

SEXUAL
EXPLOITATION OF
BOYS



**GLOBAL INITIATIVE TO
EXPLORE THE SEXUAL
EXPLOITATION OF BOYS**

Thailand Report



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TABLE OF CONTENTS

EXECUTIVE SUMMARY.....	4
BACKGROUND AND RATIONALE.....	10
A note on terminology.....	11
Activities and Aims of the Research Project	12
Methodology	12
Ethical Approval and Considerations	15
Limitations	15
SURVEY OF FRONTLINE WORKERS SUPPORTING BOYS	17
Sample Demographics	17
Perpetrators and Facilitators	19
Understanding of Male Vulnerability and Sexual Exploitation	19
Perceived Barriers for Males.....	26
Evaluation of Existing Support Services	29
Discussion of Survey Results.....	30
INTERVIEWS WITH SOGIE IDENTIFYING YOUNG PEOPLE WHO ARE EXCHANGING SEX	38
Sample Demographics	38
Current Living Situation	39
Relationship Status	39
Money Debt.....	39
Childhood Upbringing.....	39
Friendships	42
Community Relationships.....	43
Support System.....	43
Running Away Experiences.....	44
First Job Experience	44
Migration	45
Entry into Sex Work	46
Current Sex Work Experience	48
Family and Friends’ Knowledge	51
Experience with Recruiters.....	53
Violence Experienced when Engaging in Sex Work	53
Violence and Abuse	53
Safety Plans	54
Networks	55
Health and Protection	56
Drug Use	57
Access to Services and Assistance	58

Experiences with the Police.....	59
Youth’ Perceptions of Engaging in Sex Work	60
Sex Work and Self Worth.....	60
Discussion of Interviews with SOGIE-Identifying Young People	62

THAI LEGAL PROVISIONS ON SEXUAL EXPLOITATION OF CHILDREN WITH A FOCUS ON BOYS..... 64

Thailand’s International and Regional Legal Commitments	64
The Legal Landscape for Children’s Rights in Thailand	65
Understanding Protections from Sexual Exploitation for Boys in Thailand	67
Extraterritoriality and Extradition.....	77
Access to Justice and Remedies.....	77
National Complaint Mechanisms and Reporting.....	78
Child-Sensitive Justice.....	79
Access to Recovery and Reintegration.....	80
Access to Compensation.....	80
Discussion of Analysis of Thai Legal Framework.....	81

RECOMMENDATIONS 83

Recommendations Emerging from the Frontline Providers	83
Recommendations Emerging from the SOGIE-Identifying Young People	85
Recommendations from the Analysis of the Thai Legal Framework.....	87
Key Consolidated Applied Learnings from the Research and Overall Recommendations	87

EXECUTIVE SUMMARY

In recent years, it has become increasingly apparent that there is a gap in the global understanding of how child sexual exploitation affects boys. While data on the prevalence of all child sexual exploitation is generally lacking, when data does exist, it is often limited to focusing on girls. The limited evidence about the sexual exploitation of boys that does exist indicates that in some settings boys are much more impacted than is commonly thought. Furthermore, particular groups of children are known to be more vulnerable to sexual exploitation, such as those with diverse sexual orientation or gender identity and expression (SOGIE). There is a need for evidence-based understanding of the sexual exploitation of children of all genders.

ECPAT's global initiative to explore the sexual exploitation of boys attempts to address some of these needs. This report focuses on the experience of boys and SOGIE identifying youth in Thailand, a country that has often been at the forefront of actions to prevent and respond to the sexual exploitation of children.

To capture the vulnerabilities facing boys and SOGIE identifying youth in Thailand, a survey with frontline service providers, interviews with SOGIE identifying youth who are currently exchange sex, and a legal analysis were carried out during 2020. This report presents those findings.

The specific objectives of this project were:

- *To identify the key perceptions and attitudes of frontline service providers toward the sexual exploitation of boys and provide recommendations for capacity building, training and support.*
- *To build the limited understanding of the experiences of SOGIE-identified youth and push/pull factors into exchanging sex (including instances of child sexual exploitation) and develop recommendations for policymakers, social service providers and community-based initiatives to address these.*
- *To identify the legal gaps, barriers and opportunities in addressing the sexual exploitation of boys using a standardised method to review national legal frameworks to inform future legal advocacy.*

METHODOLOGY

The main purpose of this study was to establish a better understanding of the sexual exploitation of boys and SOGIE youth in Thailand. Three different research activities were undertaken: a) a survey of frontline welfare providers, b) interviews with SOGIE identifying youth currently exchanging sex and c) detailed analysis of the Thai legal framework. Surveys were completed with frontline workers in Bangkok, Chiang Mai and Pattaya, and interviews with young people in Bangkok and Chiang Mai.

The frontline welfare providers' survey was undertaken in partnership with Urban Light Foundation of Thailand, SISTERS Foundation and Rainbow Sky Association of Thailand, which are Thai organisations working directly with male survivors of sexual exploitation. Participants for the survey were included on the basis that they were adults with at least twelve months of experience in welfare service provision in one of the three sites identified and had a current caseload which included boys.

Sixty-five frontline service providers who currently provide services for young male victims of sexual exploitation completed the survey, which consisted of 89 multiple-choice, scenario based and short open answer questions. Questions included asking participants their perspectives on what makes boys and SOGIE youth vulnerable to sexual exploitation and opinions on the strengths and weaknesses of services. Many participants shared additional observations and illustrative anecdotes, and the estimates, perceptions and experiences reported in these surveys offer valuable insight into an under-researched and under-reported area of child protection. Interviews with twenty SOGIE identifying youth

involved in exchanging sex were also conducted in partnership with local organisations; CAREMAT, Urban Light Foundation Thailand, V-Power in Chiang Mai and Rainbow Sky Association of Thailand in Bangkok, who all specialise in working with SOGIE identifying young people.

Interviewers were carefully identified and had some similar lived experiences to the participants. They completed two weeks of training prior to conducting interviews.

Specific eligibility criteria included participants being an age of 15–24 years old, identifying as SOGIE (or as heterosexual but engaged in sex with members of the same sex) and involved in the exchange of sex for money and/or material goods in Chiang Mai and Bangkok. Participants were also required to already be connected to some form of support services to ensure their psychological safety while participating in this sensitive study. Questions in these interviews ranged from asking about family background and relationships, to how respondents became involved in exchanging sex and their current experiences of this.

To complete the detailed analysis of the Thai legal framework, ECPAT International worked in partnership with staff from the Thailand Institute of Justice to assess how the current legal framework addresses sexual abuse and exploitation of children, with a specific focus on boys. The analysis was conducted utilising a method and tools developed by ECPAT International, which will be further used in other countries under the Global Boys' Initiative. A checklist of over 120 items was created for the project and the draft analysis was peer-reviewed by a highly respected Thai Public Prosecutor for confirmation.

The proposed methodology, research tools and preliminary findings of the analysis of legislation were presented and discussed in an expert group meeting including representatives from key Thai Government Ministries that took place in Bangkok in December 2019, following which suggested changes were incorporated and ethical approval was sought and obtained for the project.

KEY FINDINGS

Frontline Providers' Survey

Key findings of the frontline providers' survey illustrate that the causes, risk factors, consequences and resulting needs of boys who are sexually exploited are multiple, complex and interlinked across the domains of the social spectrum, including wider society, community, within families and the individual.

Participants indicated that a very limited range of services are available to boys, with perceived needs not aligning well with services provided, suggesting that programming is resource led, rather than needs led. For example, poverty and childhood home experiences were key vulnerability factors for boys, however, few respondents indicated any involvement in programming focussing on services addressing these factors. Instead, responses illustrated how services provided were very generic, focussing on counselling and psychosocial support, sexual health services and community outreach. While these services are important, they were not understood to comprehensively meet the needs of boys who have experienced sexual exploitation.

Similarly, the need for economic support was highlighted as a main vulnerability factor for boys. However, economic support was one of the least available services reported. Service providers also commonly identified disconnection from family as a key challenge for boys and young men who have experienced sexual exploitation. This would suggest a need for services to engage with families to prevent risks of sexual exploitation and foster protective mechanisms. However, the majority of programming reported by service providers took an individualistic approach to addressing boys' needs – only 17% of respondents indicated the provision of support services for families and caregivers (0% in Bangkok, 4% in Pattaya, and much higher 41% in Chiang Mai). Positive signs were evident from service providers working in Chiang Mai who indicated more of a diversity of services was available, such as access to legal support, education and vocational training, and support for parents and caregivers.

Participants reported that common factors that increase boys' vulnerability to sexual exploitation were; extreme poverty (75%); the cultural practice of adult's touching or playing with a boy's

genitals in infancy and early childhood (72%); access and exposure to pornography (68%) and increased access and exposure to the Internet (63%). Taboos surrounding sex and sexuality, belonging to an ethnic minority group and living with one or more disabilities were factors least considered by service providers to impact a boy's vulnerability to sexual exploitation. This was an interesting finding, as it contrasts with evidence from other studies which identify vulnerability to be increased due to cultural beliefs around masculinity, sexuality and homophobia.

The data also identified notable challenges in frontline workers' ability to identify sexual exploitation of children in practical scenarios, particularly of SOGIE identifying youth. In the hypothetical based scenario questions, respondents indicated a diminished perception of vulnerability and recognition of exploitation when the victims in the scenarios were SOGIE identifying, despite the fact that the scenarios featured definitive examples of child sexual exploitation. It is possible that this reduced perception of vulnerability stems from the unhelpful assumption that gay and transgender youth are more 'naturally' sexually active and 'promiscuous'. Findings from the scenario-based questions also indicated that service providers have an unconscious bias towards children who are seen to be 'actively engaging' in their own exploitation.

Concerningly, respondents often reported challenges in being able to connect and build relationships with male victims. 'Providing confidentiality' and 'engaging boys' were named as common barriers in working with boys. Service providers also noted gender-specific difficulties that boys face in describing their own vulnerabilities. These difficulties in cultivating a sense of trust with boys, and boys finding it difficult to describe their own vulnerabilities resulted in limited disclosures and difficulties in understanding the nuances of the child's case and context.

When asked about what key resources would be useful in order to better support boys, the need for training, awareness and capacity building for service providers were the most commonly expressed responses.

It is clear from participant responses that there is a strong need for increased capacities of staff and

individuals and the development of specialised tools and trainings to aid in understanding and connecting with boys who may be reluctant to disclose vulnerabilities and experience of sexual exploitation. The data also illustrates the importance of applying a gender lens to all training and awareness raising of service providers to address underlying social and cultural beliefs related to abuse and exploitation, gender norms and sexual identity.

Finally, it is interesting to note that the findings from the survey also showed that the vast majority of offenders (58%) involved in cases managed by participants were Thai nationals who were unfamiliar to the child. While sexual exploitation of children by foreigners, often in the context of travel and tourism, consumes a great deal of the discourse in Thailand, this result indicates the occurrence of sexual exploitation of children by those within local communities also deserves attention.

Interviews with SOGIE identifying young people

The 20 young people interviewed for this activity shared an array of stories about how and why they became involved in exchanging sex, which often involved quite difficult circumstances. The vast majority of participants came from rural provinces within Thailand and then migrated to cities, with only four being originally from Chiang Mai where they were interviewed.

The data from the interviews echoes the findings of past research: SOGIE diverse youths' past experiences are drivers for their current pressures to exchange sex. Such drivers included family poverty; familial violence and abuse; and rejection and discrimination based on sexual orientation or gender identity by families, communities, and employers.

Perhaps unsurprisingly, the interviews showed that participants' upbringings were for the most part financially poor, though their relationships with their families ranged from violent and abusive to loving and accepting. Several youths who came out to their family were immediately ostracized and/or experienced severe verbal and emotional abuse. Respondents who identified as ladyboys were most likely to experience familial rejection, and some cases of familial rejection led young people to self-harming and suicidal

ideation. Almost all of the respondents (16) ran away from home at least once as a child, primarily to escape familial violence in the home – for some because of an individual argument with a parent, for others to escape severe long-term abuse.

While familial relationships were predominantly complicated and difficult for respondents, most stated that their peers growing up were the first to accept their sexual orientation and gender identity and supported them through familial struggles. Similarly, overall respondents also felt that they were treated well and were supported within their communities when they were growing up.

Almost half of the respondents were under the age of 18 when they first exchanged sex for money, goods, shelter, protection, and/or status and almost half were 18 years of age or older (two respondents did not disclose the age this first happened), with the youngest reported entry into the sex trade being at the age of 12. In the majority of cases, sex was exchanged for money from the start, though there were some examples of exchange for goods, food, shelter and security.

Most respondents were introduced to exchanging sex by friends who were already doing it or a client at the bar or restaurant they were working in at the time. Some respondents reported that they did not want to sell sex but felt that it was their only way of making enough money to survive. One respondent who identified as a ladyboy reported that she feels she is forced to sell sex because there are few job opportunities for ladyboys due to discrimination.

The majority of respondents kept their involvement in exchanging sex secret from families and friends, with some respondents being adamant about their family and friends not finding out as they feared negative repercussions. One worrying story from a respondent indicated that the staff at a children's home he was living as a child knew he was involved in exchanging sex, but did very little to stop him from going out to meet perpetrators.

Interestingly, those few who said they had told their families about their current engagement in selling sex said they either felt empowered, or that their families accepted the situation because they were sending essential money home.

Responses to questions about access to services show a varied level of awareness and current access to service providers in Chiang Mai and Bangkok. Some had been receiving assistance from providers for quite some time, but others did not know of any specific organisations. The organisations respondents were connected with were mainly health providers, and there seemed to be a lack of organisations that provided other services, such as vocational training, mental health counselling, legal services, and educational and living wage opportunities.

While those who engaged with services in Bangkok and Chiang Mai found them helpful, these programmes were not sufficient and were often under-funded and under-resourced. When asked if there were services that respondents wished were available, responses included employment opportunities, financial aid, legal assistance, mentorship and counselling. As was highlighted with results from the frontline service providers survey, these results show the issues with services provided not meeting the needs of those who need to use them.

The issue of services needed not aligning with services provided is further reflected when comparing the answers SOGIE youths gave compared to frontline service providers on the key push/pull factors for youth entering the sex trade. While poverty was the main driver stated by both the providers and young people for why SOGIE youth exchange sex, providers listed a range of other vulnerabilities - access and exposure to pornography, the practice of touching boys' genitals as a way of showing affection, alcohol and drug misuse and increased access to technology and the Internet as push factors.

SOGIE youth told a different story. The vast majority of young people disclosed growing up around familial violence and abuse, and the need to run away to escape the violence. Further, familial rejection based on their sexual orientation and gender identity and expression resulted in them spending more time with friends than at home, which sometimes led to truancy, drug use, running away and an overall need for financial independence from their family.

The importance of service provision aligning with services needed is accentuated when considering that 18 of the 20 participants stated that they would stop trading sex if they could, however felt

that exchanging sex seemed like their only viable means for meeting their basic financial needs. To stop trading sex, respondents expressed that they would need alternative options and services to help them. The needs they identified included job training, educational opportunities, food security, mentorship, assistance with legal documents and benefits, mental health care and counselling and liveable-wage employment opportunities.

Legal analysis

Our legal analysis has identified, positively, that the relevant Thai legislation is largely gender blind, meaning it is applied to all children regardless of gender. However, while the law allows for equal treatment of all children, further exploration is necessary to understand if this is how the law is applied in practice for all survivors of child sexual exploitation.

The analysis also identified that children are not always adequately protected from criminalisation for activities relating to child sexual exploitation. Children who are victims of exploitation in prostitution are at risk of being identified as offenders by the criminalisation of all persons engaging in specific acts related to prostitution contained in Section 5 of The Prevention and Suppression of Prostitution Act B.E. 2539 (1996). Similarly, as the age of criminal liability is 10, children can be considered offenders if they produce and share self-generated child sexual abuse material consensually with another child.

There are further limitations of legislation relating to online child sexual exploitation. The wording of the provision criminalising the production, dissemination, offering, selling or possession, import and export of anything obscene, which can include child sexual abuse material, can create loopholes in reference to cases where child sexual abuse material is not produced, disseminated, offered with the intent of trade, but only for personal use. Further, legal loopholes could allow offenders to avoid punishment by accessing child sexual abuse materials without storing it on their device, for example, in the form of live streaming.

Concerningly, there is currently no law explicitly criminalising offences related to online child sexual exploitation other than those related to child sexual abuse materials. This means that the online streaming of child sexual abuse, online grooming and sexual extortion are not currently

prohibited under Thai law. Encouragingly however, at the time of writing, there is a draft Bill in process to criminalise the live streaming of child sexual abuse and online grooming.

The legal analysis also raised concerns about the capability of law enforcement to receive and address reports of child sexual exploitation. There is no dedicated unit of the police working on crimes relating to child sexual exploitation and the research has identified a dire need for more resources, both financial and human to create an efficient system keeping the best interests of the child as a priority.

A final key observation from the legal analysis highlights how the statute of limitations for child sexual exploitation offences is only 15 years. This is not sufficient, considering that survivors' disclosure is often delayed for reasons such as children not fully understanding the severity of what has happened to them until much later or they may not see themselves as a victim. In these cases, survivors' access to justice can be thwarted because of the short statute of limitations. Further, there is currently no law ensuring that survivors, both boys and girls, have access to full recovery and rehabilitation as the current legislation focuses on the prosecution of offenders rather than accommodating the needs of survivors.

BACKGROUND AND RATIONALE

Violence against children, including sexual exploitation and abuse, is estimated to affect millions of children worldwide and no country or region is ‘immune’.¹ It happens to children in all socioeconomic groups, of all educational levels, across all ethnic and cultural groups, and in different geographic settings.

In recent years, there has been an increasing awareness of the gap in the global understanding of how sexual exploitation of children (SEC) affects boys.² While data in general is lacking, this is even more so when looking at boys specifically. For example, in the rare cases that countries collect prevalence data on sexual exploitation and abuse of children, samples are often limited to adolescent girls, obscuring any understanding of the unique experiences and vulnerabilities of boys;³ “While many vulnerability factors for sexual exploitation and abuse are common to all genders, boys access to support is unquestioningly conditioned by gender norms, constraining their help-seeking behaviour and their ability to seek care”.⁴

Gender norms have informed the development of policies, practices, advocacy and research methodologies that underrepresent or leave out boys and queer-identifying young people. While the impact of sexual exploitation on girls is somewhat better researched and understood, the limited evidence available on boys suggests that in certain contexts, boys are just as heavily impacted, and sometimes more.⁵ Additionally, particular groups are known to be more vulnerable to sexual exploitation than others, like those with diverse sexual orientation or gender

identity and expression (SOGIE – see box in the next page). These young people often already face increased risks that can be exacerbated by disclosing abuse, including potential violence, bullying, rejection from peers or family, fears of reprisal.^{6,7} Boys – whether diverse-SOGIE or heterosexual– may even face legal consequences if their perpetrator is male in contexts where homosexuality is criminalised.

Systemic and cultural norms around masculinity and femininity relevant to understanding child sexual exploitation and abuse typically hold that males are strong and resilient, while females are vulnerable. These norms often hamper equitable and necessary discourse on the sexual exploitation of children of all genders, but especially for boys.

While this context by no means should detract attention from continued research, advocacy, and support for girls experiencing sexual exploitation, there is a clear need for greater advocacy and a higher quality evidence-base on the sexual exploitation of children of all genders to better inform all work to prevent and respond to the sexual exploitation of children.

To address this need, in late 2018, ECPAT International began work on a global initiative to explore the sexual exploitation of boys. The initiative will consolidate and strengthen the evidence base of the sexual exploitation of boys, and identify appropriate prevention, protection and recovery frameworks to inform legislative reforms, policy and programming.

- 1 Office of the Special Representative of the Secretary General on VAC. (2019, July). *Keeping the Promise: Ending Violence against Children by 2030*. New York: United Nations.
- 2 Josenhans, V., Kavenagh, M., Smith, S., & Wekerle, C. (in press). *Gender, rights and responsibilities: the need for a global analysis of the sexual exploitation of boys*. *Child Abuse and Neglect*.
- 3 The Economist Intelligence Unit (2018) *Methodology paper Out of the Shadows: Shining light on the response to child sexual abuse and exploitation – a 40-country benchmarking index*, London: The Economist Intelligence Unit, 3
- 4 Josenhans, V., Kavenagh, M., Smith, S., & Wekerle, C. (in press). *Gender, rights and responsibilities: the need for a global analysis of the sexual exploitation of boys*. *Child Abuse and Neglect*.
- 5 Davis J and Miles, G (2015), “They didn’t help me: They shamed me.” *A Baseline Study on the Vulnerabilities of Street-Involved Boys to Sexual Exploitation in Manila, Philippines*, Manila: Love 146.
- 6 Olivier, S. & Thurasukarn, O. (2018). *Lesbian, Gay, Bisexual, Transgender, Intersex and Queer Youth in Thailand*. Bangkok: Save the Children.
- 7 Alessi, E.J., Kahn, S., & Chatterji, S. (2016) ‘The darkest times of my life’: *Recollections of child abuse among forced migrants persecuted because of their sexual orientation and gender identity*. *Child Abuse and Neglect* 51. 93-105.

Thailand has often been at the forefront of actions to prevent and respond to sexual exploitation of children, and through the support and partnership with the Thailand Institute of Justice for this project, it is once again leading the charge within ECPAT International's Global Boys' Initiative with this project – Global Boys Initiative: Thailand Report.

