists exist in the extent that they do as opposed to Thai perpetrators who are exposed to the same elements are the foreign perpetrators assumption of their ability to exploit the assumed gaps in the legal system.

The prevalence of easy targets and lack of capable guardians exists in other countries than Thailand. I argue that with the combined elements of routine activity and the assumption of a weak legal system is what makes child-sex tourists travel to Thailand.

7. Result

7.1 The Victims

Economical disadvantage, low education and lack of parental supervision are all factors made aware by the literature review and reinforced by the interviewees. But there are also factors not mentioned by previous studies. Education is not only raised as a preventive measure of keeping the children of the streets but as means to strengthen the children's position in society. **AA: "It is difficult to claim your rights if you don't know that you have any."**

Education of both children and communities is raised as a main key in fighting sexual abuse of children and raising awareness about child-sex tourism. Suriboonya and Ahlenius both mention education as an important factor. In Suriboonya's experience there are still areas in Thailand where education is unable to reach out and common knowledge is past down by older generations but

Suriboonya looks optimistic on the future. **AS: “The world is changing. The Thai education system is improving and constantly manages to reach out further to the communities in the far north.”**

Ahlenius stands her ground on the importance of education and consciousness-raising among parents and society to make them aware of the severity of sexual abuse. **AA: “But even then, we’ll never be able to solve this problem. If people don’t have money to make it through the day there will always be people selling their children to earn some money.”**

Sereewat looks seriously upon the sexual abuse of children of children in Thailand and views child-sex tourism as a global problem. Sereewat explains that internet related technology has enabled perpetrators to take advantage of children in several ways. **SS: “Street children are one of the most vulnerable groups and they are many times not aware of what is being done to them. They are often groomed during a long time preceding the abuse where the child receives food, videogames, clothes and money. They don’t get a lot of money, but even a little money is a lot if you don’t have any money”.**

Further on, Ahlenius discusses around the possibility that some parents are not aware of what their children do when they are out on the streets making a living, or simply the parents do not want to know. Sereewat disagrees with Ahlenius. **SS: ”Now we have a new phenomenon with parents that are aware that their children are being used by foreigners.”** This can be an indication on that the raised attention around this issue have had some effect.

Tomchinda and Roujanavong states that urbanisation of the society is a strong contributing factor to the eruption of traditional families which leads to an increase of vulnerable children. This has led to an increased divorce rate and the disappearance of the extended family. The breakup of traditional family values has according to Roujanavong not developed in the same pace as community and social welfare. **WR: “The trend of divorce is rising. That is not the real problem but the real problem happens when the parents find new partners and conflict arise in the family. This can lead to that the children run away and street children are easy targets. If the parents dedicate themselves to their children the children will not feel the pressure of having to run away.”**

When talking about the victims of child-sex tourism it is important according to Suriboonya to highlight the differences between them. **AS: “There are both domestic and foreign victims, it is**

important to see the difference because there is difference in the assistance provided. The domestic victims mainly origin from the very poor parts of northern and north-eastern parts of Thailand consisting mainly of hill-tribes and farmers. The foreign victims are a large problem in Thailand because of the long stretch of boarder line between Thailand, Laos, Cambodia and Myanmar. For example the boarder line between Thailand and Myanmar is 2,000 km. This leads to a problem of many Burmese and Cambodians residing in Thailand illegally and becoming easy targets to exploitation. Many of the victims are trafficked into the country with promises of work and a better life but are then forced to pay of ‘debts’ by selling their bodies.”

The problem with both domestic and foreign victims in this aspect is according to Suriboonya their lack of identification. This becomes a problem when assessing what kind of assistance they need. By knowing where the child belongs there lays a chance to help the child financially, place them in shelters and reintegrate them into society. **AS: “This is hard if you don’t know where they come from. What will happen to the children when they are let out into society again?”**

7.2 The Perpetrators

The opinion of the interviewees’ supports a lot of the information brought forward by the literature review: the perpetrators are mainly westerners from countries with higher standard of living than Thailand.