This initiative project focuses on Thailand, and:

- Gathered new primary data from frontline welfare workers that support boys in Thailand who have experienced sexual exploitation or abuse;

- Gathered new primary data from the vulnerable population of diverse SOGIE identifying young people who are currently exchanging sex;
- Analysed the Thai legal framework that protects children from sexual exploitation, with a focus on boys.

The results captured in this report are intended to inform service improvements to ensure that they are gender-sensitive and accessible for children of all genders. It is hoped that the results may also help to break down the stigma and taboos surrounding boys' and diverse SOGIE identifying young people's experiences of sexual exploitation and abuse.

A note on terminology

Rather than the more commonly used term 'Lesbian, Gay, Bisexual and Transgender (LGBT)', this report opts to use the term 'diverse SOGIE' to indicate the broad array of individuals with diverse sexual orientations (including gay, bisexual, pansexual, asexual, among others), gender identity and gender expressions (man, woman, non-binary, transgender, third-gender, among others). SOGIE is an acronym, which stands for 'Sexual Orientation, Gender Identity and Expression'. Sexual orientation is understood to refer to the gender(s) to which an individual is sexually attracted. Gender identity refers to the gender(s) with which an individual self-identifies. This (or these) gender may or may not align with the individuals' biological sex (their sex chromosomes and accompanying anatomical features) or the gender that the individual was assigned at birth. Gender expression refers to an individual's manner of appearance and/or behaviour which may be masculine, feminine, both, or neither. This may include choices in clothing, tone of voice, length of hair, choice of personal pronouns, the restrooms they feel comfortable using, among many other means of expression.

It should also be considered that while this report focuses on the experiences, gaps in services, and barriers for 'boys', we are intentionally inclusive of individuals who may not identify as male, but were assigned 'male' at birth, and possibly have had ongoing experiences of being identified as such by parents, service providers, teachers, or others in their communities. Their voices are therefore important in this discussion as they are commonly impacted by the various masculinity norms, obligations, and expectations that are imposed by families, communities, and larger society.

During training with interviewers, detailed discussions were held around gender, terminology and Thai language. In interviews and during the data collection process the general rule was to mirror language used by the participants. Many respondents use the term 'ladyboy' (กระเทย) as an identifier for themselves and their peers. However, in some contexts, particularly in provincial area, the word is also used in a derogatory way, often to demean or belittle SOGIE youth. Because of this latter usage, this report has opted to use the term 'third-gender' (สาวประเภทสอง) as a more supportive and neutral marker for gender non-conforming youth. When 'ladyboy' is used in the text, it is because the respondent has self-identified as such.

It should also be noted that 'ladyboy' or 'third-gender' are distinguished from the more international term 'transgender' or 'trans-women'. While 'transgender' is understood to be a more binary distinction (e.g. an individual who is assigned 'male' at birth, but feels and identifies as 'female'), 'ladyboy' or 'third-gender' are understood to be, as the term implies, a distinct 'third' gender, which is neither fully male nor female.

Activities and Aims of the Research Project

This research project had three core activities and aims:

- 1. Frontline Providers Survey:** Develop and administer a survey to Thai frontline welfare workers providing sexual exploitation and gender-based violence services in three sites (Chiang Mai, Bangkok and Pattaya), to establish promising practices accessible to clients of all genders, and gain insight into challenges and factors influencing the sexual exploitation of boys.

***Aim:** To identify the key perceptions and attitudes of frontline service providers toward the sexual exploitation of boys and provide recommendations for capacity building, training, and support.*
- 2. Interviews with youth of diverse SOGIE:** Undertake interviews in two locations (Bangkok and Chiang Mai) to explore the barriers encountered by youth of diverse SOGIE who exchange sex for money and/or material goods and may have experienced sexual exploitation as children.

***Aim:** To build the limited understanding of the experiences of SOGIE-identified youth and push/pull factors into exchanging sex (including instances of child sexual exploitation), and develop recommendations for policymakers, social service providers, and community-based initiatives to address these.*
- 3. Legislative Analysis:** Analyse the capacity of Thai national legislation to protect boys from child sexual abuse and exploitation.

***Aim:** To identify the legal gaps, barriers, and opportunities in addressing the sexual exploitation of boys using a standardised method to review national legal frameworks to inform future legal advocacy.*

Methodology

The main purpose of this research project was to build an empirical base to establish a better understanding of the sexual exploitation of boys in Thailand. To generate primary data, the methodology of this research project included quantitative research (frontline providers' survey), qualitative research (interviews with youth of diverse SOGIE) and a documentary research tool (analysis of national legislation).

The proposed methodology, research tools and preliminary findings of the analysis of legislation were presented and discussed in an expert group meeting that took place in Bangkok in December 2019 and was attended by representatives from key Thai Government Ministries and other stakeholders.

Following the meeting, changes were incorporated and ethical approval sought for the project (See ethics section below for details).

Frontline providers' survey

For this activity, ECPAT International worked in partnership with Urban Light Foundation of Thailand, SISTERS foundation and Rainbow Sky Association of Thailand, which are Thai organisations working directly with male survivors of sexual exploitation. Staff from these three organisations were seconded by the project for a number of days (partner organisations were financially compensated for their time) and trained by the project team as administrators, pilot tested and improved the Thai language tool, and then conducted data collection.

Potential participants were identified by the administrators by identifying organisations providing welfare services to children within their professional networks. A series of meetings with organisation leadership teams were then held to explain the purpose, objectives and ethical considerations of the research - and to invite frontline staff to participate.

The survey was then administered in-person to participants, using an online platform (via tablets or laptops) that the participants self-completed. One-on-one support by trained data collectors was available to support the process, as the complexity of this topic required explanation and support in completing such a survey.

Participants for this activity were included on the basis that they were adults with at least twelve month- experience in service provision in one of the three sites identified and had a current caseload which included boys. Based on this latter exclusion criterion, it is important to note that although approximately 110 surveys were attempted, many were disqualified due to service providers having no active cases involving male victims.

Sixty-five frontline service providers from Bangkok, Chiang Mai, and Pattaya, who currently provide services for young male victims of sexual exploitation completed the survey. The results offer a snapshot of the context of sexual exploitation of children in Thailand and key issues affecting boy's vulnerability, ability to access support services, and frontline worker's ability to provide support to meet their needs.

The online survey consisted of 89 multiple-choice and short open-answer questions. Many participants shared additional observations and illustrative anecdotes for open response items throughout the survey that further shed light on the challenges and potential opportunities for action and progress in this area.

It should be noted that the data is not statistically representative of the experiences of all frontline workers in Thailand, and cases described are merely recalled estimates rather than detailed administrative counts. However, the estimates, perceptions and experiences reported here offer valuable insight into an under-researched and under-reported area of child protection. Quotes and comments are also included at times throughout the analysis to further illuminate the data.

Specifically, the survey aimed to gather data from frontline workers that indicated:

- The nature and extent of SEC referrals to service providers;
- The level of awareness of SEC amongst service providers; and
- The impact of cultural and social norms on SEC.

Interviews with SOGIE-identified young people

This activity was also delivered through partnerships with local organisations that specialise in working with SOGIE populations. SOGIE advocates/staff were seconded from CAREMAT, Urban Light Foundation Thailand and V-Power in Chiang Mai, and from Rainbow Sky Association of Thailand in Bangkok (and organisations were financially compensated). Efforts to identify frontline staff who had similar lived experiences as participants were made to facilitate better engagement with the participants than might occur with trained researchers. While this approach had the risk of impacting the quality of interviews, it is balanced by improving the comfort and likely engagement of the participants.

In-depth, peer-to-peer interviews were needed to fully explore and understand the experiences of a diverse group of SOGIE identifying youth who exchange sex for money and/or material goods. The methodology is based on a past study conducted by the lead investigator on this project, Dr Meredith Dank, which documented the experiences of LGBTQ+ youth and young men who have sex with men engaged in survival sex in New York City.⁸ Given the small sample size, we use a qualitative approach to address the study's goals.

Dr Meredith Dank and Mr Jarrett Davis, in collaboration with team members from Urban Light Foundation, educated and trained the local Bangkok and Chiang Mai based workers from the partner SOGIE focused organisations (henceforth referred to as 'field researchers'). They conducted two weeks of training on SOGIE related issues, the study methodology and human participant protections. The field researchers were also trained on how to identify, recruit and conduct interviews with SOGIE identified youth. Seven people were trained over the course of the two weeks, of which five were chosen to conduct interviews.

In targeting a diverse group of SOGIE-identified youth involved in exchanging sex, we set specific eligibility criteria for inclusion in the sample. These eligibility criteria included an

8 Dank, M. et al. (2015, February). *Surviving the Streets of New York. Experiences of LGBTQ Youth, YMSM, and YWSW Engaged in Survival Sex.* Urban Institute.

age of 15–24 years old, identification as SOGIE (or as heterosexual but engaged in sex with members of the same sex); and involvement in the exchange of sex for money and/or material goods in Chiang Mai and Bangkok. Additionally, participants needed to be already connected to some form of social support services. While the focus of the research was to understand child sexual exploitation the sample age range was extended up to 24 years as it allowed us to ask older youth about possible previous experiences of exchanging sex as children, as well as the circumstances that may have led to them continuing to do so now as young adults. Since this is an exploratory study, and one of the objectives was to determine if this methodology could work to recruit diverse SOGIE identified youth engaged in exchanging sex in Thailand, the sample of just 20 youth was small. The hope is that a full-scale study similar to the one conducted in NYC where 283 young people were recruited can be conducted in Thailand in the future.

Field researchers approached current and former clients of their respective organisations who they knew fit the study criteria and asked if they wanted to participate. Additionally, those clients were asked if they knew of anyone who would be interested in participating in the study, and if so, to pass along the contact information of the field researchers. Almost all of the interviews were conducted at the agencies where the field researchers were employed. Upon arrival at the agency, subjects were rescreened for eligibility, appropriateness for recruitment into the study and any other referrals or interventions that might be required.

Those who did not identify as SOGIE (or heterosexual but exchanged sex with those of the same gender); were too old for our age criteria; or who were not engaged in exchanging sex were deemed ineligible for the interview but were given referrals to youth-oriented service agencies and made aware of the services those organisations provided. Those who were deemed ineligible for other reasons, including perceived negative impact on mental health or well-being, were not interviewed. Researchers documented all efforts to provide appropriate referrals or assistance in special incident reports.

Youth who were rescreened and deemed eligible and appropriate for the study were subsequently recruited and interviewed after the researchers obtained their informed assent/consent, which covered what their rights were as a participant (e.g. the interview was confidential, anonymous, and they could stop at any time). All interviews were conducted in Thai, audio-recorded and later transcribed (and translated to English for analysis), which allowed detailed descriptions of the youths' experiences in exchanging sex, including their interactions with law enforcement and service agencies, to be fully documented. Researchers extracted a sizable amount of qualitative data from the transcribed interviews, which ranged from 30 minutes to over an hour in length.

Data collection was initially expected to take approximately one month to complete. However, a couple of weeks after the field researchers were trained, the Thai Government heavily restricted movement and non-essential gatherings due to COVID-19. Although data collection had already begun in mid-March before the shutdown, it was not completed until June 2020. Even though this caused a significant disruption, it did allow the research team to review the interviews that had been completed pre-shut down and provide valuable feedback to the team. For example, researchers learned that one of the respondents interviewed in March was 26 years of age, which is two years older than what is stated in the inclusion criteria. We were able to discuss this with the team, and ultimately decided to include the interview in the sample since the information provided by the respondent was helpful.

Qualitative data were examined thoroughly and individually using Microsoft Excel and Word; quotations were codified into a series of themes so relevant quotes could be easily identified for inclusion in this report. Where possible, researchers quantified the number of young people who responded a certain way to the interview questions. This helped to identify emerging themes versus outlying experiences. An important note: the questions in the interview protocol were not consistently asked in every interview. As a result, for those categories and themes that were quantified, the number of responses doesn't always add up to 20.

Analysis of legislation

ECPAT International worked in partnership with staff from Thailand Institute of Justice to conduct a documentary analysis of the legal framework addressing the sexual abuse and exploitation of children, with a specific focus on boys. The analysis was conducted utilising a method and tools developed by ECPAT International, which will be further used in other countries under the Global Boys' Initiative. In particular, a checklist including over 120 points was created to support the development of the analysis and ensure its comprehensiveness. The draft of the analysis was peer-reviewed by a highly respected Thai Public Prosecutor for confirmation.

Ethical Approval and Considerations

Given the inherent vulnerability of children, research on child sexual abuse and exploitation should be subject to strict ethical standards. This study had clearly defined ethical guidelines set by the research team and with the application of an ethically sensitive research approach.

In particular, the topic of the sexual exploitation of boys and the involvement of SOGIE youth made this research project very sensitive. The existing knowledge and anecdotal accounts indicate that the SOGIE identified youth engaged in exchanging sex who were targeted for interviews were likely to have experienced discrimination and child sexual abuse or exploitation. Risks also related to participants in the frontline service providers survey, as it was likely that the sample would include staff, who may have at some time experienced various forms of neglect or abuse - and some of the questions may have triggered strong emotions. They may also have been affected by 'vicarious traumatising' when exposed to the sexual abuse and exploitation of children.

For these reasons a careful methodology that includes numerous mitigations for these circumstances and is strongly guided by the ECPAT Guidelines for Ethical Research on Sexual Exploitation involving Children,⁹ was proposed to and approved by a panel of three experts assembled to ethically review the project via the Institute of Human Rights and Peace Studies at Mahidol University.

Before conducting interviews, all involved participants were informed about the purpose of the study and assent/consent was obtained. If any participant to the frontline providers' survey wished to withdraw from the study, they were free to do so both at any time during the data input process but also prior to the data analysis by contacting ECPAT International's Research Team. No withdrawals were requested. The participants were informed clearly that they could withdraw from the study at any time and for any reason, without recourse. Prior to beginning interviews, they were also informed that the interviews may cover topics that are sensitive in nature and that they are encouraged not to continue with the interview if they, at any time, feel uncomfortable, upset, or for any other reason.

Participants to both primary research activities were informed that their responses would be used to write a research report. As mentioned above, in order to protect interviewee anonymity, the respondents' names are not mentioned.

Limitations

Movement restrictions as a response to COVID-19 delayed the planned data collection phase, however after these were relaxed, data collection was able to proceed. Our planned methodology was maintained with minor accommodations however there remains the possibility that data was perhaps influenced in a couple of ways. Within the frontline providers' survey, some questions asked participants to recall their caseloads "during the last month" which for many respondents included during the time of movement restrictions. However, the administrators instructed participants to answer this question recalling a month prior to COVID-19 impacts. Nevertheless, this data may still have been impacted. This is explained in the analysis. Furthermore, while the 'one month' recall period was deliberately chosen to facilitate more accurate recall, this was a fairly short period. Some excluded participants reported that they did work with boys infrequently, but had not done so within the last month. A longer recall period would be recommended in future.

9 ECPAT International. (2019, December). [Guidelines for ethical research on sexual exploitation involving children](#). Bangkok: ECPAT International.

This research explored frontline service providers' 'perceptions of vulnerability' based on their work, from a list of suggestions based on global indicators of risk, and not evidence of wider and more nuanced issues within their own communities.

The sample size for the interviews with SOGIE-identified young people was small (n=20), which limited the researchers' ability to generalise the findings to the broader population of diverse SOGIE identified youth who exchange sex. Thus, the findings in that chapter should be treated as emerging themes that can be further explored in future research with a larger sample size. Additionally, the majority of young people who were interviewed were over the age of 18. Past research¹⁰ has shown that young people are more comfortable speaking about their experiences exchanging sex once they reach adulthood. However, a future study with a larger sample size that uses a methodology like Respondent Driven Sampling could be successful in recruiting more youth under the age of 18 who exchange sex for money and other material goods.

Another limitation of the SOGIE interviews was that all of the respondents were Thai nationals. This could be because foreign national SOGIE youth who exchange sex are less comfortable or are afraid to come forward to talk about their experiences. Or, that the clients that access services at the NGOs where the field researchers work are more likely to be Thai nationals. Future research on SOGIE youth who exchange sex should make all attempts to include non-Thai nationals in order to document how their experiences and needs might differ from those born and raised in Thailand.

10 Curtis, et al. (2006).; Dank, M. *et al.* (2015, February). *Surviving the Streets of New York. Experiences of LGBTQ Youth, YMSM, and YWSW Engaged in Survival Sex.* Urban Institute.

SURVEY OF FRONTLINE WORKERS SUPPORTING BOYS

SAMPLE DEMOGRAPHICS

Location

Respondents come from similarly sized samples taken in three Thai urban centres: Pattaya (25 or 38%), Chiang Mai (22 or 28%), and Bangkok (18 or 28%). While this is not a statistically large sample, field researchers explain that there is a very limited number of social workers with an active caseload of male victims of sexual exploitation. One hundred and ten surveys were attempted, but many were disqualified due to service providers having no active male cases. Considering this, field researchers believe this to be a thorough sampling of service providers fitting the inclusion criteria for the survey in these three areas.

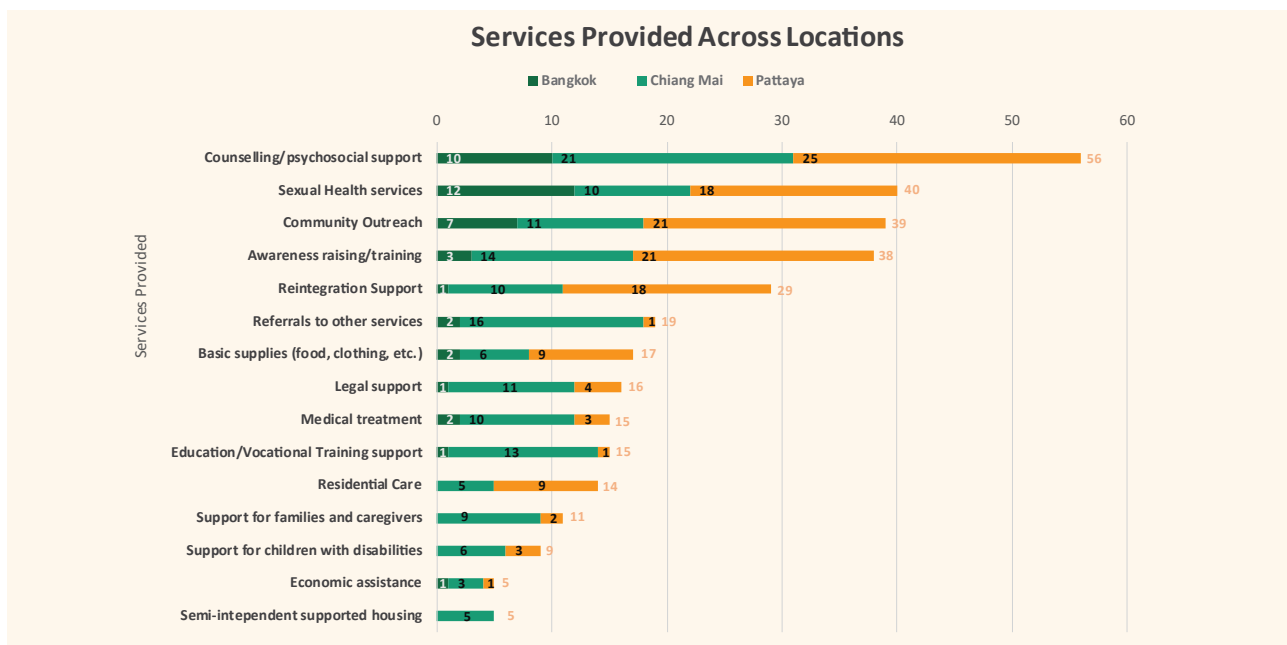
Gender

Nearly half (29 or 45%) of service providers are female, 19 (29%) are male, and 17 (26%) identify as Transgender or 'other'. In Bangkok, among the 18 service providers, 39% identify as male, 17% identify as female, and 44% identify as either transgender or 'other'. Among 22 service providers in Chiang Mai, 90% identify as either male (45%) or female (45%), and two (9%) identify as 'other'. In Pattaya, among 25 service

providers, nearly two-thirds (64%) identify as female, seven (28%) identify as transgender, and two (8%) identify as male. This is likely a representation of sampling via SOGIE-focused organisations.

Services provided

The figure below illustrates that the vast majority of service providers (86%) provide counselling or psychosocial support, which is more common in Chiang Mai (95%) and Pattaya (100%), in comparison to Bangkok (56%). Sexual health services are provided by nearly two-thirds (40 or 62%) of respondents, which is somewhat more common in Pattaya (72%) and Bangkok (67%), in comparison to Chiang Mai (45%). Community outreach (60%) and awareness raising/training (58%) is also provided by a majority of organizations. Service providers in Chiang Mai are much more likely to provide referrals to other services not covered by their organization with 73% of Chiang Mai providers (16 respondents) providing referrals to other providers in comparison to 11% in Bangkok (two respondents) and 4% in Pattaya (one respondent). This could indicate a greater interconnected network of local, specialized providers in Chiang Mai; however, this cannot be confirmed from the data.



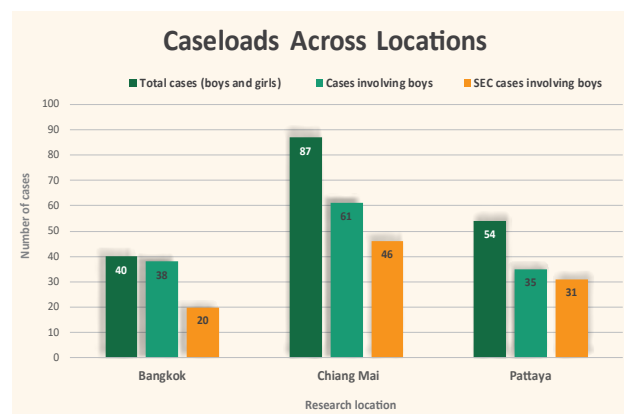
Providers minimally provided services related to economic assistance (8%), semi-independent supported housing (8%), support for children with disabilities (14%), and support for families and caregivers (17%). Economic assistance is, broadly, the least provided service with three service providers in Chiang Mai (14%), one provider in Bangkok (6%), and one provider in Pattaya (4%). Semi-independent supported housing is only indicated in Chiang Mai among five service providers (23%). Services for children with disabilities are indicated by nine service providers, six of which are in Chiang Mai (27% of Chiang Mai respondents), and two in Pattaya (8% of Pattaya respondents). No services for children with disabilities are indicated by service providers in Bangkok.

Considering the range of services provided in each geographic area, Bangkok appears to offer the narrowest range of services, however this may be a result of a relatively small sample of eligible frontline workers being identified in the city. The most common being related to sexual health services (67%) and counselling/psychosocial support (56%). In contrast, Chiang Mai seems to have the widest and most diverse range of services available for boys, which commonly include: counselling/psychosocial support (95%), referrals to other services (73%), awareness raising/training (64%), education/vocational training (59%), community outreach (50%), and legal support (50%). Pattaya, however, appears to provide a common, but narrower, package of services with the strong majority of respondents indicating services within five key areas, but few services in other areas. These common services include, counselling/psychosocial support (100%), community outreach (84%), awareness raising/training (84%), sexual health services (72%), and reintegration support (72%).

Caseloads

Respondents indicate providing direct management over a total of 181 cases of sexual exploitation of children (SEC), including males and females. Nearly half of these cases (87 or 48%) are in Chiang Mai, followed by Bangkok with less than a third of cases (54 or 30%) and Pattaya with 40 cases (22%). Service providers in Chiang Mai had the highest individual caseloads related to SEC with an average of 4.4 cases. Bangkok and Pattaya report notably smaller individual caseloads related to SEC, both with 2.2 cases on

average within the past month. Considering male SEC cases, respondents indicate serving a total of 97 cases in the past month, across the three sites. Nearly half of these cases (46 or 47%) were served by providers in Chiang Mai, followed by 31 (32%) in Pattaya, and 20 (21%) in Bangkok. Despite the sample being limited only to those with boys in their current caseload (i.e. excluding those who work only with girls), male SEC cases make up just slightly more than half (54%) of the 181 total SEC cases (boys and girls) within the past month with similar findings in all three sites (50% in Bangkok, 53% in Chiang Mai, and 57% in Pattaya). Chiang Mai respondents indicate serving nearly twice as many male SEC cases, on average, with individual caseloads of 2.2 male SEC cases within the past month, compared to 1.1 in Bangkok and 1.2 in Pattaya. Overall, frontline service providers report seeing an average of 1.5 boy SEC cases within the past month, the highest number of cases being six and the lowest being one.

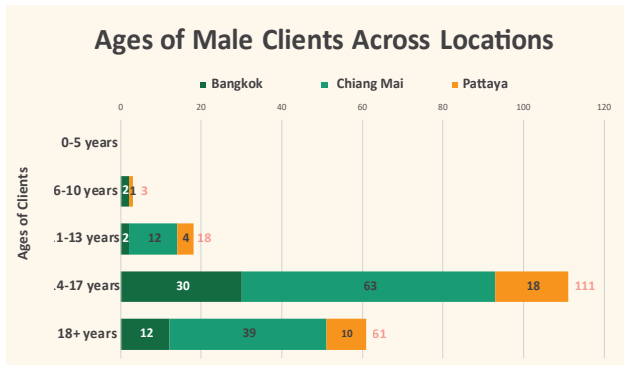


Male service providers are most likely to have caseloads comprised of boy clients, making up 83% of their average total caseloads, which is higher than transgender (74%) and female (65%) service providers. However, male service providers are much less likely to have caseloads with boys who have experienced sexual exploitation. SEC cases involving boys make up only 46% of male service provider's average caseloads, which is lower than transgender (72%) and female (55%) service providers.

Ages of Clients

Considering respondents' ages, there is a discrepancy in the number of male cases served. In recalling the numbers of clients served from particular age groups, within the past month, service providers indicate nearly 200 male SEC

cases over which they had direct management. This is nearly twice the number of male clients indicated within their reported caseloads. While it is unclear why these numbers may be different, it is possible that respondents here include all males served during outreach activities, as opposed to formal clients that have gone through in the intake and case management process.



The vast majority of clients (89%) are reported to be over the age of 14 with 58% between the ages of 14-17 and 32% being over the age of 18. Only 11% of clients are reported to be under the age of 14 with 9% between the ages of 11-13 and 2% between the ages of 6-10. No clients were reported to be under the age of six. Among the three clients under the age of 11, two are in Bangkok and one is in Pattaya. No clients at all are reported to be under the age of 11 in Chiang Mai.

Perpetrators and Facilitators

Across all locations and considering cases within the past month, the most common perpetrators are described as local Thai strangers (58%), in other words, Thai-nationals who are unfamiliar to the child. This is most commonly seen in Pattaya and Chiang Mai, where 72% and 68% (respectively) indicate perpetrators are most commonly local Thai strangers. Following local Thai strangers, four respondents (6%) indicate foreign stranger (e.g. tourist or expatriate resident) described as the most common perpetrators, followed by adult community members (three or 5%), parents or stepparents (three or 5%), and adult siblings (three or 5%). Lastly, nine respondents (14%) cite they have had no cases within the past month where a perpetrator had been identified.

Some notable differences are observed between research locations. While local strangers are described as the most common perpetrators by a strong majority of respondents in Chiang Mai and Pattaya, Bangkok seems to indicate a wider range of ‘common’ perpetrators, including local Thai strangers (five or 28%), adult siblings (three or 17%), parents or step-parent (two or 11%), and child siblings (two or 11%).

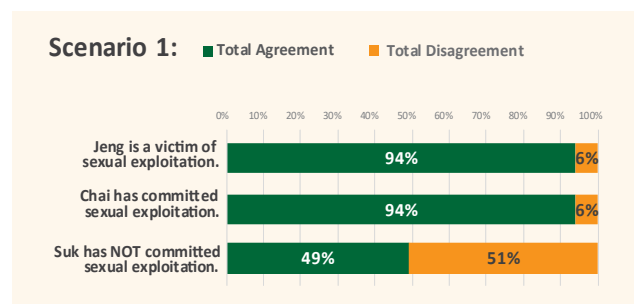
Understanding of Male Vulnerability and Sexual Exploitation

Responses to child protection scenarios

Participants were provided with the following definition of sexual exploitation of children on their computer screen: *“A child is a victim of sexual exploitation when she/he takes part in a sexual activity in exchange for something (e.g. gain or benefit, or even the promise of such) from a third party, the perpetrator, or by the child her/himself. What distinguishes the concept of child sexual exploitation from other forms of child sexual abuse is the underlying notion of exchange.”*

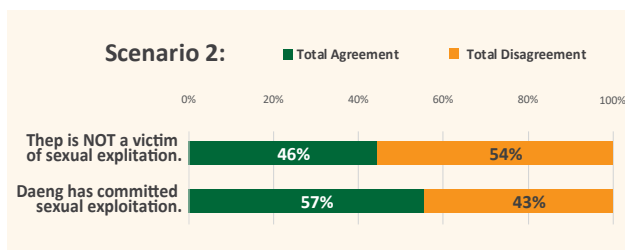
Participants were then presented with six vignettes, which included examples describing potential sexual exploitation of children, and were asked to assess various characters within each scenario, with regard to their being victims or perpetrators. The survey questions were purposely designed to reflect complex but common situations, involving characters with diverse general identities and sexual orientations, as a means of assessing potential common biases and/or assumptions, and indicating possible responses in their role as service providers.

Scenario 1: *Chai pays a 16-year-old younger relative, Jeng, to undress while filming and later posts it online. Suk, who does not know Chai or Jeng, watches this interaction online from home 30 miles away.*



- Jeng:** The vast majority (61 or 94%) agree that Jeng is a victim of sexual exploitation with 74% “strongly” agreeing and 20% agreeing. Similar responses are seen across all gender groups. Among the four respondents (7%) who believe Jeng is not a victim, three are male and one identifies as transgender.
- Chai:** Nearly all respondents, (61 or 94%) agree that Chai has committed sexual exploitation with 71% in strong agreement. Strong agreement is much more common among females (86%) in comparison to male and transgender respondents. Among the four respondents (7%) who believe Chai has not committed sexual exploitation, three are male and one identifies as transgender.
- Suk:** Feelings about Suk were more varied. Slightly more than half of respondents (33 or 51%) believe she committed sexual exploitation with few respondents indicating strong beliefs (8 or 12%). Eight (12%) ‘strongly’ believed she had not. Notable differences are seen between cisgender and non-cisgender respondents, with males and females being more likely to think Suk had committed exploitation. Nearly two thirds of males (12 or 63%), more than half of females (16 or 55%) and less than one-third (five or 29%) of transgender respondents believe Suk had committed sexual exploitation.

Scenario 2: *Thep is a 17-year-old student. He has struggled to make good grades this year and is worried that Daeng, a teacher who is a close family friend, will tell Thep’s father. Thep knows this will make things even worse at home. He offers Daeng sexual favours in the hope that Daeng will not tell his father. Daeng accepts.*

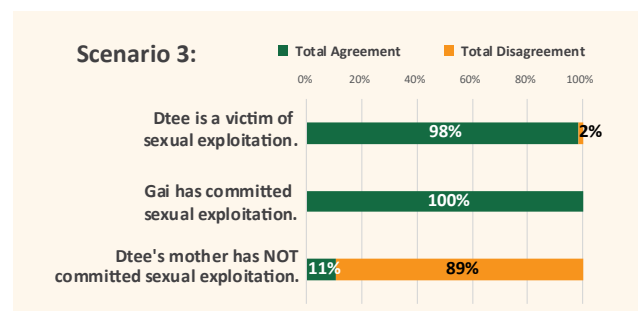


- Thep:** Respondents have mixed feelings about Thep being a victim of sexual exploitation with 33 (54%) believing

that he is a victim of sexual exploitation. Few respondents indicate strong beliefs with eight (13%) ‘strongly’ believing he is a victim and four (7%) ‘strongly’ believing he is not. Overall, males are more likely to believe that Thep is a victim (69%) in comparison to females (49%) and transgender respondents (41%). Comparing data gathering sites, Bangkok and Chiang Mai respondents are more likely to see Thep as a victim (61% and 86%, respectively). Respondents from Pattaya are significantly less likely to understand Thep as a victim with only four respondents (16%) seeing Thep as a victim and 21 (84%) believing that he is not a victim of sexual exploitation.

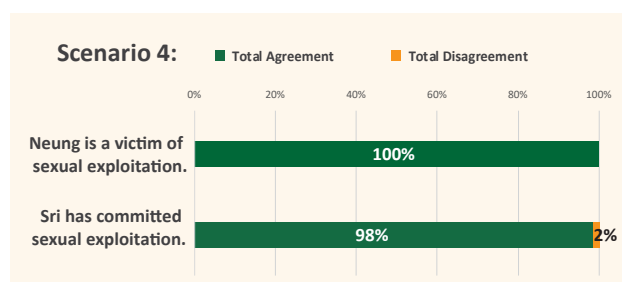
- Daeng:** A slight majority of respondents (37 or 57%) believe that Daeng has sexually exploited Thep with nearly a third (20 or 31%) believing so ‘strongly’. Notable differences are observed between respondents in Chiang Mai and Pattaya. While Chiang Mai is more likely to understand Daeng as an exploiter (21 or 95%), only four in Pattaya (16%) understand the same with one respondent feeling strongly that Daeng has not committed exploitation.

Scenario 3: *Dtee is a seven-year old whose family struggles to make ends meet in their rural village. His uncle, Gai, has a good government job and has always given money to help the family out. Recently, during a visit to Dtee’s family home, Uncle Gai asked Dtee to sit on his lap and began touching his private parts. Dtee’s mother walked into the room and realised that something bad was happening, but before she could say anything, Gai reminded her of how happy he was to be able to visit and provide them with the money that he brought. Dtee’s mother nodded and closed the door.*



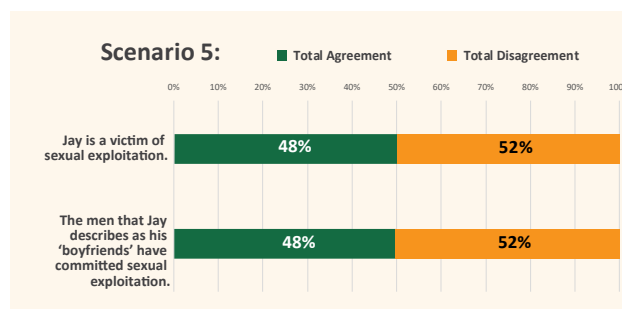
- **Dtee:** Nearly all respondents (64 or 98%) agree Dtee is a victim of sexual exploitation with more than half (57%) in 'strong' agreement. Similar findings are seen across all gender identities, with males slightly more likely to be in 'strong' agreement (68%, in comparison to 55% and 47% among females and transgender respondents, respectively). Respondents in Chiang Mai are somewhat more likely to 'strongly' agree that Dtee is a victim (77%), followed by Bangkok (61%) and Pattaya (36%).
- **Gai:** All respondents agree Gai has committed sexual exploitation with 54% in 'strong' agreement. Males are slightly more likely to be in 'strong' agreement (68%, in comparison to 52% among females, and 41% among transgender respondents). Similar patterns are seen across research locations with respondents in Chiang Mai more likely to be in strong agreement (77%), followed by 56% in Bangkok and 32% in Pattaya.
- **Dtee's mother:** A significant majority (58 or 89%) feel that Dtee's mother has committed sexual exploitation by allowing the abuse against Dtee to continue, however only a fifth (13 or 20%) believe so 'strongly'. Similar responses are seen across all gender identities, with males slightly more likely to 'strongly' believe that Dtee's mother has committed exploitation.

Scenario 4: *Neung is 17. When Neung's neighbour, Sri, asked if he could come to her house on the weekends to help with the manual labour on their small farm, he was happy to help. Her husband, Ton, was often away from home for long periods of time, having migrated for work. Neung respected her husband a lot and wanted to continue making a good impression. One day while Neung was working around the farm, Sri invited him into the house. She promised to make sure that Ton appreciated everything Neung had done for their family - if he allowed her to perform oral sex on him. Neung agreed.*



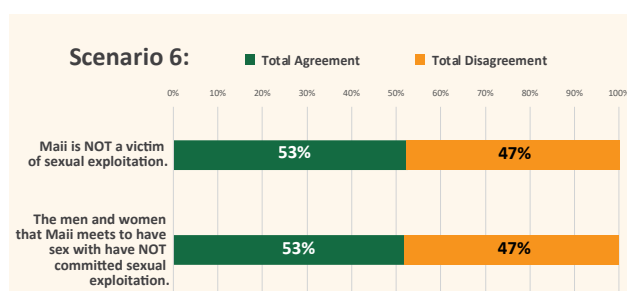
- **Neung:** While all respondents agree Neung is a victim of sexual exploitation, the majority (36 or 55%) do not agree strongly. Looking across gender identities, females are more slightly more likely to be in 'strong' agreement (52%) and males are slightly less likely (9 or 37%). Transgender respondents are less likely to feel strongly about this with five (29%) in 'strong' agreement. Well over half (59%) of Chiang Mai respondents strongly agree that Neung is a victim, while less than a third (32%) of Pattaya respondents feel the same.
- **Sri:** All but one respondent (98%) believes that Sri had committed sexual exploitation by asking Neung for oral sex, however, nearly two-thirds (40 or 62%) are not in strong agreement. Females were least likely to be in strong agreement with only a third (34%) 'strongly' agreeing that Sri had exploited Neung. Respondents from Pattaya were also least likely to indicate strong agreement (20%).

Scenario 5: *Jay is almost 15 years old, although he looks older; he self-identifies as gay and appears confident in his sexuality. On the weekends, he often meets older men, who he describes as his 'boyfriends'. He has sex with them and receives payment and sometimes gifts. When asked about this, Jay says that this is his choice and that other people should mind their own business.*



- Jay:** Respondents demonstrate some significant disagreement on this scenario. The majority of respondents (52%) believe that Jay is not a victim of sexual exploitation with three (5%) believing ‘strongly’ that he is not a victim. Among the 48% who believe he is a victim, 12 (19%) believe so ‘strongly’. Males were most likely to see Jay as a victim with the majority (63%) identifying him as a victim. Less than half of females (45%) and more than a third of transgender respondents (38%) identify Jay as a victim. In contrast to Bangkok and Chiang Mai, the strong majority of respondents in Pattaya do not see Jay as a victim of sexual exploitation. All three respondents who ‘strongly disagree’ that Jay is a victim, are from Pattaya and comprise 12% of Pattaya respondents.
- ‘the men’:** Similarly, the majority of respondents (51%) believe the men have not committed sexual exploitation with four (6%) believing this ‘strongly’. Among the 48% who believe the men are perpetrators, one-fourth (6 or 19%) believe this ‘strongly’. Females and transgender respondents are least likely to see them men as perpetrators with 41% of females and 44% of transgender respondents. While respondents in Chiang Mai are most likely to identify the men as perpetrators (86%), respondents in Pattaya are least likely, with only two respondents (8%) believing the men exploited Jay.
- Maii:** Similar disagreement is seen in this scenario. The majority (53%) believe that Maii is not a victim of sexual exploitation with six (9%) believing this ‘strongly’. Among the 47% who believe Maii is a victim, nine (14%) believe so ‘strongly’. The majority of males (53%), less than half of females (48%), and more than a third of transgender respondents (37%) identify Maii as a victim. Respondents were strongly divided across research locations. While 82% of respondents in Chiang Mai believe Maii is a victim, 88% of respondents in Pattaya believe Maii is not a victim. Respondents in Bangkok were similar to the average with 47% believing Maii is a victim and 53% believing Maii is not.
- ‘the men and women’:** Similar beliefs were demonstrated with regard to the men and women Maii meets for sex. The majority (54%) believe that the men and women that Maii meets for sex have not committed sexual exploitation with eight (13%) believing this ‘strongly’. Among the 46% who believe the men and women have exploited Maii, one-sixth (16%) believe this ‘strongly’. Male respondents (12 or 63%) were more likely to believe the men and women had committed sexual exploitation, in comparison to female and transgender respondents (42% and 28%, respectively). Respondents in Pattaya are least likely to identify exploitation (two or 8%), in comparison to respondents in Chiang Mai (18 or 82%) and Bangkok (10 or 59%).