An interesting result is that both Ahlenius and Roujanavong give answers in stark contrast to ECPAT’s standpoint. Ahlenius and Roujanavong are both of the assumption that most child-sex tourists are preferential perpetrators, paedophiles. **AA: “They (the perpetrators) often believe that they can sexually abuse children without being detected. I believe that the majority of perpetrators that come here to sexually abuse pre-pubescent children planned it before travelling.”**

WR agrees: “When talking about Child-sex tourists we find that it is mostly regarding paedophilia. They organise themselves- sometimes they come as individuals- but mostly they have connections and share information among themselves through internet.”

Suriboonya agrees on the idea that the perpetrators are organised to some extent. **AS: “Yes it is organised. But not organised like transnational organised crime with drugs, more organised in a small way, like brothels.”**

7.3 Preventive Measures

Sereewat shares The Development Programme for Daughters and Communities as an example on a preventive measure that gives results. **SS: “If they receive the chance to study after year 6 they often do not end up in prostitution. But when they are eighteen there is no longer anything we can do.”**

Tomchinda explains about the mobile units introduced in Pattya to tackle such problems that Ahlenius discusses. The mobile units will be introduced in 2010 and equipped with informational DVDs, their aim being to educate parents and children about the severity of sexual perpetrators and child-sex tourism. **RT: “We try to be there and let them see how serious it is being abused or exploited by paedophiles in order to leave a picture in their (the parents) minds that stick.”**

Regardless of preventive measures there will always be areas that are hard to reach. Tomchinda point out that street children are particularly hard to help. They are used to earning money and used to the life on the street. **RT: “We have people working on the street that have been there for decades working up a trusting relationship with the children. Those children are a great source to us; they are the ones that whisper in our ears. They tell us about the newcomers or about parents or gangsters who are using children.”**

In all 26 provinces in Thailand there are centres for children regarding prevention and protection from trafficking and sexual abuse. There are also centres that provide training for governmental organisations and non-governmental organisations on how to implement the Convention on the Rights of the Child as well as understanding relevant Thai legislation. **KR: “We have to make everybody realise the importance of children and their rights.”**

7.4 The Development of Child-Sex Tourism

Suriboonya reflects around child-sex tourism today being more complex and sophisticated making it difficult to investigate. **AS: “They (the perpetrators) exploit the gap in the law, for instance between Thailand and Cambodia, regarding the domestic laws. For instance they commit a crime in Thailand and then run away to Cambodia.”**

These issues, Suriboonya continues, leads to law enforcement mechanisms sometimes becoming a huge problem, when law enforcement procedures adjust and develops to slow. **AS: “With sophisticated I mean they take advantage of technology, computers. And the problem is we**

(the police) are often not up to date, especially on local level. When you think about criminals and police and technology, how do you see us? We are always one step behind. But this is an achievement, we used to be a lot further behind but we have adjusted our methods.”

Roujanavong states that child-sex tourism used to be a phenomenon relatively unknown to the public, but thanks to media and campaigns by governmental organisations and non-governmental organisations attention has been raised regarding child-sex tourism. The raised awareness concerning child-sex tourism has in turn, according to Roujanavong, made the perpetrators change their methods in the sense that many of them now exploit the easy access to rental properties. **WR: “The perpetrators are very careful, they used to stay at hotels but now they rent property. They are now aware of that the police can come in at anytime due to it (hotel rooms) being public property. An apartment is private and the police would then need a search warrant.”**

Ahlenius points out that child-sex tourism used to be a visible phenomenon where perpetrators contacted children in public. The arrests made by the Thai police may have had a deterrent effect leading to, as Roujanavong stated, the perpetrators changing their arenas. Globalisation and tourism are important factors regarding child-sex tourism. **AA: “It’s very easy to travel around Thailand and the region at large leading to not only ‘good’ tourists travelling to the region. It’s a disadvantage, but of course we cannot and should not prevent the tourism since it contributes with a lot of legitimate work.”**

In difference from previous interviewees, Tomchinda shares a somewhat controversial opinion regarding the development of child-sex tourism. **RT: “Now we see men coming to Thailand and marry Thai women to get to their children. But this is something new and something we observe cautiously.”**

Tomchinda also see the backside of this as it leads to difficulties when interviewing victims of child-sex tourism. **RT explains: “The mothers usually try to convince the child not to talk about this. So when the mothers come with their child we have to separate them in order to get different stories.”**

7.5 The Judicial Process

Apichat Suriboonya points to great changes and development: **“The Thai police are restructuring and we now have a new division for crime against women and children. The police have also**

received training courses from police officers from The UK and Australia in investigational management when investigating exploitation of children.”