Scenario 6: *Maii is 17 years old and identifies as a transgender person. Maii used to live in the countryside but faced discrimination from family and neighbours, so moved to the city to start a new life. Maii has not been able to find work and is homeless, so sleeps in a pagoda temporarily. Maii needs money to pay for food and for studies, so quite often meets men and sometimes women, and has sex with them for payment. Maii accepts that this life is tough but accepts this situation, because Maii wants to build a better future.*

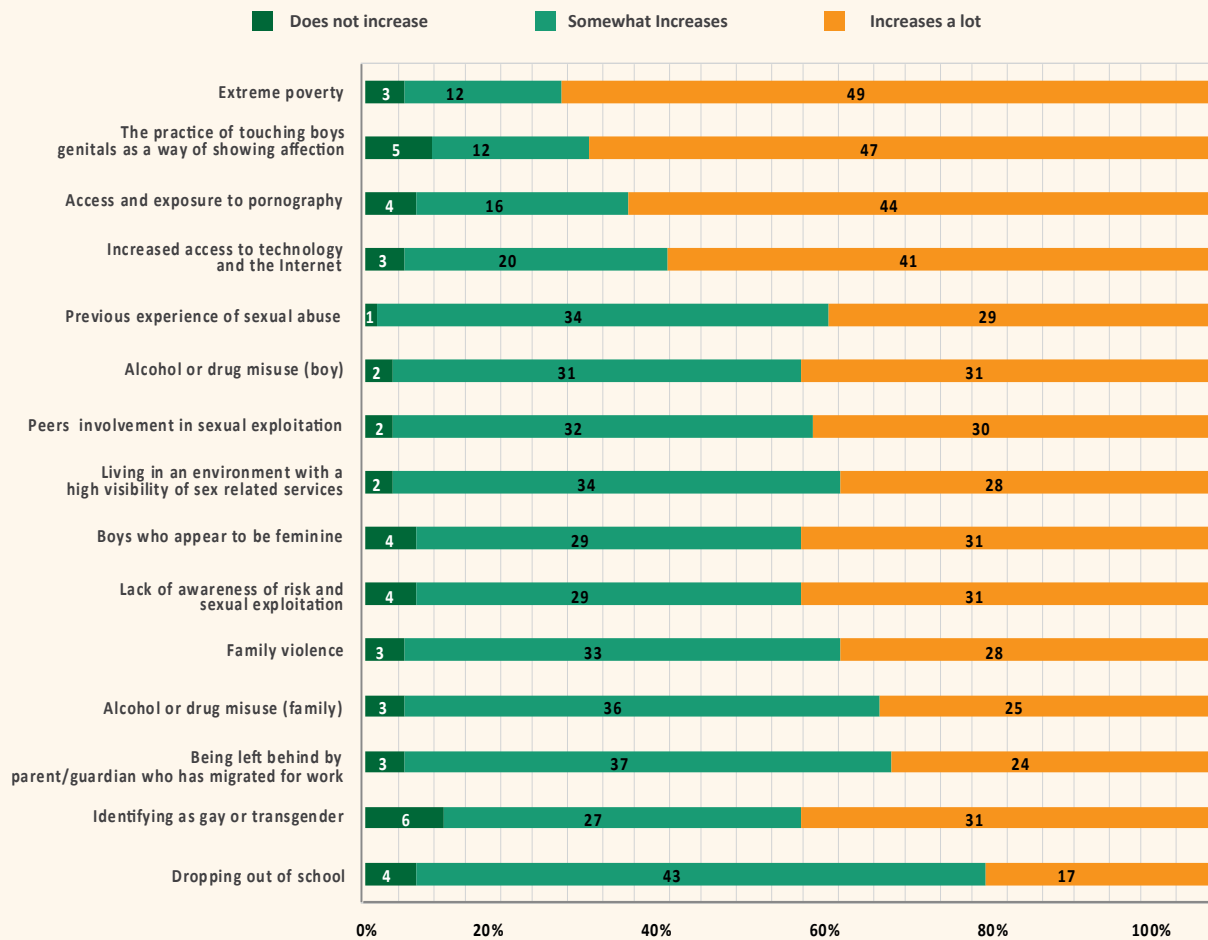


Beliefs about vulnerability

Respondents were given a series of 30 factors in a boy’s life and asked to evaluate the extent to which the factors increase their vulnerability to sexual exploitation by choosing “increases vulnerability a lot”, “increases vulnerability somewhat,” or “does not increase vulnerability at all”. Responses were diverse and varied greatly across gender and research location. The factors provided were based on other global and regional research.

Four factors ranked notably higher among the set of factors provided, all with 60% of respondents or more citing a significant increase in vulnerability to sexual exploitation. “Extreme poverty” is most commonly rated as having a significant impact with 49 (75%) believing that it

Factors Believed to Most Impact a Boy's Vulnerability to Sexual Exploitation



increases vulnerability 'a lot' and another 18% citing it increases vulnerability 'somewhat'. Similar to 'extreme poverty', 47 respondents (72%) indicate the cultural practice of adult's touching or playing with a boy's genitals in infancy and early childhood, significantly increasing a boy's vulnerability, in addition to 12 (18%) indicating that it increases vulnerability 'somewhat'. "Access and exposure to pornography" is also commonly seen as having a significant impact with 44 (68%) indicating this increases vulnerability 'a lot' and 16 (25%) indicating this increases vulnerability 'somewhat'. Lastly, 41 (63%) indicate "increased access to technology and the internet" significantly increasing a boy's vulnerability to sexual exploitation and 20 (31%) indicating this increases vulnerability 'somewhat'.

Having a previous experience of sexual abuse is also very broadly considered to increase a boy's vulnerability to sexual exploitation with 29 (45%) citing a significant increase, 34 (52%) citing a

moderate increase and only one (<2%) indicating that it does not increase vulnerability. Similarly, alcohol or drug misuse, peer-involvement in sexual exploitation, and living in an area with highly visible sex services are broadly considered to significantly increase vulnerability.

The gender identity of service providers seems to play a role in what factors are considered to significantly increase the vulnerability of boys. Overall females are more likely to indicate factors significantly increased vulnerability to sexual exploitation, followed by transgender respondents, while males are more likely to indicate moderate impacts on vulnerability. Overall, "extreme poverty" and "the practice of touching boys' genitals as a way of showing affection" are broadly considered to significantly impact vulnerability across all gender identities, however, males are more likely to indicate "access and exposure to pornography" as a significant factor.

Males

Access and exposure to pornography	13	68%
The practice of touching boys genitals as a way of showing affection	12	63%
Extreme poverty	12	63%
Increased access to technology and the Internet	11	58%
Lack of awareness of risk and sexual exploitation	10	53%
Living in an environment with a high visibility of sex related services	10	53%
Beliefs that children are lower status and do not have their own rights	10	53%
Stigma and shame that victims often face (Culture of silence)	10	53%

Females

Extreme poverty	24	83%
The practice of touching boys genitals as a way of showing affection	24	83%
Access and exposure to pornography	23	79%
Increased access to technology and the Internet	22	76%
Identifying as gay or transgender	20	69%
Boys who appear to be feminine	19	66%
Family violence	15	52%
Lack of awareness of risk and sexual exploitation	14	48%

Transgender or 'Other'

Extreme poverty	13	76%
The practice of touching boys genitals as a way of showing affection	11	65%
Alcohol or drug misuse (boy)	10	59%
Alcohol or drug misuse (family)	9	53%
Access and exposure to pornography	8	47%
Increased access to technology and the Internet	8	47%
Lack of awareness of risk and sexual exploitation	7	41%
Boys who appear to be feminine	6	35%

Conversely, taboos surrounding sex and sexuality, belonging to an ethnic minority group, and living with one or more disabilities, are factors least considered by service providers to impact a boy's vulnerability to sexual exploitation. Nearly half (49%) see taboos surrounding sex and sexuality as having no impact, more than a third (38%) see belonging to an ethnic minority group as having no impact, and slightly less than a third (31%) see disability as having no impact on vulnerability to sexual exploitation. Similarly, community violence (28%), stigma and shame (26%), gendered assumptions about male resilience (22%) are most likely to be considered as having no impact among the range of factors.

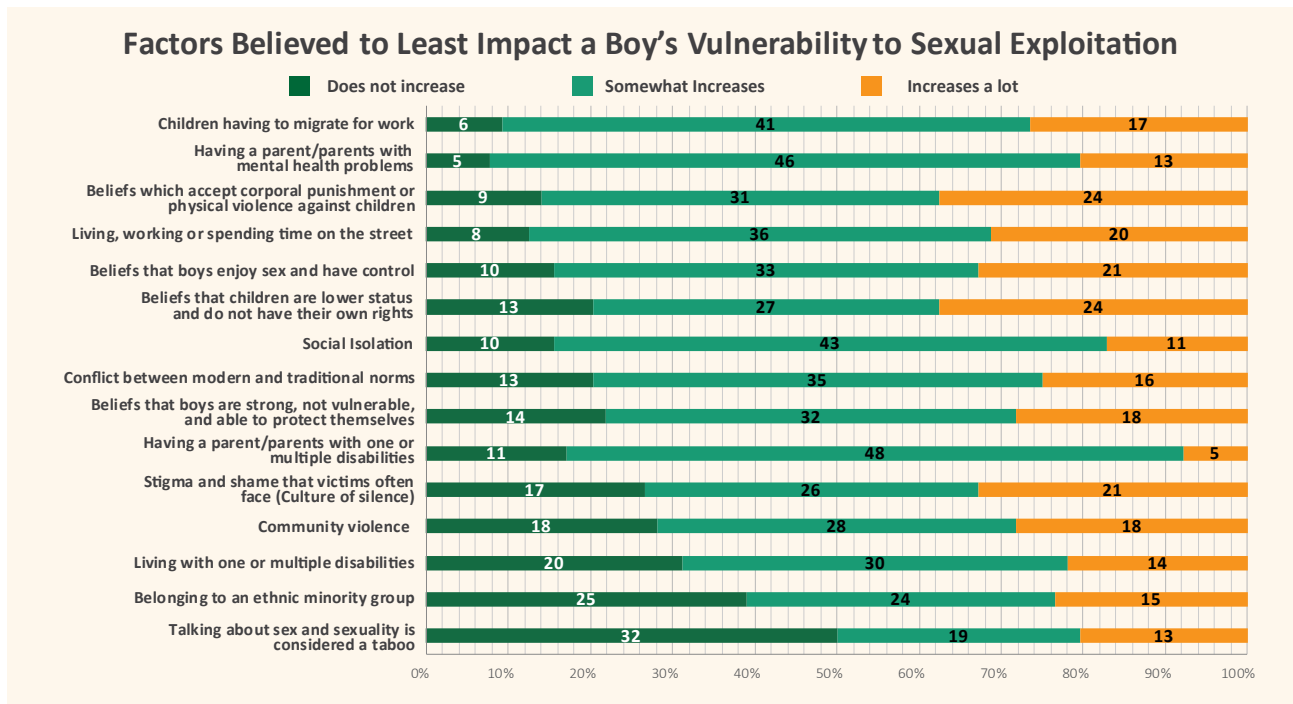
This contrasts with evidence from other studies which identify vulnerability to be increased due to cultural beliefs around masculinity, and sexuality

and homophobia.¹¹ SOGIE youth are also noted as vulnerable, and facing increased likelihood of engaging in survival sex, due to societal and familial rejection and discrimination, discriminatory treatment and abuse from law enforcement and service providers, poverty and lack of employment, homelessness and familial and community violence.¹² Increased vulnerability is also noted for boys migrating from rural, impoverished communities,¹³ and children who have disabilities.¹⁴

Tadele (2009) noted the reluctance of community stakeholders to acknowledge the sexual exploitation of boys, as placing them further at risk.¹⁵ Furthermore, law enforcement and service providers are less likely to identify boys than girls as victims of sexual exploitation.¹⁶

- 11 Berelowitz, S., et al., (2012). "I Thought I Was the Only One. The Only One in the World". London: Office of the Children's Commissioner, London.; Radford, L., D. Allnock and P. Hynes, (2016). *Preventing and Responding to Child Sexual Abuse and Exploitation: Evidence review*. New York: UNICEF. United Nations Children's Fund, (2020). *Research on the Sexual Exploitation of Boys: Findings, ethical considerations and methodological challenges*. New York: UNICEF.
- 12 Dank, M. et al. (2015, February). *Surviving the Streets of New York. Experiences of LGBTQ Youth, YMSM, and YWSW Engaged in Survival Sex*. Urban Institute.
- 13 Davis & Miles.(2014). "Boys for Baht": An exploratory study on the vulnerability of male entertainment workers in Chiang Mai. *Love146/Urban Light.*; Hilton, et al. (2008). *I Thought It Could Never Happen to Boys*. World Vision: Phnom Penh.
- 14 Chynoweth, S., (2017). "We Keep It in Our Heart": Sexual violence against men and boys in the Syria crisis. Geneva: Office of the United Nations High Commissioner for Refugees.
- 15 Tadele, G., (2009). 'Unrecognized Victims': Sexual abuse against male street children in Merkato area, Addis Ababa', *Ethiopian Journal of Health Development*, vol. 23, no. 3, 2009, pp. 174–182.
- 16 Berelowitz, S., et al., (2012). "I Thought I Was the Only One. The Only One in the World". London: Office of the Children's Commissioner, London; Hounmenou, C., 'An Initial Exploration of Prostitution of Boys in the West African Region', *Child Abuse & Neglect*, vol. 69, 2017, pp. 188–200, cited in United Nations Children's Fund, (2020). *Research on the Sexual Exploitation of Boys: Findings, ethical considerations and methodological challenges*. New York: UNICEF.

Expressed problems/needs of male clients

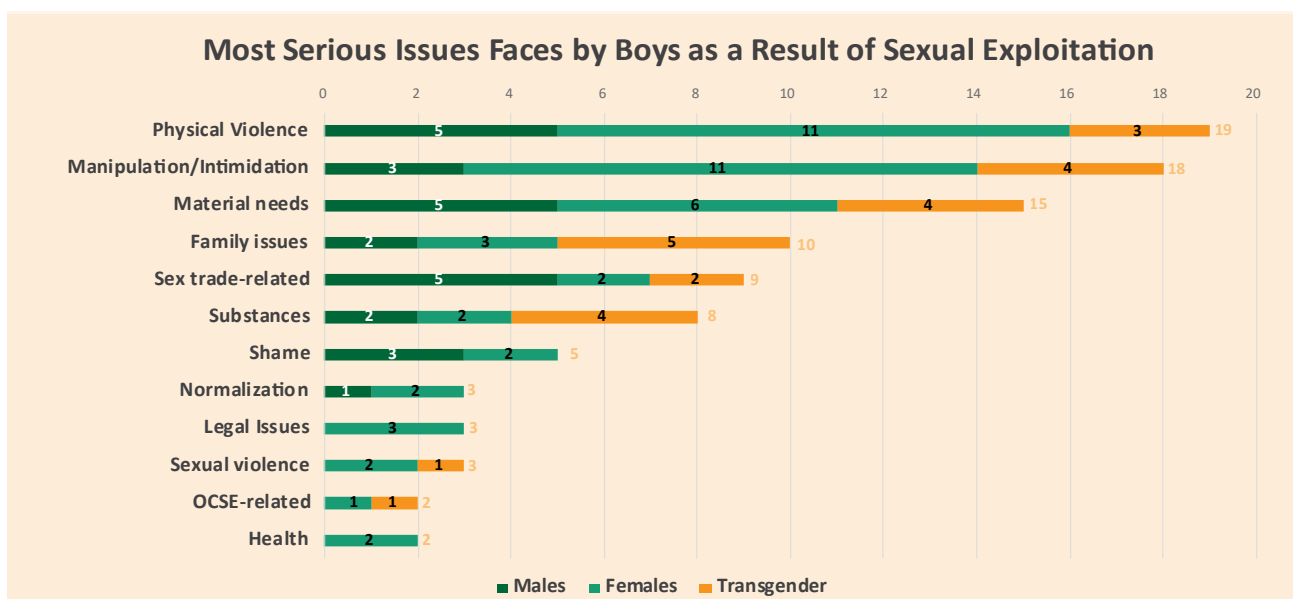


“In your work, what do boys tell you are the most serious problems that they have, as a result of being sexually exploited?”

Respondents were invited to share up to three issues or problems they believed were the most serious that their clients faced as a result of sexual exploitation. These responses were broken down into categories and analysed thematically. Respondents most cited boys experiencing physical violence (19 or 29%) including physical assault, being forced to have sex, being molested, and being

bullied. Respondents also commonly cite a variety of issues related to manipulation or intimidation

(18 or 28%). This theme includes more diverse responses and includes, debt exploitation, being coerced to have sex without protection, threats to disclosing information about the boy and his work and being taken advantage of by law enforcement or other authority figures. Various material/financial needs are also commonly cited (15 or 23%), which arise as a result of exploitation. These needs include, but are not limited to, struggles with poverty, starvation, and pressure to look after family debts and expenses.

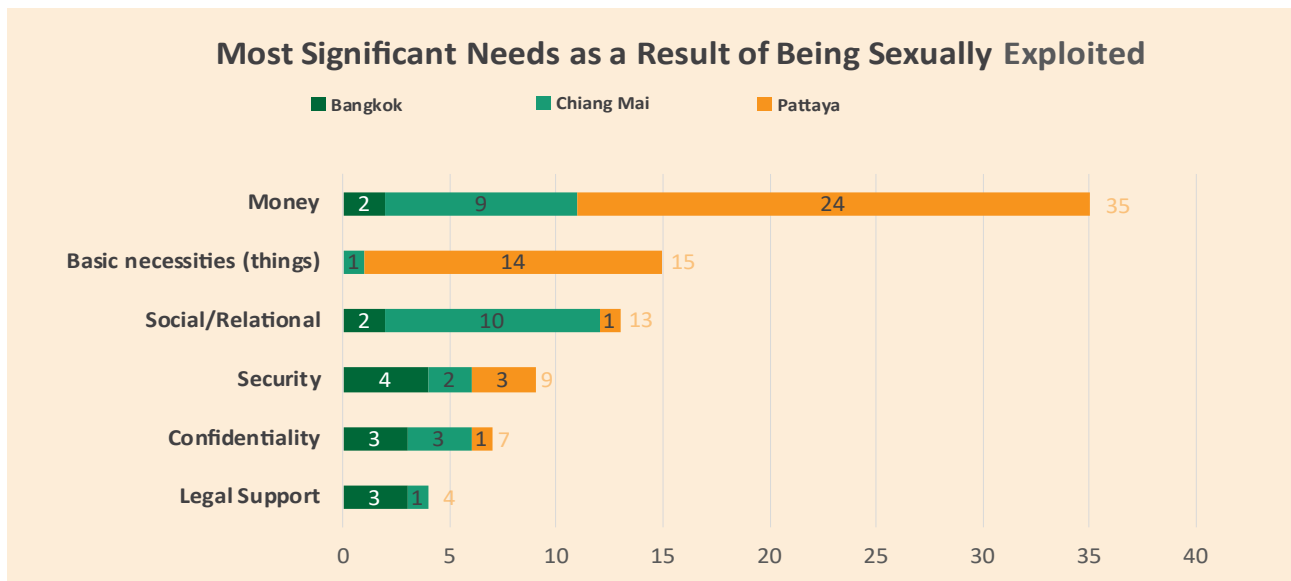


Considering location, more than two-thirds (68%) of those who see physical violence as a key issue are located in Pattaya. While no service providers in Bangkok and six providers in Chiang Mai (29%) cite physical violence as being the most serious problem, 13 or 76% of respondents in Pattaya indicate physical violence to be a key problem. Similarly, nearly two-thirds (61%) of those who see manipulation/intimidation as a key issue are located in Pattaya. While two respondents in Bangkok and five in Chiang Mai cite manipulation/intimidation to be a key issue, 11 of those in Pattaya (65%) cite the same.

“In your work, what do boys tell you are their most significant needs, as a result of being sexually exploited?”

Financial strains and economic pressures are clearly perceived as significant needs among boys who have been sexually exploited and seem to be understood as deeply affecting their family and community relationships. Respondents most commonly indicate money to be the most significant

need of boys who have experienced sexual exploitation (35 or 54%), citing needs for stable employment and pressures to generate income to support themselves and their families. (This concurs with the responses from the interviews with young people – see ‘debt’ and ‘entry into sex work’ sections later in the report). To a lesser extent, service providers cite needing basic necessities (15 or 23%), including food and shelter, as well as social or relational needs, including trustworthy friends, love, acceptance from parents, and understanding from their communities. Seven service providers (11%) cite need for confidentiality, often indicating fears related to their parents and family members discovering the boy’s involvement in sexual exploitation. Lastly, four respondents note clients needing legal support, which includes a lack of serious commitment to protection of their rights, prosecution of offenders (buyers of sex with boys) and knowledge/education of relevant laws in Thailand. Notable differences are seen between research locations. While respondents in Pattaya are most likely to describe needs related to finances (24 or 96%) and basic necessities for survival (14 or 56%), respondents in Bangkok and Chiang Mai indicate a greater diversity of needs.



Perceived Barriers for Males

Seeking help for sexual exploitation

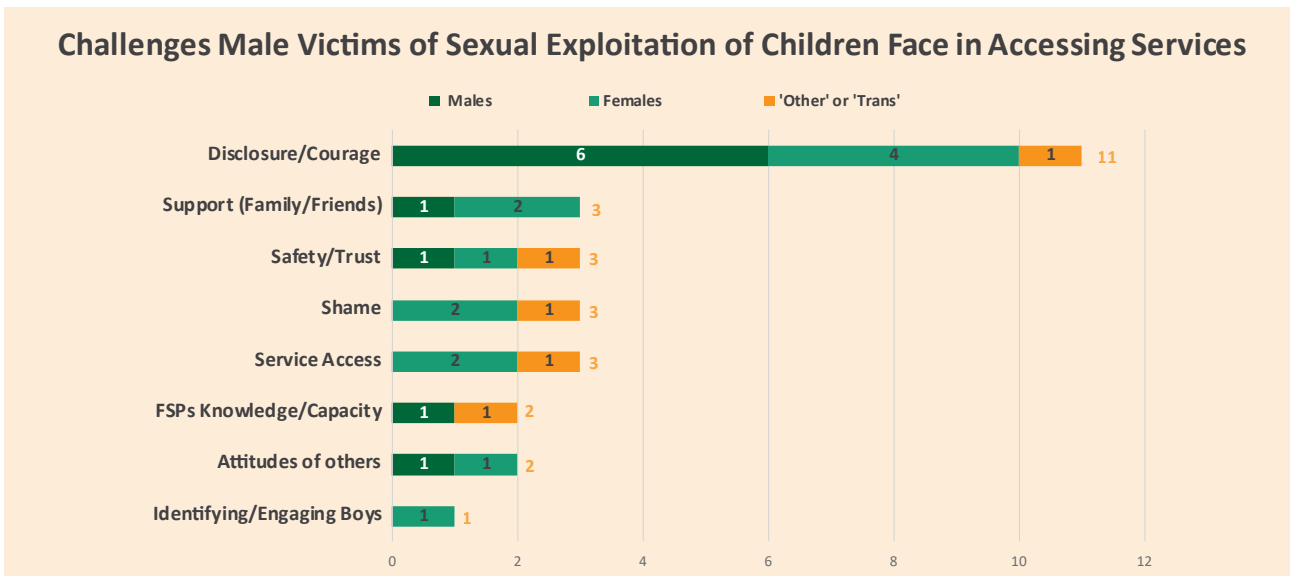
“What challenges do boy victims of sexual exploitation face when trying to access support services?”

While relatively few service providers responded to this question, among the 31 (48%) who did, some clear patterns emerge. Nearly a third of

those responding (32%) describe difficulties in boys finding the courage needed, or being able to disclose their experiences of sexual exploitation to service providers. Other significant issues identified by respondents, and likely to contribute to the challenges related to disclosure and being able to access services - included establishing safety, trust and high levels of shame experienced by boys affected by exploitation. Some note gender-specific difficulties that boys face in describing their own vulnerabilities, which results

in significant challenges in seeking help and accessing services. This mirrors the challenges

faced by service providers seeking to engage with boys and provide support and is discussed below.

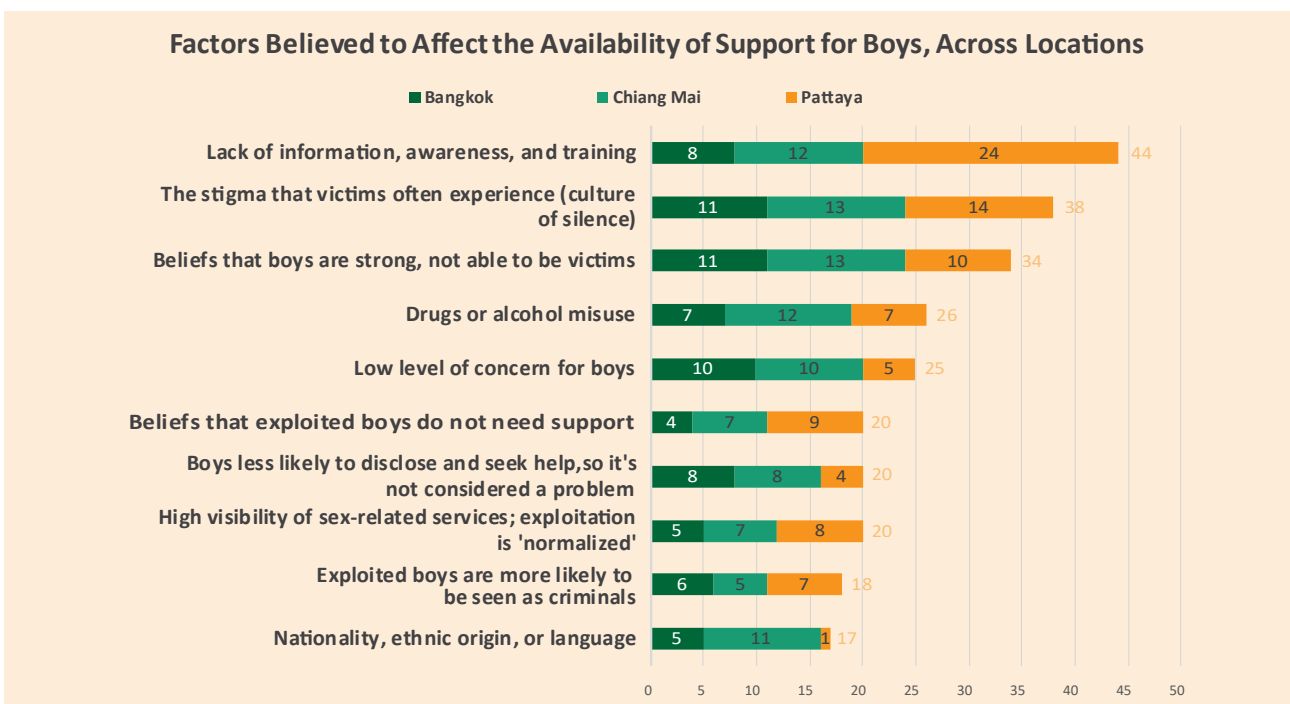


Availability of support

“What factors affect the availability of support for boys before, during, and after an experience of sexual exploitation?”

Overall, lack of information, awareness, and training of service providers is identified as the most significant factor affecting a boy’s ability to access support services for sexual exploitation. This is followed by social stigmas faced by male victims and restrictive gender assumptions that suggest males are, or should be, stronger and less vulnerable to sexual exploitation. Lack of information and

awareness is reported as the overall most common factor impacting the availability of support among all respondents, with social stigmas for male victims and restrictive assumptions about masculinity and gender norms seen as the next most significant factors. Perhaps linked to regressive assumptions, “low level of concern for boys” is seen as a key factor among nearly half of the sample and “beliefs that boys do not need support” among nearly a third of the sample. To a lesser extent, only slightly more than one-fourth of respondents see nationality, language, or ethnic origin as having an impact on access to services, with somewhat greater levels of recognition in Chiang Mai and very low levels of recognition in Pattaya.



The challenge of connecting and engaging with boys and providing support

Participants were asked what they considered to be the most significant and common challenges they experience providing support for boys. It is widely acknowledged in other research that service providers face a number of challenges, engaging with, and providing support to males affected by exploitation and abuse. This may be related to the secretive nature of abuse and exploitation, shame, fear of the consequences of disclosure, and the impacts on victims, a lack of evidence based programmes for boys, less experience of working with males, and/or limited training, knowledge and awareness of the specific needs of males in many settings. As an open-ended question, participants were therefore invited to freely share their ideas, based on their work experiences, of specific challenges they face in their work. A relatively small number (n=31) chose to respond to this question, although the responses indicate some important and interlinked themes.

By far the most common response was related to 'Disclosure' (boys are reluctant to share information about their experiences), with 14 participants noting this. This was most often described as boys needing to provide 'true information' or the 'facts' related to the case, with one participant remarking that boys "Refuse to speak the truth, as they are ashamed to tell or talk about it". Another participant described the challenge of "Supporting the children to open their hearts and provide accurate information, because children will block themselves". This mirrors the findings related to 'challenges for boys' (above) being able to access services. This is a significant finding, when considering that unless children are able to communicate their experiences and needs - there is less opportunity for them to be understood, and appropriate support and services to be accessed and provided.

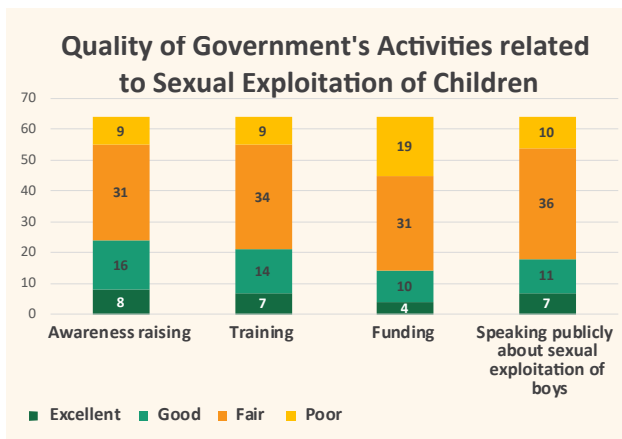
Other notable themes described in order of frequency, relate to providing 'Psychological Support', establishing 'Confidentiality and Safety', and 'Engaging Boys' - which are essential for children to be able to share their experiences. Specific comments reveal linkages to enabling disclosure, including the need to "establish enough trust to tell the story", and "how to gain the kids' trust", and in relation to psychosocial support, one participant described the challenge as being able to 'gain access to emotions, feelings and attitudes". The theme of trust also emerges in specific comments related to 'engaging with boys' with one participant describing a "*Difficulty in creating stable relationships, because children find it very difficult to build trust in others. This makes them extremely vulnerable. Service providers have to demonstrate stability and consistent behaviour in order to help children grow to truly trust them*". Recognising that the recovery process may be conceptualised in three stages: establishing safety, retelling the story of the traumatic event, and reconnecting with others,¹⁷ it would appear important to acknowledge these and other related themes, and this will be addressed in the discussion and recommendation sections of this report.

17 Herman, J. (1992). *Trauma and recovery*. New York: Basic Books.

Evaluation of Existing Support Services

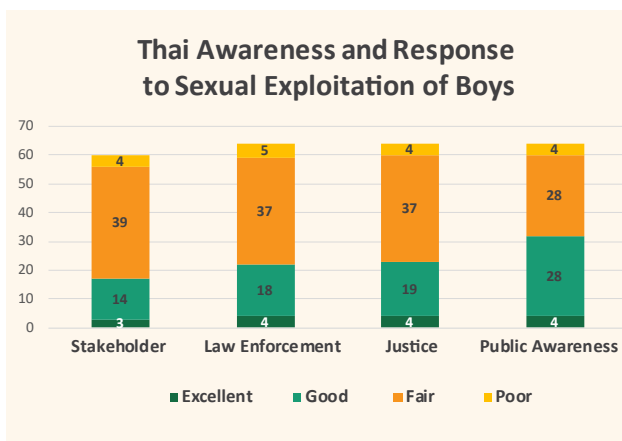
Government

Service providers were asked to evaluate the quality of Thai Government and law enforcement services for sexual exploitation of boys, focusing on the areas of awareness raising, training, funding, and speaking publicly about the sexual exploitation of boys. Overall, the results indicate that the majority of respondents consider responses to be poor or fair, in relation to all areas.



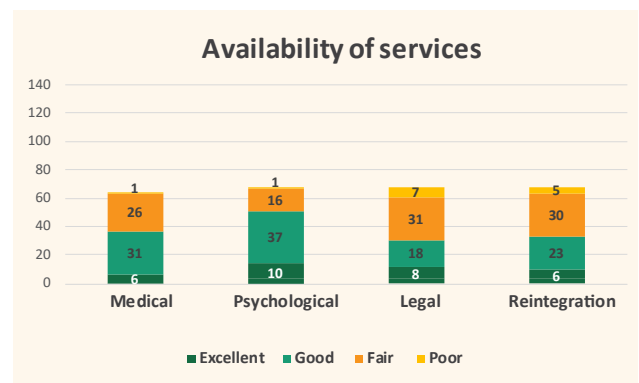
Society

Service providers were similarly asked to rate the awareness and response of Thai civil society to the issue of sexual exploitation of boys, focusing on stakeholders, law enforcement, criminal justice, and general public awareness. Overall, a similar pattern emerged, with the majority of respondents believing responses to be poor or fair in relation to stakeholders, law enforcement and criminal justice - and equally split on general public awareness.



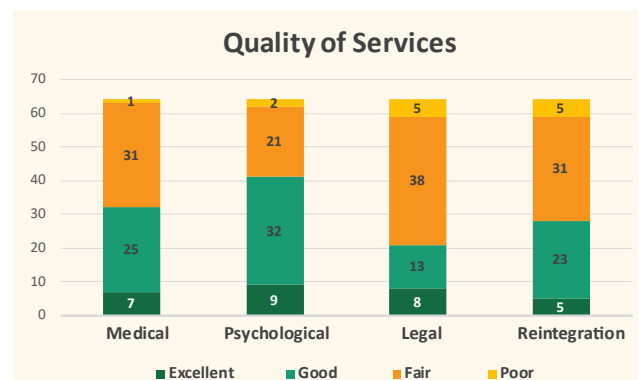
Availability of Services

When asked about the availability of services related to medical, psychological, legal, and reintegration support, in the sites where they work, responses were more varied. Availability of psychological and medical services were perceived as being excellent or good by the majority (37 and 47 respondents respectively), although legal and reintegration services considered by a majority to be either poor or fair. It should be noted that for this and the following item, data was collected in three major urban locations. Expectations would be significantly different if data were to be collected in other locations across Thailand.



Quality of Services

Respondents were asked to consider the quality of services related to medical, psychological, legal, and reintegration support. Equal numbers (32) considered the medical services to be excellent/good and also fair/poor. The quality of psychological support was perceived by two thirds to be either excellent/good, with the remainder considering it to be poor/fair. The quality of legal support was considered of least quality, with two thirds believing it to be poor/fair. Reintegration service perceptions were more evenly split between poor/fair (36 respondents) and good/excellent (28 respondents).



Discussion of Survey Results

Despite a growing awareness of male vulnerability to sexual exploitation, the impact on boys continues to be under-recognised in legislation and policy, and often under-addressed in social programming.¹⁸ The causes, risk factors, and consequences, and resulting needs of boys who have experienced sexual exploitation are multiple, complex, and interlinked across the domains of the social spectrum, including wider society, community, within families, and the individual.¹⁹ This requires a comprehensive and coordinated response to address the prevention, protection, and the support needs of boys affected by sexual exploitation.

Data from this study finds a limited range of services and a wide range of perceived needs, which do not always align with the programming provided. This may suggest that programmes would benefit from drawing on this evidence base and invest in understanding local need through research, evaluation of existing programmes, and focused collaboration with boys affected by sexual exploitation and existing stakeholders. The survey did not explore the origins of current programming or what evidence informed the development of programming for boys throughout the three research areas. However, as observed above, the relatively limited range of services available may indicate a need for more evidence-based comprehensive programming, with the possible exception of Chiang Mai, where the evidence indicates a more wide-ranging availability of services and programmes in that setting.

The data finds notable challenges in frontline workers' ability to identify sexual exploitation of children within practical scenarios, particularly with regard to SOGIE-identifying children. Respondents describe further challenges around being able to connect and engage with boys, building relationships, fostering disclosure, and the creation of safe client-practitioner environments. For example, that 'providing confidentiality' and 'engaging boys' were named as common barriers is a real concern. These

are fundamental conditions to help-seeking or disclosure. Considering these challenges, in identifying vulnerability and engaging boys, there is significant need for the development of staff and individual capacities, and the creation of specialised tools and training, to aid in understanding and connecting with boys and young men who may be reluctant to disclose vulnerabilities and experiences of sexual exploitation and violence. The responses indicate the staff are aware of the capacity gaps/service shortcomings which is a good position to be starting from. They seem eager for access to the knowledge and skills development they need.

While there are clear examples of promising practice throughout Thailand, the gap between perceived needs/vulnerabilities and services provided suggests that the development of programming may be more resource led, as opposed to needs led. This distinction can be of critical importance, especially among people with complex and often overlapping needs and vulnerabilities. Being 'needs led' allows for the development of services based on evidence drawn from young people, practitioners, and individuals living in communities, working together to provide services on the basis of expressed needs and evidence, emerging from assessments, project evaluations and/or research. Whereas being 'resource-led' is more likely to reflect the existence of a set of standardised resources, which are available across all communities, provided by a different set of criteria. While leading with resources allows practitioners to develop a simple set of skills and provide a 'menu' of services which can then be applied to a variety of at-risk groups, it often overlooks key, underutilized resources and lesser-known needs, which may be critical components for development. In contrast, a needs focus starts with careful listening and learning, and continues with a willingness to develop and diversify staff, material resources, strategies and responses to meet the expressed needs. The data indicates a need for a comprehensive evidence-based approach to the development of programming for boys. Previous studies have identified that in order to assist boy victims adequately,

18 Mitchell, K., et al., (2017). [Rethinking Research on Sexual Exploitation of Boys: Methodological challenges and recommendations to optimize future knowledge generation](#), Child Abuse & Neglect, vol. 66, 2017, pp. 142–151.

19 United Nations Children's Fund, (2020). [Research on the Sexual Exploitation of Boys: Findings, ethical considerations and methodological challenges](#). New York: UNICEF.

practitioners have recognised that they still lack a coherent evidence-based approach.²⁰ Globally, practitioners identify that they still lack a coherent evidence-based approach to developing programmes²¹ and research demonstrates the causes, risk factors, and consequences of SEC (and therefore the needs of boys) to be multiple, complex, and interlinked across the domains of the social spectrum.²² Responding to these needs and consequences requires a comprehensive and coordinated response, thus service providers working with vulnerable children play a crucial role in identifying boy victims and ensuring they receive the support they need.

In considering these findings, as noted in the limitations section, it is also important to note the potential impacts of the COVID-19 pandemic on findings, though efforts to address this were taken by survey administrators. For instance, the study finds the vast majority of exploiters within the past month are local Thai strangers (58%) or Thai-nationals who are unfamiliar to the child. This finding may have been influenced by changes to travel and tourism during data collection, due to the COVID-19 pandemic (May-June 2020). Despite these potential influences, it is important to note these findings also underscore the existing prevalence of local SEC perpetration against boys and young men that exists within the country itself, outside of sexual exploitation within travel and tourism contexts, which often consumes a great deal of the discourse and programming surrounding child protection in Thailand.

Gaps and overlaps in services

All but nine respondents indicate providing some level of counselling and psychosocial support and sexual health services, with community outreach similarly common among nearly two-thirds of respondents. While these three general services are widely available in all areas, expressed needs of boys are often complex and overlapping. Extreme poverty and experiences at home and during childhood, as well as concerns

related to increased access to technology and the Internet were highly recognised by service providers as significantly increasing boys' vulnerability to sexual exploitation. Noted childhood experiences include genital touching in infancy, childhood sexual abuse, and access/exposure to pornography. Genital touching is a common practice in many, particularly provincial, communities throughout the Mekong region and often involves a parent or older relative grabbing, pinching, or kissing a boy's genitals.²³ While this usually happens in infancy and reduces in frequency as the child grows, such actions are often a way of normalising the removal of a child's agency over his own body and can blur the lines between "good touch" and "bad touch" during a vital time of the child's development. Access and exposure to pornography is a commonly recognised vulnerability factor for sexual exploitation, which is echoed in primary research with service providers.²⁴ While this study's data does not elaborate on the specific, perceived link between access to pornography and vulnerability to sexual exploitation, this belief among service providers should be critically considered. Easy access to pornography at young ages can be a means of normalising sexual engagement inappropriate for a child's age and development and is a common means of grooming used by perpetrators of child sexual exploitation and abuse.²⁵ However, there is also the possibility that a child's access to, and use of, pornography could be used by parents, carers, or service providers to blame children who have been abused or exploited. In such scenarios, a child's engagement with pornography, and/or their own sexuality, could be suggested to be the reason for which the abuse of exploitation occurred. Such suggestions should be avoided and considered to be a violation of the child's basic rights.²⁶ While it is important to take these points into consideration, the linkage between pornography and vulnerability is unclear from the data.

Despite clear indication of poverty and childhood home experiences as key vulnerability factors,

20 Cole, J., G. Sprang and J. Cohen, (2016). *The Trauma of Commercial Sexual Exploitation of Youth: A comparison of CSE victims to sexual abuse victims in a clinical sample*, Journal of Interpersonal Violence, vol. 31, no. 1, 2016, pp. 122–146.; McNaughton, et al., (2014). *Hidden in plain sight A scoping study into the sexual exploitation of boys and young men in the UK* Policy briefing. London: Bernardos.

21 *Ibid.*

22 United Nations Children's Fund, (2020). *Research on the Sexual Exploitation of Boys: Findings, ethical considerations and methodological challenges*. New York: UNICEF.

23 Hilton, A., et al. (2008). "I Thought It Could Never Happen to Boys". World Vision: Phnom Penh.

24 *Ibid.*

25 ECPAT International. (2017). *Regional Overview: Sexual Exploitation of Children in Southeast Asia*. ECPAT International: Bangkok.

26 The United Nations. (1989). *Convention on the Rights of the Child*. Treaty Series, 1577, 3.

few respondents indicate any involvement in programming focused on services addressing these factors. In all areas, the services provided for boys do not greatly match the needs and vulnerabilities described by social service providers. Service providers describe economic support and social/relational needs as the most commonly expressed need among boys who have experienced sexual exploitation. Despite this, the services provided are largely very generic, including counselling/psychosocial support, sexual health services, community outreach, and, to a lesser extent, awareness raising.

While Chiang Mai shows some examples of an emerging diversity of services such as, legal support, educational and vocational training, and support for parents and caregivers, the range of services provided in Bangkok and Pattaya is especially narrow. Respondents in Chiang Mai are also significantly more likely to refer cases to other organisations for specialised services, with 73% of respondents from Chiang Mai indicating the provision of referrals being a standard feature of their work, in comparison to 11% and 4% in Bangkok and Pattaya, respectively.

Economic need versus a lack of economic assistance programming

The need for economic support is identified as a main vulnerability factor for boys who have experienced sexual exploitation. This includes needs for basic necessities such as food and housing, as well as help finding stable employment, and income that is sufficient to support family members in provincial areas. Despite this, economic assistance is one of the least addressed issues among services provided. Similarly, service providers' express needs for money and stable employment to be key barriers to work, but this is not matched by service provision. While this raises questions as to the basis for the establishment of programming and what evidence base is used, more focused needs assessments and research are needed to better understand the dynamics of programme development within this context.

Social/relational needs versus a lack of programming for families and caregivers

Frontline service providers recognise a lack of connection with parents and 'acceptance', as being a key challenge among boys and young men who have experienced sexual exploitation. Specifically, the need for boys to be accepted within their families, and the need for relatives to understand that their experiences of exploitation are not their fault, is noted. This likely includes a need for understanding and supporting SOGIE-identified children and youth.

International research indicates how many risk factors often overlap with the consequences of exploitation across the social spectrum, and also highlight the need for 'family engagement' by service providers. Risk factors include family violence, substance misuse, poverty, lack of connection with families, poor parent-child relationships, children running away from home and spending time on the street, and youth homelessness.²⁷ Further, the need to engage with families to address risks, vulnerabilities, address protective factors and the consequences of exploitation, appears to be clear.