The laws are catching up as well pointing at the relatively new Anti-Trafficking in Persons Act including crime against children. **AS: “Before that we used existing laws...The problem has been with the definition of human trafficking and crime against children. But now we have specific laws and a specific unit.”**

The Thai police use an information hotline which provides with information from the whole country. The departments around the country use a network called the Transnational Crime Coordination Centre, TCCC. This came 2006 and was fully developed 2009. The TCCC is active 24/7 and is according to Suriboonya an invaluable communications tool. **AS: “The TCCC is connected to Interpol, it gives us the opportunity to observe criminality in a larger perspective, such as descriptions of networks. Information passed on from the TCCC I think leads to a more coordinated work between officers around the country.”**

AS: “We have also developed child friendly procedures, such as psychologists and social workers present when interviewing children. Videotaping of interviews as basis for trial and screening is also relatively new.”

In spite of child friendly procedures making the children feel safe enough to speak about their experience is a process that can take long time. During investigation children are put in temporary shelters where they can receive education, and if necessary witness protection. But there are still problems to tackle Suriboonya expresses: **“We have a lot of responsibilities in our society but there are not enough police officers. In theory you can request witness protection but in practice it is hard.”**

Ratanamanee is the only one of the interviewees who expresses that in spite of the legal training that the police officers receives, they are many times the ones doing wrong in the process. **KR: “They have the tools, but the reality is different...They don’t always know what to do.”**

The Nordic Liaison office cooperates with the Thai police and non-governmental organisations such as FACE. The office receives information from police, non-governmental organisations and the public which is conveyed to the affected country, this depending on where the perpetrator origins.

AA: “We work on assignment and do not conduct any investigations on our own. We don’t have any jurisdiction regarding arrests and interrogations of perpetrators, so we depend on the cooperation with the Thai police. Our main task is to supply with information and mediate between the authorities. Regarding sexual crimes against children, even though the liaison office is not an investigative unit, the cooperation between the authorities is quite extensive. We cooperate on developing effective methods to identify child-sex perpetrators and obtain evidence in order to conduct investigations in Thailand. The Thai police are in control of all the operative measures and we (the Liaison Office) can’t influence them in their decision making. We can however work towards an effective information-sharing process and we believe that all information is or can become valuable.”

Ahlenius points out that information-sharing works in both ways, where information from the Thai police can be invaluable in a pending case in Sweden.

FACE has a more informal role in the process of investigating child-sex tourism. People working at the shelter in Pattya communicate with street children and children within the shelter to get information about abused children. This in turn enables them to perform undercover investigations like taking pictures of suspected perpetrators and observing locations of interest. Information from the shelter is then passed on to Sereewat who has a lot of connections with Thai and International police as well as prosecutors.

Sereewat and Roujanavong monitor and closely follow cases of sexual exploitation of children in order to see to it that the case is not abused in anyway. **SS explains: “We have to monitor, follow up closely, so that we can see that no one abuses the case and that no one lets the perpetrator go.”**

The Centre for the Protection of Children’s Rights Foundation (CDCP) is a non-governmental organisation and does not have any authority to arrest but functions as a source for the police. CDCP has a network of children that work on the street from which they receive information about potential perpetrators as well as continuously networking with other non-governmental organisations, Interpol and liaison officers from around the world. Tomchinda at the CDCP explains the benefits of networking: **RT: “Once the suspects step into our area of interest we keep in touch and keep everybody informed. If for instance they come in from Cambodia to Pattya (Thailand) we are already in the loop because we’re in contact with a non-governmental organisation in Cambodia that gives us the necessary information.”**

7.6 Problems of Arrest and Prosecution of Child-Sex Tourists

Money is a problem in the process of arresting and prosecuting child-sex tourists that works in two ways. Ahlenius and Roujanavong discuss the problems with money concerning bail, which by Thai law is a legal right. According to Ahlenius suggestions have been made in regards to the bail sum because of the impact of a bail sum being very different depending on the perpetrator. The bail is often very hard for a Thai perpetrator to pay, but may not be as hard for “rich” westerners.

SS explains: “Some are rich. They pay bail and escape. If they escape their origin country must stand by ready to take over.”

Roujanavong develops this argument. **WR: “With domestic offenders they usually don’t have anywhere to go. They will stay in Thailand and they will come to trial. For the foreigners most of them jump bail and escape the country.”**

Money also plays an important part when discussing the victims. Sereewat discusses the issue of making the children come to court and testify. Regarding hill tribe children many of them neither have the money or the option to travel. There is also the issue of children and/or their parents being paid of by perpetrators in order to change their testimony or withdraw their accusation.

SS: “So we started with videotaping, but to secure what is being said somebody else but the child and police officer must be present, a social worker for instance. So we let the police talk with a social worker and then the social worker holds the interview to make it easier for the child.”

Tomchinda supports Sereewats opinion. **RT: “Often they (the perpetrators) are bailed out because they have a lot of money. Or they go to the child or parents and bribe them and ask them to change their story. It is very hard for us because we are just the ones that guide the children. We can’t tell them to go to court and witness because we can’t offer them anything.”**

Regardless of money being involved, having a child testify in these matters is difficult. Many times the children do not say anything which leads to that nothing can be done. **AS: “You can’t prosecute master minds, traffickers or smugglers if the child won’t or can’t testify against them. We try to convince them (the children) and make them feel comfortable in telling us their story.”**

Ahlenius agrees with Suriboonya. **AA: “The victims are many times our only source, and their stories are invaluable for us.”**

Regarding cases of child-sex tourists Suriboonya states that one big problem, affected by the problems of bail, is that the perpetrator escapes to another country before arrest or that the victims remains unknown. When a foreign perpetrator is arrested the police seize their passport and the court will order the perpetrator not to leave the country. The problem is, Roujanavong explains, that it is easy for the perpetrator to receive a new passport due to that the embassies are obliged by law to issue a new passport.

WR: “The system to alert immigration takes time. If they escape in the first three days the court will not have enough time to alert immigration. But when we do have cases that go to trial, and if found guilty, the punishment is harsh. From five to thirty years.”

When discussing difficulties in the judicial process language is mentioned as an extensive problem that works two ways. According to Thai law the officers has a responsibility to make the perpetrators understand their rights, issues regarding bail and so on. The language barrier can lead to both officers and perpetrators feeling insecure and for a foreign perpetrator it can be hard to understand what is going on. It also becomes a problem when interviewing the perpetrator as well as foreign victims.

Suriboonya paints a clear picture on why language is a barrier. **AS: “In Thailand we have 63 million people and 210 000 police officers. Approximately 1 % of these (officers) speak English...Our legal system is very different and it is hard for the foreigner to understand how this system is built up. And many (perpetrators) have the idea that they can come to Thailand and do anything.”**

Ahlenius also states that many problems are due to lack of information and awareness. Some groups work intensively making police procedure more effective as well as tackling the awareness issue with the public. Ahlenius opinion is that it is important to work on local level, where education and information is crucial for both police officers and public when trying to grasp what is happening around them.

AA: “Many still see the issue as too complicated, and if you don’t have any training it is easy to avoid doing something about it. And if you haven’t done anything about it you also haven’t done anything wrong.”

7.7 Addressing the Gaps

The Thai police cooperation with foreign authorities and non-governmental organisations is a key role in the fight against child-sex tourism. Both Suriboonya and Roujanavong note the importance in developing child-protective measures in order to secure more convictions. They see a good progress in the child-sexual abuse laws and child-friendly legal procedure.

Regarding the issue of bail Ahlenius continues on establishing the importance of information-sharing. If a judge is able to receive information about perpetrators earlier convictions, income and background there might be information pointing toward a person fleeing the country when opportunity is presented and the bail sum may be set higher.

AA: “Communication between prosecutor and immigration should be able to run faster so that they can black-list necessary persons when reaching passport control.”