However, the majority of programming with boys and young men indicated in this study seems to take a largely individualistic and narrow approach to addressing their needs, and appears to be somewhat disconnected from the body of emerging research that clearly demonstrates a wide range of vulnerabilities and risk factors, and therefore not seem to be addressed in social programming provided. One example is the high number of respondents (73%) who considered touching a boy's genitals (as a form of showing affection), which takes place in families and communities, being a significant risk factor, indicating a need to work closely with family and community members. However, overall, only 17% of respondents indicated the provision of support services for families and caregivers (0% in Bangkok, 4% in Pattaya, and a much higher 41% in Chiang Mai).

27 Dank, M. et al. (2015, February). *Surviving the Streets of New York. Experiences of LGBTQ Youth, YMSM, and YWSW Engaged in Survival Sex*. Urban Institute; Edinburgh et al. (2015). (See: United Nations Children's Fund, (2020). *Research on the Sexual Exploitation of Boys: Findings, ethical considerations and methodological challenges*. New York: UNICEF.

There also appears, in two settings, to be a lack of organisations making referrals to other service providers who may be able to provide services to meet diverse needs, with just 11% in Bangkok, and 8% in Pattaya. Chiang Mai appears to be the exception, with 73% of respondents reporting making referrals as a core service, suggesting a recognition of the need for a more collaborative and inclusive approach in that setting.

A relative absence of awareness and programming for children with disabilities

Disability and its potential link with abuse and exploitation, broadly speaking, seems to be one of the least considered vulnerability factors among service providers. One-in-three, or 31%, do consider a child living with one or multiple disabilities as a vulnerability factor, and while the remaining respondents either recognise disability as affecting vulnerability 'a lot' (14), or 'somewhat' (30), this is not reflected in service provision. Parents living with one or more disabilities, is not considered to be a vulnerability factor by 11 respondents, and while the remaining 53 either recognise it affects vulnerability 'a lot' (5) or 'somewhat' (48), availability and inclusion of support for children with disabilities and their families, is relatively rare (0% in Bangkok, 12% in Pattaya and 27% in Chiang Mai), perhaps reflecting a lack of awareness and concern in wider social welfare services.

Although focused research on the links between disability and sexual exploitation is limited, children with disabilities are noted as facing increased vulnerability to sexual exploitation.²⁸ International research consistently indicates increasing awareness that children with disabilities are at an increased risk of abuse and neglect, and at a significantly higher risk of all forms of child abuse, compared to children without a disability. Children with disabilities and their families, also face significant barriers accessing child protection, and a range of other services, due to the stigma surrounding disability. Research findings exploring the impact of gender on the relationship between disability and abuse are inconsistent, although there is some evidence that suggests that disabled boys may be at greater risk of abuse than disabled girls.

The evidence from this study indicates the need for frontline workers to develop a greater understanding of the unique and increased vulnerabilities of children with disabilities to sexual exploitation and violence, and development of responses to accommodate their individual needs. The lack of awareness, combined with the limited referral pathways previously identified, may result in the needs and rights of children with disabilities remaining unnoticed and neglected by service providers, communities, educators, and other authorities.

Identification of sexual exploitation of children among SOGIE-identified youth

There is a clear challenge in identifying risk and vulnerability among SOGIE-diverse children and young people. This is especially seen in the two hypothetical scenarios presented to service providers, featuring a boy who identifies as gay and a child who identifies as transgender. In comparison to scenarios with heteronormative females and, to a lesser extent, males, service providers indicate a diminished perception of vulnerability and recognition of exploitation among SOGIE-identified children and were less likely to perceive that the adults involved had committed sexual exploitation. Considering the clear definitions of SEC provided in the survey, responses within this section raise some concern with regard to potential unconscious bias toward SOGIE-diverse youth.

In the first scenario, Chai pays a 16-year-old younger relative, Jeng, to be filmed while undressing and later posts the video on the internet. Service providers largely believe Chai has committed sexual exploitation with 74% believing Jeng is a victim and 71% believing Jay has committed exploitation. In another later scenario, Jay, a 15-year old identifying as gay, has sex with older men on weekends in exchange for money and gifts. In this scenario, more than half (52%) believe that Jay has NOT been exploited and only 18% 'strongly' agree that Jay is a victim of sexual exploitation. Similarly, in this

28 Chynoweth, S., (2017). "We Keep It in Our Heart": Sexual violence against men and boys in the Syria crisis. Geneva: Office of the United Nations High Commissioner for Refugees.

agree that ‘the men’ have committed exploitation, with respondents in Bangkok and Pattaya being least likely to identify this scenario as exploitative. Another scenario presents, Dtee, a transgender 17-year-old, who moves to an unfamiliar city due to discrimination at home and struggles with homelessness. In order to survive, Dtee has sex with men and women in exchange for money. Nearly half believe that Dtee has NOT experienced exploitation and only 14% ‘strongly’ agree that exploitation has occurred.

Roughly half of respondents are unable to identify sexual exploitation within these two scenarios. This raises some significant concern with regard to potential biases and/or regressive assumptions with regard to gender and sexual orientation. Despite both scenarios featuring definitive examples of the sexual exploitation of children, it is possible that the reduced perception of vulnerability could originate from the (often unhelpful) assumption that gay and transgender youth are ‘naturally’ more sexually active or ‘promiscuous’, and thus payment to have sex with adults assumes a greater deal of agency on their part.

It is also possible that some confusion has arisen due to a perception that the children are ‘choosing’ to have sex with the adults in exchange for money, even though children cannot ever actually consent to their own exploitation. This is seen in the scenario in which a teacher accepts sexual favours from 17-year-old Thep in exchange for not reporting poor grades. In this scenario, only 31% of respondents see Thep as a victim, and only 25% believe the teacher has committed sexual exploitation. While Thep is not presented as being gay or transgender, the student is described as ‘offering’ sexual favours in exchange for not sharing information about poor grades, and respondents seem to assume this transaction to be less exploitative and raise fewer child protection concerns. There is the possibility that respondents are answering this question within understanding that the age of consent for sex is 16 years of age in Thailand. However, that indicates poor knowledge that sexual exploitation of children (which involves an exchange between an offender and the child victim directly and/or the facilitator of the crime) is illegal in most of its forms, regardless of age of sexual consent laws, as detailed later in the legal analysis chapter.

Unconscious biases against children actively engaging in their own exploitation

Notably, when provided categorical definitions of ‘sexual exploitation’ there seems to be a relatively strong awareness of child vulnerability, but when these categories are translated into practical scenarios, respondents seem to be less likely to recognise vulnerability, which has potential implications for everyday practice and service providers’ ability to meet the needs of some children.

Considering the diminished perception of vulnerability toward gay and transgender children noted in the box above, it is interesting to note that nearly two-thirds of transgender respondents were also unable to identify vulnerability among gay or transgender children within the given scenarios. Similarly, of the seven people who

cite that being gay or transgender does not affect vulnerability, four are transgender themselves. There is space here to note the existence of similar unconscious biases and assumptions within diverse SOGIE communities, including the potential ‘normalisation’ of sexually exploitative activities among gay and transgender children and young people. Previous research on transgender sex workers in Bangkok and Phnom Penh²⁹ finds notable influences and assumptions about vulnerability within diverse SOGIE sub-cultures themselves. Transgender youth in these studies indicate significant normalisation of sexual violence, and to some extent, beliefs that sexually exploitive experiences are a part of SOGIE identification. While data in this data is insufficient to draw conclusions on these findings, this underscores a significant need for more focused research on the existence, impacts, and implications of subconscious biases, assumptions,

29 Davis, J., Quinley, J., Miles, G. (2014). *More than Gender: A Baseline Study of Transgender Persons in the Phnom Penh Sex Industry*. Love146: Phnom Penh.; Davis, J., Lippman, H., Morrison, T., Miles, Z., & Miles, G. (2016). “Same-Same, but different”: A baseline study on the vulnerabilities of transgender sex workers in the sex industry in Bangkok, Thailand. Love146: Phnom Penh.

and the normalisation of sexual violence among both heteronormative and non-heteronormative service providers.

The evidence suggests that the definitions of SEC provided in the survey (based on internationally recognised instruments), for a significant number of service providers, appear to differ significantly from their own understanding. In the case of Thep, he is over the age of consent, so this cannot be considered statutory rape, but this could be considered as sexual exploitation of children due to the exploitative intentions of the teacher, compounded with the aggravating circumstance of him being in a position of power and authority over the child. This is also reflected as such in current Thai law where crimes by a person in authority over a child are considered aggravated offences in the criminal code (see legal chapter of this report). Despite this, 46% of the sample did not consider him to be exploited. This suggests that for some respondents, their capacity to integrate legal definitions, and/or analyse power dynamics within exploitation scenarios where boys are concerned, is limited, and requires further exploration and attention.

This finding aligns with common assumptions made when children are seen to be ‘actively engaging’ in exchanging sex for money – what ultimately amounts to actively engaging in their own exploitation. Perceptions may see the children as exercising agency in these instances and therefore somewhat responsible for the circumstances. However, there are a range of complex nuances at play, and this ‘active engagement’ is often much less of a ‘choice’ than it might appear. Indeed, consent requires that there are other meaningful choices, the capacity to make a choice, and that the child is not under other influences, or fearful of what might happen if they do not comply. *“Sexual exploitation of children cannot be considered as consensual because the perpetrator takes advantage of existing imbalances of power to prompt the child’s acquiescence to their sexual demands.”*³⁰ Regardless of the circumstances, no child can ever consent to their own exploitation by an adult.³¹

There is a clear need for greater awareness and understanding of potential unconscious bias against victims of exploitation whether based on gender, gender norms, sexual identity, perceived agency, age, power dynamics, traditional beliefs and attitudes - or combination of all of these factors. With regard to boys and SOGIE-identified youth, some of the potential biases to be conscious of may include the following:

- If a boy is offering sex, or perceived to be active in the sexual act, he is not a victim.
- If a boy is ‘promiscuous’ or acts out sexually, he is not a victim.
- If a boy is gay and the perpetrator is a man, he is not a victim.
- If a boy is rebellious or considered a ‘bad kid’, he is not a victim.
- If a boy is a drug user, he is not a victim.

In contexts where no specific training for working with boys, focusing on analysis of vulnerability through a ‘gender lens’, service providers may be more likely to default to these unconscious biases provided by existing, regressive cultural assumptions about gender and sexuality, leading to gender ‘insensitivity’ in the development and delivery of services. The need to improve the gender sensitivity of support services and institutions to meet the needs of boy victims of sexual exploitation has been noted in relation to identification, and service provision.³²

Service barriers for boys

Across a number of questions, service providers consistently express challenges in cultivating a sense of trust and safety among boys, which results in limited disclosures, and difficulties in understanding the nuances of the child’s case and context. Service providers indicate feeling this is a general issue for social workers, in addition to it being a unique challenge in working with boys. One respondent notes some social workers “lack a true understanding of the problems that occur with the boys,” and thus are more likely to place judgement

30 Josenhans, V. (2019). *Gender, rights and responsibilities: The need for a global analysis of the sexual exploitation of boys*. Child Abuse & Neglect.

31 ECPAT International. (2020). Summary Paper – Sexual Exploitation of Children in Prostitution. (forthcoming publication).

32 Josenhans, V. (2019). *Gender, rights and responsibilities: The need for a global analysis of the sexual exploitation of boys*. Child Abuse & Neglect

or blame on the boy. Others describe gaps and barriers in service provider's capacity and understanding of engaging and working with boys, as well as gaps in training. When asked about what key resources needed to better support boys, the need for training, awareness, and capacity building for frontline service providers is most commonly expressed. One service provider expresses fear that boys will remain silent, allowing abuse to continue and become normalized as a part of their lives.

“It is difficult to get children to reveal the truth because they think that once it is told, they will be stigmatised, and people will choose to treat them differently. [This] allows the abuse to continually cycle, until it becomes normalized, which is very scary.”

This may be of particular concern when working with gay or bisexual boys, as well as with transgender or gender non-conforming children. As indicated, a significant portion of frontline service providers demonstrate potential unconscious bias toward SOGIE-identified youth and were less likely to perceive exploitation or vulnerability to exploitation among gay or transgender children, in comparison to heteronormative youth. While these findings do not preclude unconscious bias to be the basis for a perceived lack of trust and rapport between service provider and client, it is unlikely that such biases aid disclosure in any way.

The unique challenges in addressing need and developing rapport among young male victims of sexual exploitation have been recognised. While gendered assumptions may impact the unconscious biases of service providers, these same assumptions also inform the construction of a child's self-identity within their gender. Regressive assumptions about masculine identification can significantly impact the understanding of consent and agency that a boy applies to himself, as well as the extent to which he perceives himself to be vulnerable to sexual violence and exploitation.

Gender and masculinity norms also constrain boys' help-seeking behaviours, limiting their ability to seek care.³³ This contributes to the development of negative attitudes toward help-seeking among boys. Further, boys are less likely to disclose,³⁴ and may often externalise their distress, which service providers may see as 'delinquent' or 'problematic' behaviour, resulting in additional blame or stigma toward boys. This may result in a 'gap' between boys who need protection and support and those responsible for providing it, including service providers.

Specific challenges for service providers include engaging with boys, establishing safe and trusting relationships, creating the conditions for boys to disclose abuse/exploitation, and the provision of psychological support, echoing findings from research in other settings.³⁵

This research indicates that there is a need for a comprehensive awareness raising and training curriculum for service providers, applying a gender lens to address underlying social and cultural beliefs related to abuse and exploitation, masculinity, gender norms and sexual identity. Training should also include components related to understanding risk and vulnerability, engaging with boys/families, and establishing safe relationships, to enable and foster disclosure. In addition, tools for undertaking comprehensive assessments, and the development of flexible support plans and case management processes, and review and evaluation of projects - linked to the development of evidence-based programmes should be promoted. The development of learning materials should ideally take place in close collaboration with boys and young men affected by sexual exploitation, to ensure their 'voice' in relation to their lived experiences, gaps and needs can meaningfully contribute to establishing a strong foundation for lasting change.

33 Heise, et al. (2019). *Measuring psychological abuse by intimate partners: Constructing a cross-cultural indicator for the Sustainable Development Goals*.

34 Josenhans, V., Kavenagh, M., Smith, S. & Wekerle, C. (in press). *Gender, rights and responsibilities: the need for a global analysis of the sexual exploitation of boys*, Child Abuse & Neglect.

35 Hilton, A. (2018). *Bridging the Gap: The Sexual Exploitation and Abuse of Boys*. Learning and Training Needs Assessment Report, Philippines. Terre des Hommes-Netherlands: Phnom Penh.

Issues related to the experience of sexual exploitation

Respondents identified a range of ‘most serious problems’ faced by boys. The most significant responses related to physical violence (19 or 29%), including physical assault, rape, being molested, and being bullied. Use of force and coercion, alongside manipulation and intimidation were also common, echoing findings in other global research focusing on the sexual abuse of males. Global data suggests that boys commonly experience physical violence during the exploitation process, leading to physical injuries.³⁶

Other responses included problems related to material needs (15) and family issues (10) while shame and ‘normalisation’ of the exploitation was noted, with respondents commenting that “Children think that the issues they are experiencing are not severe” and that they are “unable to accept the truth about what happened to themselves, and refuse to seek information.”

Multiple research studies illustrate that boys’ perceptions of masculinity may influence their help-seeking behaviours, including boys being more likely to develop negative attitudes towards help seeking, due to ‘hegemonic masculinity norms’.³⁷ This is supported by data from global VAC surveys which identified that boys’ lack of self-perception of sexual victimisation, was the main reason for not accessing support services.³⁸

Non-disclosure related to shame, fear, embarrassment, not wanting to get into trouble, and concerns that no one will believe them; fear of negative consequences include being seen as ‘gay’, feminine and a potential perpetrator, feelings of guilt for experiencing pleasure and shame for failing to prevent the abuse; guilt and shame for receiving gifts, money for privileges for in exchange for sex; fear of the attitudes of others and familial and peer rejection; and fear of the perpetrator’s threats render the majority of boys silent.³⁹

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- 36 Berelowitz, S., et al., (2012). “I Thought I Was the Only One. The Only One in the World”. London: Office of the Children’s Commissioner, London.
- 37 Donne M, et al., (2018). *Barriers to and Facilitators of Help-Seeking Behavior Among Men Who Experience Sexual Violence*. *Am J Mens Health*, 12(2): 189–201.; Hay, et al. (2019). Wong, Y. J., et al., (2017). *Meta-analyses of the relationship between conformity to masculine norms and mental health-related outcomes*. *Journal of Counseling Psychology*, 64(1), 80–93.
- 38 Josenhans, V., Kavenagh, M., Smith, S. & Wekerle, C. (in press). *Gender, rights and responsibilities: the need for a global analysis of the sexual exploitation of boys*, *Child Abuse & Neglect*.
- 39 Hilton, et al. (2008). *I Thought It Could Never Happen to Boys*. World Vision: Phnom Penh.

INTERVIEWS WITH SOGIE IDENTIFYING YOUNG PEOPLE WHO ARE EXCHANGING SEX

This chapter primarily focuses on providing an overview of the characteristics and pathways that lead SOGIE-diverse youth into exchanging sex in Chiang Mai and Bangkok, predominantly for money, as well as an overview of these youths' experiences with and perceptions of engaging in the sex trade. Youths were asked to describe what their lives were like growing up, how and why they first exchanged sex, who also exchanged sex for money and/or material goods within their peer network, and their self-reported risks and benefits. We also describe the youths' service needs and experiences with service providers, their experiences with violence and victimisation, and their interactions with law enforcement.

Sample Demographics

In this section, we describe the demographic and socioeconomic characteristics of the youth respondents, as well as their education, current living situations and financial debts.

Gender

Field researchers did not present the young people with a predetermined list of gender identities to select from, and participants were encouraged to use whatever terms best fit their identities. That said, most youth in our sample identified their gender as male (11)⁴⁰ or ladyboy (6). Two individuals identified as transwoman and one person identified as “gender of the alternative.”

Transgender youth, which includes third-gender, make up an important part of the population of youth and adults trading sex in Thailand. Researchers and advocates have found that a

large number of transgender youth have traded sex at some point, and that transgender youth are more frequently involved in the sex trade than non-transgender youth.⁴¹

Sexual orientation

When the US based researchers were training the field staff on SOGIE related issues, they found that the concept of sexual orientation (e.g. gay, lesbian, bisexual, pansexual, etc.) was foreign and confusing. The findings confirmed that both the researchers and participants misunderstood the question asking about sexual orientation, and the responses focused more on who they had sex with, as opposed to who they were sexually attracted to, although some did identify as gay, bisexual or straight. We did not want to place a label on their sexual orientation if they didn't specifically identify in that way. That said, most of the youth identified their sexual orientation as gay (6) or “have sex with men” (5); 3 respondents identified as bisexual and 3 identified as straight. One person stated that they had “sex with men and women.” All of the respondents included in the interviews met the study's diverse SOGIE criteria.

Home province

The vast majority of respondents came from rural provinces within Thailand, and only four were originally from Chiang Mai city. Two were ethnic minorities. The provinces where the respondents came from were: Phare, Buri Ram (3), Kamphaeng Phet, Prachin Buri, Sakon Nakhon, Sukhothai, Pichit, Ubon Ratchathani, Nakhon Ratchasima, Udon Thani (2), Chiang Mai province, Nan, Lumphun, and Chiang Mai (4). None of the respondents were from outside of Thailand.

40 Numbers in parentheses refer to the number of people, not percentage of people. Given the small sample size, reporting percentages did not make sense.

41 Ray, Nicholas. 2006. *Lesbian, Gay, Bisexual and Transgender Youth: An Epidemic of Homelessness*. Washington, DC: National Gay and Lesbian Task Force Policy Institute and National Coalition for the Homeless; Walls, N. Eugene, and Stephanie Bell. 2011. *Correlates of Engaging in Survival Sex among Homeless Youth and Young Adults*. *Journal of Sex Research*, 48(5) 423–36.

Education

All of the youth had at a minimum formal education up through middle school. Nine young people graduated middle school and did not continue their education. Seven participants completed high school, three completed some college. Several reasons were given for dropping out of school, which included not having the money to continue their education, not being interested in school, and familial instability and violence in the home. This last point was the reason why one 17-year old male from Sukhothai decided to drop out of school.

Well I graduated with a vocational certificate at Sukhothai Technical college. When I was in primary school, [I had a] pretty good GPA, around 3-3.5. When I was in middle school, my GPA was 3. When I was in Technical School my GPA was the worst because my parents were always fighting. Finally, my dad was in jail. My mom moved to Chiang Mai. So I decided to drop out of school and was looking for work to do. (Respondent 19)

Current Living Situation

When asked what their current living situation was at the time of the interview, 6 participants stated that they were living on their own; 5 were living with their parents; 3 were living with a sibling; one was living with friends; one was living with a girlfriend; and one was living with extended relatives.

Relationship Status

The vast majority of respondents reported that they were not in a relationship at the time of the interview. Only three youth said they were currently seeing someone, and one of those individuals had only been in the relationship for a couple of weeks. One young person explained why they felt that they could never be in a relationship as long as they were engaging in sex work.

Respondent: Because of this kind of work that I do, I can't take it seriously because I don't want to lie to them about what kind of job I have.

Interviewer: What if you met someone who could accept you as you are? What would you do?