The problem now lies in how to prevent them from escaping and this is where the government has to play a more active role. Sereewat who monitors a lot of cases regarding child-sex tourism explains that if a perpetrator escapes the origin country must be on standby ready to take over, as well as the need of blacklisting convicted perpetrators. However, this is not the only solution that will stop child sex offenders. Unfortunately, this might just mean that the problem of child-sex tourism will move not disappear.

AA: “Many of the people who travel to Thailand do not see the possibility of them getting arrested. They have a perception of that it doesn’t happen here, that you can bribe your way out of prison or bribe your way to a less severe penalty. Or that you can bail your way out and travel back home where trial won’t take place. Whenever they (the perpetrators) learn that the penalty is severe they will move to easier places.”

8. Discussion

The results of the conducted interviews show three identifiable weaknesses that play a large in the problems of the judicial process. These three are: education, bail and cooperation between authorities.

Education is said to be a crucial tool in the fight against child-sex tourism and a specific weakness that needs to be addressed. Previous studies (Example: Unicef 2001: Profiting from abuse. Peters 2007: Sex, sun and heritage) mention education as a tool to prevent children from falling victims of child-sex tourism. The result of the interviews presents education as an important tool in the battle against child-sex tourism in two ways: educating the community and educating law enforcement. By addressing the issue of education, information awareness being one of these issues, a whole lot of change can be expected:

-Educating children will provide guidance and reduce victimisation due to child-sex tourism. The Thai non-governmental organisation Development and Education Programme for Daughters and Communities (www.DEPCD.org), established in 1989, and the Centre for the Protection of Children's Rights Foundation (www.thaichildrights.org) is a Thai non-governmental organisation established in 1981 are two examples of organisations working towards children's higher education. They support children through primary school and secondary school as well as providing shelter for children in need. The Center for the Protection of Children's Rights Foundation engages in lobbying relevant government organisations for appropriate child protection measures. By cooperating with public and private practices they aim to provide advice for development in laws and child protective processes.

-Educating parents and the community as a whole will raise the awareness around child-sex tourism. This is being done today but there is clearly a need to continue this work and develop it further, tending to the changes in the child-sex industry noted in the previous chapter.

-The most important aspect of education in this study is the issue of education and training for law enforcement. The legal training that the police officers receive through International cooperation may be a good tool and a big step forward. Legal training on national and local level can promote a quicker cooperation with international authorities when needed. On local level there is also an apparent need for education in English, which despite all is an international language. With 1 % of the Thai police force speaking English the picture is clear. The police officers have to understand the perpetrator in order to conduct an investigation.

The issue of bail is a specific area within the judicial process that suffers from identifiable weakness where the perpetrators constitutional right to bail seems to be the biggest contributing factor to the low number of convicted perpetrators. Perpetrators perceptions of an inadequate legal system will only be reinforced by the knowledge that tourists can come to Thailand, sexually abuse children, get

arrested and then pay bail and travel home. At the moment competent Authorities in Thailand are looking into this matter, to find out whether enhanced cooperation between different actors or new routines and/or praxis could be a way to go.

Communication between immigration and court needs to run faster in order to secure that perpetrators with potential flight risk are black-listed making it more difficult for them to leave the country. Police officers in Thailand also have a responsibility to be active in their contact with foreign authorities so that the use of extraterritorial legislation can become more effective. When a perpetrator leaves Thailand it has to become the perpetrators country of origin's responsibility to continue with the investigation if necessary.

Regarding the development of child-sex tourism Ahlenius discusses that the parents of the victims are often not aware of what is happening to their children. An opinion I can seem to agree with based on thinking: Who would want this to happen to their own child? Sereewat on the other hand claims that more and more parents *are* aware of their children being sexually abused by tourists. The grooming process surrounding this issue, as well as the child contributing financially to their family might be a reason to why parents are aware but choose not to see what is happening to their children. In line with the Convention on the Rights of the Child (The Convention on the Rights of the Child: Participation Rights. Article 4) parents have the most important role in the upbringing of their children including teaching children their legal rights. As Ahlenius discusses it is hard for children to know that what is being done to them is wrong if you are not aware of your legal rights.

Tomchinda shares what I view as a somewhat controversial opinion regarding child-sex tourism, which is that child-sex tourists are marrying Thai women in order to take advantage of their children, which opens up to a whole new problem. This could lead to the development of further problems where child-sex tourism would no longer be the issue but could eventually lead to long term abuse.

The eruption of traditional families and urbanisation of society as Tomchinda and Roujanavong discussed also plays a part in the children being victimised. The eruption of traditional families may lead to the parents having to tighten their economy even more, meaning an extra income being well received as well as affecting the child's limited chances to solid education. Education also plays a part in situations like these, where by educating the parents will raise awareness around the importance of communication and family bonds.

9. Conclusion

The aim with this study was to research what factors are behind the reason to why arrests and convictions of child-sex tourists is so low. Using routine activity and rational choice I argue that potential perpetrators travel to Thailand due to the prevalence of easy targets, the lack of capable guardians and their perception of that they will not be detected.

I believe that changing the bail system and improving the law enforcements knowledge of English may contribute to a higher conviction rate. By continuing on with having courses on investigational management on national and international level and teaching the police officers English will lead to the personnel feeling more secure in their role. Inevitable leading to a more effective police work. An adjustment in the bail terms might also lead to officers receiving an opportunity to prove them selves. As it is now it seems like the officers many times are not given the opportunity to investigate.

Regarding education I would like to advocate for evaluation of the mobile units as a preventive measure due to believing that this if shown successful should be introduced in the country at large.

By continuously educating and raising awareness in the society the child-sex tourists that travel to Thailand will no longer have the benefit of easy targets affected by the lack of capable guardians. This will hopefully lead to a reduction of child-sex tourism in Thailand but will eventually lead to another problem unfolding. By improving the legal mechanisms in Thailand as well as raising awareness around the issue child-sex tourism will move to new destinations where the education levels might be lower and the population poorer. But by improving the legal mechanisms in Thailand it will show other countries how to work against child-sex tourism and with cooperation comes success.

The judicial process, regarding investigation, arrest and conviction is extremely dependent upon the cooperation of all involved actors. Further research needs to be conducted regarding the upcoming changes in immigration-routines as well as bail option to see if these proposed changes will make a visible change in police or prosecutor routine. If the perpetrators no longer can easily escape to their home countries, or other, it will be interesting to see if this will make a significant change in statistics.

I believe that by making it harder for potential child-sex tourists to commit their crimes the conviction rate will still be low, but not because of weak law enforcement, but because of a strong, educated society that no longer accepts this type of crime.

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- The Optional Protocol on the CRC on the Sale of Children, Child Prostitution and Child Pornography

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- The Entertainment Places Act of 1966
- The Suppression of Prostitution Act of 1960

11. Appendix

11.1 Interview Guide

- Introduce myself and the purpose of my study
- Ask for permission to tape the interview.
- Ask for permission to quote the interview participant by name

- Start by asking the interview participant to make a short introduction.
- What do you work with and how long have you been active?
- What did you do/work with before this?

The victims

- Who would you say the victims are?
- Where are they from?
- Are they mostly Thai or foreigner?
- Are there any common factors regarding the victims?
- What could be done to prevent the children from falling into the hands of the offender,-s?
- What is being done to help the children?

The offenders

- Who are the offenders?
- Is there anything that could be said to be a common factor?
- Are the offenders according to you in general situational or preferential offenders?
- Is organised crime a common problem in this specific area of crime?

The offence

- How would you say that CST has developed over the last couple of years?
- How, if, is the development shown?

The judicial part

- What does the process look like regarding:
- First suspicion
- Investigation
- Possible arrest and prosecution

- What methods are being used to map them out?
- What is being done to detect/arrest the offenders and prevent them from re-offending?
- Are there any specific obstacles regarding:
 - Investigation procedures, such as intelligence gathering
 - Arrest
 - Prosecution

- Are there any difficulties specific to when arresting and prosecuting a foreigner?
- Why does not more CST get caught? (2007- 50 alleged arrests of CST in SEA)
- Do you co-operate with foreign authorities?
- How? What are the possibilities?
- Do you co-operate with NGOs?
- Are there any issues concerning this work that would need change or adjustment?
- Are there any effective methods?
- How have your work procedure/methods developed to meet the demand?
- Has the law changed/developed/adjusted to meet the new requirements relating to CST?
- What is being done by the government? Awareness raising, education etc.