Respondent: I don't know but I am afraid to tell them about my work and if they were to know they would not be ok with it. – (Respondent 13, 24-year-old, gay male from Udon Thani)

Money Debt

Nine respondents stated that they owed money to someone or had debt. Some owed as little as 500 baht whereas others owed several thousand baht. Most of the money was borrowed from friends or family. The youth borrowed money for a variety of expenses, including: motorcycle instalment plans, daily expenses (e.g. food and transportation) and school loans. As one young person stated, *“Because you know sometimes you have less income, but the expense is still the same, and you have to take responsibility.” (Respondent 2, 22-year-old gender of the alternative from Prachin Buri)*

Childhood Upbringing

In this section, we describe the youth respondents' relationships with their family, friends and community, as well as their experiences running away from home, who they could go to for support and their first job experiences.

Familial relationships

Past studies have shown that many of the push/pull factors as to why and how young people get involved in the sex trade trace back to familial abuse, neglect and violence.⁴² Respondents were asked to describe what their childhoods were like, specifically what their relationships were like with their family, friends and community

42 Dank, M. et al. (2015, February). *Surviving the Streets of New York. Experiences of LGBTQ Youth, YMSM, and YWSW Engaged in Survival Sex*. Urban Institute; Bigelsen, Jayne, and Stefanie Vuotto. 2013. *Homelessness, Survival Sex and Human Trafficking: As Experienced by the Youth of Covenant House* New York. New York: Covenant House; Curtis, Ric, Karen Terry, Meredith Dank, Kirk Dombrowski, and Bilal Khan. 2008. *The Commercial Sexual Exploitation of Children in New York City, Volume 1: The CSEC Population in New York City: Size, Characteristics, and Needs*. Submitted to the National Institute of Justice, US Department of Justice; Gwadz, Marya Viorst, Karla Gostnell, Carol Smolenski, Brian Willis, David Nish, Theresa C. Nolan, Maya Tharaken, and Amanda S. Richtie. 2009. *The Initiation of Homeless Youth into the Street Economy*. Journal of Adolescence; 32 (2): 357–77; YWEP (Young Women's Empowerment Project). 2009. *Girls Do What They Have to Do to Survive: Illuminating Methods Used by Girls in the Sex Trade and Street Economy to Fight Back and Heal—A Participatory Action Research Study of Resilience and Resistance*. Chicago: YWEP.

growing up. Field interviewers were trained to probe further if the respondents mentioned any rejection, violence or abuse they experienced due to their sexual orientation, gender identity and expression.

Overall, respondents' upbringings were for the most part financially poor and their relationships with their families ranged from violent and abusive to loving and accepting. One 23-year-old transwoman from Chiang Mai had a particularly traumatic upbringing. As she describes below, she grew up very poor, and experienced domestic violence in the home, which carried over into adulthood. She was also sexually abused around the age of 6 by a neighbour, and she specifically attributes this experience to her being homosexual.

Respondent: When I was 6 years old, I had short hair. I didn't realize my actual sexual orientation. I lived in the community close to a bakery factory. Several people who work at the factory usually came to visit my parents. There was a man who usually came to visit and he tried to do things to me. I didn't know what it was. I was 6 or 7. I was too young to understand. He used something to rub on my body. I had no idea what it was but I still remember it. Many years later, I still saw him around. I realized that I became homosexual because of my previous experience.

There was domestic violence in my family. My parents usually had arguments. I was very sensitive. I didn't want to stay home. It was a push factor for me to leave home to work to support myself. I left home in the year 2543 [2000]. I have been relying on myself since then. I have been doing massage to raise money.

Interviewer: How is your relationship with your family [now]?

Respondent: It isn't good. My older sister and my dad are alcohol addicted. I feel uncomfortable staying home. This is why I left. I chose to leave and do whatever it takes to get me out of that place.

Interviewer: It seems like there were many people in your family.

Respondent: Yes, it was a big family. We had to share food and everything. We always had arguments over issues like

electricity, utilities and supplies. When I left, I didn't have any income. I didn't know what to do so I got a job doing massage. (Respondent 7)

One 22-year-old ladyboy from Buri Ram witnessed her alcoholic father physically abuse her mother for years, only to then fall victim to her father's abuse once she came out as a ladyboy. The violence appeared to be so normalised that she felt that most families experienced abuse. It was unclear if the normalisation of the abuse was a coping mechanism or something that a lot of families in her community experienced.

Interviewer: How about your parents? Where are they?

Respondent: My parents got divorced.

Interviewer: How old were you when they got divorced?

Respondent: Since I was little, I can't remember.

Interviewer: So the reason for your parents' divorce probably came from a big problem that happened between them?

Respondent: Yes, my dad used to drink and he beat up my mom.

Interviewer: So you saw what was happening with them. Do you still remember it? From what happened do you think you have unhealthy family issues?

Respondent: I do not think that I have unhealthy family issues, I think that it is normal for a family to fight. I think it happens with most families.

Interviewer: What did you do when you saw your dad physically abuse your mom?

Respondent: Well I helped my mom. She cried a lot. I was a kid and it was my natural instinct to help my mom.

Interviewer: Do you have a good relationship with your dad?

Respondent: My dad doesn't like ladyboys. But my mom said I can be what I want.

Interviewer: How much did your dad dislike you being a ladyboy?

Respondent: When my dad would drink he would get physical and beat me up.

Interviewer: *Do you think the physical abuse when your dad was drunk was because of the intoxication?*

Respondent: When he wasn't drunk he was like a different person from who he was when he was drunk.

Interviewer: *Do you think the physical abuse was because he wanted to punish you or because he wanted you to stop being a lady boy?*

Respondent: It's not that. But he doesn't like ladyboys anyway. My dad is not controlling but he dislikes it, but he would not say anything but when he got drunk he would act out on it. (Respondent 14)

Not all of the respondents had abusive childhoods. Some described loving and healthy upbringings.

Interviewer: *How is your relationship with your family?*

Respondent: We stay together. I have both mom and dad and one sibling.

Interviewer: *Is it a happy life?*

Respondent: Yes, it's a happy life. (Respondent 2, 22-year-old gender of the alternative from Prachin Buri)

Studies on sexual exploitation and trafficking across the globe have identified poverty as one of the main reasons, if not the main reason, as to why individuals are forced or coerced into exploitative work situations.⁴³ As indicated in the quotes above, in addition to the following quotes, poverty was a huge push factor to seek work in Chiang Mai and Bangkok since there was more of an opportunity to make a higher wage there and send money home.

Interviewer: *How is your relationship with your family?*

Respondent: It's not a perfect family.

Interviewer: *How?*

Respondent: It is not perfect because of the financial situation and because we are farmers we didn't make a lot of income. My parents borrow people's money and they have to go to work for other people to get the money also. (Respondent 3, 21-year-old gender of the alternative from Kamphaeng Phet)

Respondents who identified as ladyboys were more likely to have experienced familial rejection when they were younger due to their gender identity and expression. Some of the youth found acceptance among their peers, as the following young person describes, but never from their parents. As a result, they were forced to play the gender role expected of them when they were at home, but felt freest when they were outside of the home:

As far as I can remember, when I was in primary school, not exactly sure what grade it was, I had a feeling that I wanted to be a girl. I didn't want to be a boy. And my family couldn't accept it, as well as the community where I was living at that time, they couldn't accept it either. After that I had to secretly dress like a girl. I never showed it to my family. I had to dress like a girl outside my house, sometimes at school. At that time, I was having arguments with my dad very often. He taught me to be a man. He taught me how to use a gun, how to gamble and I couldn't do it because I don't like it. I preferred playing with dolls.

When I was in middle school, some of my family members started to accept the fact that I wanted to be a girl but not all of them. I had to do make up and be who I wanted to be at school because I didn't want my dad to know about it. I am the only boy in my family, and I don't have any siblings. I'm afraid my family won't accept [me]. I used to argue with my dad very often because he didn't want me to dress like a girl. I liked to spend most of my time with my friends. I started to skip classes until the teacher told my family. So that's when I decided to continue studying until I graduated middle school. I thought I would find jobs to do after I graduated, because I don't like to study. I wanted to go hang out with friends at night club. I preferred night life. So, after I graduated, I was looking for jobs at bars and karaoke places. Right

43 ECPAT International. (2016, March). Power, Impunity and Anonymity. Understanding the forces driving the demand for sexual exploitation of children. 43.

now my family still does not completely accept that I am gay. I was born male and then I became like this, my dad doesn't feel happy about it. (Respondent 9, 21-year-old transwoman from Chiang Mai)

One ladyboy from Ubon Ratchatani (age was not identified in the interview) explained that the first person who accepted her gender identity and expression was her brother. Her mom quickly came around, but her dad took time to accept her identity. The respondent believed it was because her dad was unable to show his love. After running away from home, and then proving to her family that she could take care of herself, she finally was able to be closer to her family.

Interviewer: *How did your brother feel when you told him you are a ladyboy?*

Respondent: *I think I have good luck because my brother never makes fun of me. Even when we were fighting over toys or just not getting along, he accepted the way I am. Even with his friends he said "this is my sister", and even my parents now accept me as their daughter.*

Interviewer: *As time went by they probably understood you more, right?*

Respondent: *Yes, and family is very important and they are the first in line who needs to accept the way you are and it's hard for them. For my mom it was easy but for my dad it was hard. He thought I was born to be a boy but when I grew up I understood him more, it's not because he doesn't love me but because he didn't know how to show his love or how to react to me.*

Interviewer: *How is your family doing now to compared to before when you were a kid?*

Respondent: *So much better. I am already grown up and I have proved myself to my parents and showed them that I can take care of myself. Because I moved out from them since I was eighteen and during that time that I ran away because there were so many family issues. I never contacted them or asked for their support since I ran away from home and now they see that I can take care of myself. (Respondent 16)*

In some cases, familial rejection led to the young people self-harming and to suicidal ideation. As one 23-year-old ladyboy from Buri Ram

described, it wasn't overt familial rejection she experienced, but rather years of guilt and emotional abuse from her mother. In addition, she was often teased by her cousins and there was no one she could go to for support. However, once she left her family and proved she could take care of herself, her mother finally accepted her.

Interviewer: *Can you please tell us a little bit about your background? You can start with what you can remember about your childhood.*

Respondent: *The first time that my family found out that I'm like this they could not accept me at all especially my mom. My dad did not really say anything much but my mom, she says it all the time, even before bed, that please don't be a ladyboy. Because my entire family are all boys. But the thing that most frustrated me and hurt me is my aunt's children. They liked to make fun of me, calling me "Ladyboy" And will always tell me that I have to be called "Sir" like men, and not go to play with the girls, things like that.*

Interviewer: *How did you feel at that time?*

Respondent: *I felt hurt and I even wanted to commit suicide at that time.*

Interviewer: *How did you overcome that?*

Respondent: *When I went to school and I met friends, by that time I was very good with my studies. But when I graduated from middle school, my family was having issues and that was the reason that I had to quit school. And I asked my parents if I could come to work in Bangkok.*

Interviewer: *Can you please tell us about your relationship with your family now?*

Respondent: *Right now, my relationship with my family is very good. I am just honest with them that I have become a ladyboy. What made me cry was when my mom said no matter who you become or what you do, just do good and please just don't do drugs and that made me cry. (Respondent 4)*

Friendships

Most of the respondents stated that their peers growing up were the first to accept their sexual orientation and gender expression and identity.

Even if they didn't have a large group of friends, they had at a minimum a trust circle made up of a few friends who accepted them for who they were, and supported them during familial struggles. Those who identified as a ladyboy or trans gravitated to friendships with other girls who more readily accepted them than the boys.

Interviewer: *Did you have any issues with your friends?*

Respondent: *The issues with my friends were mostly with the guys, they liked to make fun of me. They used to call me "Ladyboy" they would make fun at me like that and then I got upset at them and separated myself from them.*

Interviewer: *How about girls? Did you have any issues with them?*

Respondent: *Girls were okay, they accepted me in their groups and they saw me as a woman. I would just play like they did, like girly things, since I was in kindergarten.*

Interviewer: *When boys come near you, do you feel like you are one of them?*

Respondent: *No, I don't feel like I am one of them. I didn't play rough or use violence like they did. I couldn't play with them or play like them. Nope. (Respondent 15, ladyboy from Nakhon Ratchasima)*

Community Relationships

Overall, the youth respondents stated that they were treated well by individuals from their neighbourhoods growing up, whereas they didn't necessarily feel that was the case in the communities they were currently living in. One young transwoman person felt excluded by her current neighbours, which is a different experience from the community she grew up in. This could be because she identified as a boy in the community she grew up in, whereas she now identifies and presents as a woman in her new community, which could explain the change in community attitude.

Interviewer: *How was your relationship with your community in the past and now?*

Respondent: *I had a better relationship with my community back then. Now I distance myself from people because I'm shy. Back then I had short hair. I acted and*

played like a boy. Now, I'm different so I'm shy to approach [my neighbours]. I rarely participate in any community activity unless it is mandatory.

Interviewer: *How is their reaction toward you?*

Respondent: *They exclude me from community activity. For example, they excluded my house when they had a community house warming ceremony. They didn't put the holy thread in my house: I had to do it myself if I wanted to join the ceremony.*

Interviewer: *And that relationship, you mean now or back then?*

Respondent: *Now. Moreover, my current community is quite individualistic. People don't really approach or react to each other. (Respondent 7, 23-year-old transwoman from Chiang Mai)*

Another 23-year old gay male described having a supportive community back home in Lumphun despite knowing that he identifies as gay.

Interviewer: *How is your relationship with your community back in your hometown in Lumphun?*

Respondent: *My male neighbours and friends treat me well. They don't bully me. They treat me as if I'm a straight man. They know that I'm gay. They still treat me well. They aren't afraid to take off clothes in front of me. They don't see me as a danger.*

Interviewer: *What's about your current community in Sanpathong?*

Respondent: *It's ok. I might not be fully close to them because I didn't grow up here. I would be more comfortable with people back in my hometown. Anyway, it is ok overall. I also have new friends in this area. We get along very well. (Respondent 8)*

Support System

The majority of the youth respondents had some sort of support system in their life. These were people they could go to if they had any problems or needed to talk. These individuals were often family members or friends. One young person described the special relationship he had with his

now deceased brother, who was the one to help their mom come to terms with and accept the respondent's gender identity.

Interviewer: *From what you can remember from your childhood, who could you run to when you had problems?*

Respondent: *Before my brother passed away it was him who supported me.*

Interviewer: *How did he help to support you?*

Respondent: *I could talk to him about everything, even about moving to Bangkok and about how I wanted to transition to be a ladyboy. He also talked to my mom about that, to clarify to my mom that we are living in a new generation so my mom can understand. My brother used to support me financially and everything was ok because of my brother. (Respondent 4, 23-year-old ladyboy from Buri Ram)*

Another respondent stated that he has no one in his life he can lean on when times are difficult, and that if he runs into any issues, he will have to figure out how to handle them on his own.

Interviewer: *Next, do you have anyone that you can turn to when you are faced with difficulties?*

Respondent: *No, I have no one.*

Interviewer: *You pretty much have been relying on yourself?*

Respondent: *Yes, I have to be independent. I don't have any family member or relatives to turn to. They are all busy with work. They need to make a living. I have to take care of myself. I have to survive.*

Interviewer: *Have you ever asked for help from them?*

Respondent: *No, I haven't.*

Interviewer: *Would they help you if you ask?*

Respondent: *I feel shame to ask. I think they would help if I asked but I want to do it myself. I don't want to return their favour later. (Respondent 8, 23-year-old gay male from Lumphun)*

Running Away Experiences

Almost all of the respondents, with the exception of four, ran away from home at least once. Some ran away multiple times over the course of their childhood, but eventually returned home; whereas others ran away once and never returned. The primary reason for running away was to escape the familial violence in their home. Sometimes all it took was an argument with a parent, and other times it was more severe, long-term abuse.

I had an argument with my dad. At that time, I had a boyfriend and my dad was mad about it, so I ran away to stay downtown. I was around 17-18. I ran away for about two months and I stayed in Santitum, in a dormitory. (Respondent 9, 21-year-old transwoman from Chiang Mai)

Interviewer: *Do you remember how old were you when you first ran away from home?*

Respondent: *I was in my late teens. I was around 16-17 years old.*

Interviewer: *How many times did you run away?*

Respondent: *Very often. I ran away for most of my life time. I'd have to leave when there was a problem. Sometimes, I left home for 2 days to calm myself down. Then I'd have to return. I often left home when my parents had an argument.*

Interviewer: *Is that why you decide to leave home?*

Respondent: *Yes, I had to get myself out of that situation. I couldn't handle it anymore so I left. I was very stressed. (Respondent 8, 23-year-old gay male from Lumphun)*

First Job Experience

Although not many respondents discussed their first job experience, those that did reported that they were around 15-16 years of age when they

got their first job. However, there were a handful who first started working when they were as young as 5 or 6 years of age. Their first jobs were mainly in restaurants and cafes, and for those that started work at a young age, they mainly worked with their parents or other relatives.

Right after I finished grade 6 I started working as a waiter in a restaurant after I dropped out from school. I actually looked for a job and started working when I was around 15-16 years old. When I left home, I took any opportunity that I could find. I was working in a restaurant. I did general labour too. When I was young I thought that any amount was a lot of money. (Respondent 7, 23-year-old transwoman from Chiang Mai)

[When I was little], I would go to work on farms, like rice farms or potato farms, and I got paid one hundred and fifty baht per day. (Respondent 4, 23-year-old lady boy from Buri Ram)

When asked why they decided to work, many stated financial needs and their not wanting to rely on their family for support.

I made a decision, I am from a different province and we were in need, so I want to work and make money to buy stuff that I need if I want something I need to work to earn it. (Respondent 2, 22-year-old gender of the alternative from Prachin Buri)

Well I would say the main reason is that my family are not wealthy and they would not be able to support me if I wanted to study. So that is why I have the mindset that I need to work to make money for school, and make my living so I don't need to ask them to support me. (Respondent 1, 22-year-old ladyboy from Udon Thani)

Migration

After working several low-wage jobs, many of the respondents who didn't already live in Chiang Mai or Bangkok determined that they could make more money if they migrated to a city. In addition to the prospect of higher wage employment, some also moved to Chiang Mai or Bangkok in order to go to university, which they believed would open even more doors for financial stability. Once in the city, the realisation that the cost of living was a lot more than they had

anticipated forced many to look for higher paying work. As discussed in this section, this is what led many of the young people into exchanging sex.

As discussed in the previous sections, life in the rural provinces for the majority of the youth respondents was difficult and traumatic. Whether they were trying to escape violence and abuse in the home, familial rejection, or poverty, many felt that their best option was to move to a city for either better financial opportunities and/or access to higher education. As one 22-year-old 'gender of the alternative' from Prachin Buri stated when asked why they moved to Bangkok:

Work. And another reason is for education because my family cannot support me to go to school because of financial issues. I think it will be good if I can work and can support myself to go to school. (Respondent 2)

Another 23-year-old gay male from Lumphun discussed coming to Chiang Mai for work, but also to escape the violence he was experiencing at home.

I came to look for a job. As I mentioned, my family context was also a push factor. So I left to look for a job and be on my own. I send money home when I can. My family issue was a chronic problem. I had to leave for a better future. (Respondent 8)

When asked how they earned money when they first arrived in Bangkok or Chiang Mai, some of the respondents stated that they had first tried working in bars, restaurants, and other hospitality sector related jobs, but quickly realised that their pay was not going to cover all of their expenses, namely rent and food. At that point they were introduced, either through friends or clients at the restaurants and bars, to sex work.

I worked as a waitress in pubs and bars. Sometimes clients want to have sex with me and I want money. And I want to have sex with them too. So, I can have both money and men at the same time. (Respondent 9, 21-year old transwoman from Chiang Mai)

One 17-year-old young man who migrated to Chiang Mai from Sukhothai Province to live with his step-brother attempted to find work immediately upon arriving in the city, but did not have many employment options due to lack of education. That is when his step-brother suggested trading sex. At the time of the interview, he had been trading sex for only two months.

Interviewer: What did you do when you arrived [in Chiang Mai]?

Respondent: I told my step brother to come pick me up. I asked him about what job I can do? So he asked me about my educational background. I told him I have only graduated middle school. So my brother took me to apply for a job, but the position was full. So my step brother suggested that I go stand at [location known for soliciting sex].

Interviewer: So, this was where you started [trading sex]?

Respondent: Yes. (Respondent 19)

Whereas some respondents didn't start trading sex for several months after arriving in Bangkok or Chiang Mai, others were immediately introduced to sex work through contacts they had in the city. One ladyboy from Nakhon Ratchasima province explained how she was introduced to sex work.

Respondent: When I was looking for a job it was so difficult to find. I was so tired from looking for a job and didn't know what kind of job I could get by that time, and then near the place that I used to stay with my mom there was a karaoke bar. Someone that I knew helped me to get a job there because he saw me already dressed up like a woman. So, I got a job at the karaoke bar. **Interviewer:** And what next? what did you have to do when you worked at the karaoke bar?

Respondent: I did two positions. Served food and sat with the customer.

Interviewer: Sat with the customers? What did you have to do when you sat with them?

Respondent: You make drinks for them, talk to them, entertain them

Interviewer: Can you give an example and explain what it looks like to sit with the customer?

Respondent: For example, when you sit with them, they will touch your body and sometimes hug you and feel you.

Interviewer: Do they limit the space between you and them? How close can they come to you?

Respondent: Completely, there is no limit of space like if they can have sex with me right there they would probably do it. (Respondent 15)

Entry into Sex Work

Almost half of the respondents were under the age of 18 when they first exchanged sex for money, goods, shelter, protection, and/or status and almost half were 18 years of age or older.⁴⁴ It is important to note that the study sample wasn't restricted to individuals who started exchanging sex under the age of 18. The focus of the interviews was to document the experiences of SOGIE diverse individuals who exchange sex and try to better understand what they might have encountered as a child (e.g. sexual, physical and emotional abuse, poverty, rejection) that might have led them to exchange sex for money and other material goods. Future research can explore, with a larger sample, if there are other vulnerabilities that might indicate whether someone under the age of 18 is more likely to exchange sex as opposed to someone who starts once they reach adulthood. Although few respondents were under the age of 14 when they first exchanged sex, one respondent was introduced to the sex trade at the age of 12.

To be honest I have been doing this since I was twelve years old. [It] was either to sell sex, for sexual desire, or to exchange valuable things, also for the money. (Respondent 6, 20-year-old gay man from Sakon Nakhon)

Although the respondent quoted above had only been trading sex for two months when the interview was conducted, the majority of respondents had been trading sex for over a year. The breakdown was as follows:

- 2 people have been trading sex for less than a year
- 9 people have been trading sex between 1-5 years
- 6 people have been trading sex between 6-10 years

The ways in which the respondents got involved in sex work varied, but as mentioned previously,

44 Two people did not state how old they were.

most were introduced by a friend who was already doing it themselves or a client at the bar or restaurant they were working in at the time. One ladyboy from Ubon Ratchathani province described her initial experience trading sex. She initially did not want to sell sex, but felt it was the only way she was going to make any salary. Although the friend who introduced her to the karaoke bar quit after a couple of days, she felt the need to continue in order to make money despite her overall discomfort in engaging in the sex trade.

I had a friend who is a ladyboy who asked me to go to work at the bar with her and the fact is that I liked to work and make some money. I thought I could try and I had nothing to lose, but I did not think there would be customers who would take me out. Inside of my heart I was fearful, but I just wanted to work and have a salary, I knew some of what it looked like to work in the bar, but I told myself I will not go with the customer. I am not someone who can sleep with just anyone, but I just wanted to get the salary, so I ended up going to work in the area where many ladyboys work. I had a friend who brought me there, but she left the bar two days after we started to work. My friend said she couldn't do it, it's not her way, but she was actually the one that brought me there. She could not continue to work, but I was the one who didn't want to do this work. But I made it through the month even though it wasn't much money. I did it because I thought "I've already stepped into this and I am going do my best to work here." (Respondent 16)

The young ladyboy from Nakhon Ratchasima who described her experience getting a job at the karaoke bar in the last section went on to discuss her first experience sleeping with a customer. The respondent stated that she was not fully informed about the nature of the work, and when she was told to massage a frequent customer, the customer forced himself on her. She continues to feel that she is forced to sell sex since there are few job opportunities available to ladyboys outside of working in karaoke bars.

Interviewer: *When you started to work at the karaoke bar, did you get the job by yourself or did someone help you?*
Respondent: *Someone recommended that I get a job there.*

Interviewer: *Because that person saw something in you, that you can do that job?*
Respondent: *To be honest, in the community people still think that ladyboys are good for work at the karaoke bars, which is why he recommended me for this job.*

Interviewer: *It's not just hugging, right? The first time that you slept with a customer, how did you feel?*

Respondent: *My first time that I slept with a customer I was forced to do it. It wasn't something I wanted.*

Interviewer: *Who forced you? and how?*

Respondent: *The karaoke bar also had a massage parlour and there was one customer who came to the karaoke bar all the time, and he loves to sleep with new staff who come to work there. I was one of them who just started working there and the owner told me that I needed to give this customer a massage. I learned how to massage from a friend who worked there, so I went into the room with that customer and I started to massage him on his leg and then he pulled my arm and I fell on him. I tried to move away from him but he told me that it's okay, everyone who works there is doing the same. Nothing bad is going to happen. And I decided to sleep with him and I did that just to support my living.*
Interviewer: *And that was your first-time experience? After that were there any other issues like that?*

Respondent: *Not really but I felt like why did I have to force myself to do something like that? (Respondent 15)*

A 20-year-old gay man also described his first experience trading sex at the age of 12 in Chiang Mai. His friend, who was already trading sex himself, introduced him to his first customer, and subsequent customers until the respondent was able to find them on his own.

Respondent: *I didn't do it at first. I saw my friend did it and got money. It's an easy way to get a lot of money so I was tempted. Then I asked my friend to put me in touch with a client and I started taking jobs at that point. Later I started to have some clients approach me.*

Interviewer: So, you saw that your friend got money and you were interested. Then you asked your friend to introduce you to the job and started taking clients, right?

Respondent: Yes

Interviewer: Was your friend the one who found clients for you?

Respondent: Yes

Interviewer: How does he know where to find clients?

Respondent: I don't know but my friend knows clients very well.

Interviewer: Your first time was when you were 12, right? How did you feel?

Respondent: I was quite scared. I was sitting there while the client drove past. He parked his car and came to approach me. He asked if I wanted to go with him. He said, "It won't take long and I will give you money".

Interviewer: What was the reason why you first chose to go with him?

Respondent: I wanted money to spend. (Respondent 17, 20-year-old male from Chiang Mai province)

Current Sex Work Experience

Whether they had been engaged in the sex trade for two months or ten years, the 20 youth respondents had a wide range of experiences when it came to how they found customers, where they went with their customers, how much money they made, what they spent their money on, their client pool and interaction with recruiters. This section will discuss the current sex work experiences of the respondents.

How they find clients

Most respondents had one primary method they used to find clients, although two stated that they had more than one.

- 1 found clients through friends
- 10 found clients through an app/online

- 4 found clients at a bar/restaurant/massage parlour
- 5 found clients by standing at particular locations on the street

One 23-year-old young man from Lumphun would either go to bars to find customers or engage with individuals on gay chat groups and dating apps. When he arranged a date with someone through one of the apps, he met them under the guise that he was a masseur.

I usually go to bars. I sometimes find them in gay chat groups and dating apps. I mostly talk and arrange a meeting on apps first. I usually go to meet them as a masseur. I also go to Farang⁴⁵ bars. (Respondent 8)

Another 20-year-old gay man from Sakon Nakhon would use several methods to find clients, including standing in certain locations where people know you can solicit sex and online.

Every way of connection. But if sometimes I am on the street buying something and they come to ask me, "How much?" I will not say yes right away because I am shy. But if I am standing in the club or under the tree or walking the streets, I will say yes immediately because I am not shy if I am in those places. And via the internet, I will connect via apps that are well known by gay groups. (Respondent 6)

At least half of the respondents found their clients online, either through an app or through social media/online chats, such as Facebook or Line. One 23-year-old transwoman from Chiang Mai described how she used online chats to find customers.

Interviewer: Where do you usually find your clients?

Respondent: I find them from online groups. I make posts to advertise. I usually say the days that I'm available. I make posts to offer massages from both male and female masseuse.

Interviewer: What application do you use?

Respondent: Facebook groups.

Interviewer: Only Facebook?

⁴⁵ This term is used to indicate foreigners – usually of a Caucasian background.

Respondent: Yeah, I mainly focus on online groups.

Interviewer: What about Line?

Respondent: Yeah, there is also a Line group. They have to approve and screen when people request [to join]. They usually limit it to regular clients or familiar faces. Sometimes I have to pay to join these groups.

Interviewer: Do you prefer Facebook groups more than Line?

Respondent: Yes, the Line group is quite specific. Facebook groups are easier to join.

Interviewer: Who usually makes the advertisements to find clients for you?

Respondent: I usually make my own and post them in the groups. Clients will contact me if they are interested. (Respondent 7)

One 20-year-old gay man from Sakon Nakhon found customers online, but didn't directly advertise any kind of sexual service, such as a massage. Instead he reached out to potential customers asking for financial assistance, and hoped that they would be interested in helping him out.

Interviewer: Did you connect with customers via the internet?

Respondent: Yes, that is the main way I connect with customers because some nights there might be rain and you don't want to go out to stand in the rain. If you want trade sex, you must be smart and connect with the customers online.

Interviewer: Do you use any pictures of yourself to show who you are to the customer?

Respondent: No, mostly I will contact the customers directly. For example, I may tell them a story, that I have some issues, that I need help with, just to make them feel sorry for me. I might ask if they would like to help me out, something like that. But to put myself on the internet and tell people that I am trading sex, I'm not that brave. (Respondent 6)

When asked why they chose to find clients online, as opposed to on the streets or through various venues such as bars and massage parlours, several stated that it was easier and safer this way since they had an opportunity to chat with the client before meeting them. One 23-year-old transwoman from Chiang Mai described why she chose to look for clients online as opposed to on the street or in a massage parlour.

Interviewer: Why do you choose to look for clients online?

Respondent: I usually look for clients in massage groups. When I see clients reply to a comment saying that they are looking for service, I would send them a direct message to see if they are interested. There are usually a series of comments when people post something. I would look for clients from the comments section.

Interviewer: Do you think it is safer than looking for clients on the street?

Respondent: Yes, it is.

Interviewer: Have you ever looked for clients on the street or some other public area?

Respondent: Yes, I have. I couldn't stand on the road side and wait for clients. It is way too obvious. People often look down on me. Masseuses usually have established their own groups. They have their own area and location. If I don't know them or get along with them, it would be hard to blend in.

Interviewer: Could you expand a little please?

Respondent: People usually stand in their own spot. If someone new shows up, they will be picked on. The older faces who work in that area will usually get mad and shout at the newbies. They are usually high with "Meaw" [Xanax or Alprazolam]. They will start arguments with the new faces. They also come to collect 'location fees'. The newbies have to pay to be able to stand in that area to wait for clients. (Respondent 7)

One 23-year-old gay male from Lumphun discussed how using social media to find clients was a lot safer and easier than trying to do it in person.

Interviewer: It seems like you use social media the most?

Respondent: Yes. It allows me to negotiate the price and arrange an agreement prior to a meeting. It allows me to stay in touch with several clients. I can ask them questions. I can ask to exchange photos. I can compare and choose clients. The risk is lower than meeting in person to talk. It only takes me 5-10 minutes to find clients. It's a quick and easy way. (Respondent 8)

Respondent: Well, first, I get to hang out with the client [and get free food and drinks]. Second, I get money. Third, I get new clothes from them. That's it.

Interviewer: Is there anything else that you get? Like food, beverage?

Respondent: Yes, they buy me food, snacks, and beverages.

Interviewer: So do you get accommodations?

Respondent: Yes, that too, but I rarely ask them for it. (Respondent 20, 21-year-old man from Chiang Mai)

Where they exchange sex with clients

Most respondents stated that they would go to a hotel with their clients, but those who worked in venues where sex work is known to occur, such as massage parlours and karaoke bars, there are oftentimes rooms they can use to perform sexual services. Other youth were open to going where it was most convenient for the customer, including gas station bathrooms.

Interviewer: Where do you normally go?

Respondent: Sometimes we go to a gas station. Sometimes we go to a hotel.

Interviewer: What do you do at the gas station?

Respondent: I provide [sexual] services at the gas station. Well, some clients are so rushed. It's easier for them.

Interviewer: In the toilet?

Respondent: Yes. (Respondent 20, 21-year-old man from Chiang Mai)

At the bar that I work. The bar has a room that you can use for that. (Respondent 1, 22-year-old ladyboy from Udon Thani)

What they typically receive in exchange for sex

All of the respondents reported that they received money, but some ask for additional material goods, such as food, clothing and cell phones.

Interviewer: What do you usually get in exchange with the service? Anything else besides money?

How they spend their money

Respondents spent their money on a wide range of necessities, such as rent, food, utilities, phone bill, make-up, gaming, transportation, hormones, and clothes. Several stated that they were saving money for something specific, such as plastic surgery, a motorbike, and school. As mentioned earlier, some would send what they could afford to their family back home.

I will divide [my money] and organise it: one [portion] I will keep to pay my rent, the second [portion] is for my food and living expenses and the third [portion] I will send to my mom. (Respondent 4, 23-year-old ladyboy from Buri Ram)

I spend [my money] on my rent, electricity bills, the phone bill, this is very important. And I support my needs for like clothes and food. (Respondent 2, 22-year-old gender of the alternative from Prachin Buri)

Other ways of making money

When asked if they had other ways to make money besides trading sex, eight respondents stated that they have other income streams, whereas eight respondents stated that this was their only way to make money at the time they were interviewed. Their other jobs included: waitressing, serving coffee, cosmetology, hair styling, and helping with their family business. One 23-year-old gay male from Lumphun, who was a barber by training, got creative during the COVID-19 shutdown and offered naked barber services to some of his customers.

Interviewer: Do you have any other source of income?

Respondent: I got other part-time jobs. I told you that I'm a barber. I used social media to advertise my barber service. I started doing a delivery service to their place. I charge 500 THB if they are within 5 km distance from my place. I provide an extra service by being naked when cutting their hair.

Interviewer: Like a naked barber?

Respondent: Yes. I offered the naked barber service at home during the COVID lockdown. But I didn't provide sex. I only provided an exciting and fun barber service. The salons were shut down during the COVID lockdown. People couldn't go to get their hair cut. So they were looking for a barber service at home. So I provided this service. I had to make a good marketing strategy to make money to survive. I even woke up at 5am to sell grilled pork.

Interviewer: It seems like you have been doing several things to make a living including sex work, sex related jobs, selling food and other jobs, right?

Respondent: Yes. I also do the actual barber job. I just dress normally and cut their hair without any extra services. I charge 100-150 THB plus travel costs. (Respondent 8)

Another 23-year-old ladyboy from Buri Ram would make additional money doing makeovers during celebrations, such as New Year and graduation events.

Sometimes I do makeup to make money. For example, if the factory the workers are celebrating a new year, I will go do make up for them, or when students graduate from University I will go do make up for them as well. (Respondent 4)

Family and Friends' Knowledge

The majority of youth respondents kept their involvement in sex work a secret from their friends and family. Only three respondents stated that they told their mother about their being involved in sex work. However, some did state that some of their friends who were not involved in the sex trade knew that they were trading sex.

Some of the respondents were adamant about their family and friends not finding out, and felt that if they were to find out, there would be a lot of negative repercussions.

They don't know, and I don't want them to know about it. It's not good for them to know. (Respondent 2, 22-year-old gender of the alternative from Prachin Buri)

Respondent: No, they don't. I can't let them know. They would be very stressed. Actually, they almost figured it out once. The man that I mentioned was looking for me at my farm. He wanted to give me a phone. I also asked for things from him. He fell in love with me so he brought me stuff I wanted. My family knew that he came to look for me. My dad was so pissed off. He yelled at me.

Interviewer: Did your dad know about what happened?

Respondent: He knew that I'm gay but he didn't know that I was dating someone. He found out when that man came to find me at my farm. (Respondent 8, 23-year-old gay male from Lumphun)

One 22-year-old male from Pichit Province told his friends at the children's home he was staying at, and his friends then became interested in trading sex themselves since they saw that he was able to buy what he wanted with the money. The respondent was under the impression that the staff at the children's home knew, but did very little to stop him from going out to meet customers.

Respondent: Only friends know. Some of them even wanted to try. They said they wanted to go with clients too.

Interviewer: Oh, so after they heard about it they wanted to try? What motivated them to do so?

Respondent: They wanted to make money. They wanted to buy things. They wanted to have things like other people do.

Interviewer: Interesting! You told me that you didn't want to do it when you first knew about it. But when you told your friends... Did you tell them about it?

Respondent: They asked me where I went. They also saw me go with clients. So, I told them what was going on. They saw that I have money to buy snacks for them.

Interviewer: So they were interested after you told them about what you do, right?

Respondent: Yes

Interviewer: Were there any friends that actually started doing it?

Respondent: Yes. Some of them never tried to do something like this before but they eventually did. They are actually still doing it. I even did it when I was in the children's home. I didn't have a ride so it wasn't consistent. Sometimes I took a bus or went with friends. No one forced each other to do so. It was each individual's choice.

Interviewer: So the friends that you are talking about are friends from the children's home, correct?

Respondent: Yes

Interviewer: Did you come back to the children's home after you went with the client?

Respondent: Yes

Interviewer: I see. Did the staff at the children's home know about what you were doing?

Respondent: I think they did but they said nothing. Sometimes I told them that I went to the Internet café in town or Chang Puek area. They said I'm not allowed to leave at night because it is dangerous. However, I managed to escape and leave anyway. (Respondent 18)

The few youth that reported telling their families about their current engagement in selling sex felt either a sense of empowerment or felt that their families accepted the information since the respondent was sending them money, which was very much needed.

Yes, they know. Everyone knows. When I went home I told them everything about what I am doing and after I told them I felt I grown up on another level. And everyone was okay with it. No one said anything. They just think, "oh wow this kid is awesome. He did it." I'm proud of myself.

(Respondent 6, 20-year-old gay male from Sakon Nakhon)

Interviewer: Does your mom know where your income comes from?

Respondent: My mom? Yes, she knows. I told my mom about it.

Interviewer: How did your mom react?
Respondent: My mom doesn't say anything. She is ok with it and understands.

Interviewer: In your opinion do you think your mom has a negative attitude towards this kind of job or is she ok and gives you permission to do it?

Respondent: She is ok with it and I have to do this kind of job anyway. I also give her money. (Respondent 13, 24-year-old gay male from Udon Thani)

When asked if they sent money that they made through sex work to their family, eight respondents said yes, and seven said no. One respondent said that they sent money home to their family, but from their formal job as a barber, not the money they earned from sex work. Those that do send money home to their family typically send a lump sum every month, which depends on how much money they made that month, and what their other expenses were for the month.

[I send money] almost every day. 200-300 baht per day. I give more when I get more. My sister is living with a disability. (Respondent 7, 23-year-old transwoman from Chiang Mai)

From the beginning when I started to work, if I made a lot of money, I would send [to my family] around five-six thousand or sometimes is up to ten thousand depending on the situation. But for sure I will send at least three thousand baht per month. (Respondent 1, 22-year-old ladyboy from Udon Thani)

Experience with Recruiters

When asked if they worked with recruiters to identify clients, seven respondents stated that they worked with one, or a group of friends, who helped them find customers. Two of the respondents stated that they used to work with a recruiter, but were currently finding customers

on their own. Most respondents described their relationship with their recruiter as friendly. No one felt that the person helping them find clients was abusive or coercive. They believed that they were just helping each other out. One ladyboy from Ubon who worked at a bar stated that not having a recruiter meant that she had to have a combination of beauty and luck to attract clients. This was a hard realisation for her to come to, and there were times where she thought about ending her life.

Those who work in the bar do not really have a recruiter. When you go inside the ladyboy's bar, the ladyboy will wear the bikini and dance. If the customer comes or foreigner customer comes in to see the show, they will choose someone that they like to come to sit with them and have a drink and if they would like to take you out, they will take you out with them. By that time, I felt like giving up. I thought that my life needs to end. Sometimes I cried and sometimes I felt down and asked myself why I had to do something like this. But then I got better and I looked up to other people and I understand why they are working like this because to do this kind of work you not only have to be beautiful but you must have luck. Also, even if you are very beautiful, but you don't have luck, the customer is not gonna choose you. (Respondent 16)

Violence Experienced when Engaging in Sex Work

Past studies have shown that sex workers often experience violence and abuse at the hands of their clients, co-workers and employers. Transgender women in particular are more likely to encounter physical and sexual assault, and are more likely to be killed by a client than their cisgender counterparts.⁴⁶ The following section documents the violence and abuse that the respondents experienced at the hands of their clients and co-workers, and whether or not they had a safety plan in place in case they needed assistance.

Violence and Abuse

When asked if they had any trouble with co-workers, employers or clients, some of the youth respondents stated that they would sometimes quarrel with their co-workers about clients, namely if they felt that a client was stolen from them. A couple experienced rude or loud customers who, when intoxicated, expected to get whatever they wanted from the worker.

In the pub, there are many workers that are working the same position as I do, and sometimes we snatch each other's clients. Sometimes my friend's clients want to go with me. But my friend doesn't want to let the clients go. So they would insult me. (Respondent 9, 21-year-old transwoman from Chiang Mai)

Only ranting customers. Mostly they are drunk. Sometimes intoxicated customers just pay money and expect us to do and take care of everything. I never argue, fight or anything. (Respondent 11, 18-year-old gay male from Chiang Mai)

A couple of respondents mentioned being afraid of the police, particularly being arrested or fined. One 23-year-old male from Lumphun described the bribes the employer had to pay to the police at the massage parlour he worked at. The bribes were supposed to help keep them safe, but he didn't feel like that was always the case.

Interviewer: Have you ever encountered any difficulties while doing sex work? It can be a problem with client, law enforcement, employer or anyone involved in the business.

Respondent: Well, the massage parlour usually has to pay a bribe. They have to pay for protection within their area. The bribe is to keep them safe, but I still sometimes feel afraid.

Interviewer: Did you have to pay the police or did the massage parlour pay?

46 Dank, M. et al. (2015, February). *Surviving the Streets of New York. Experiences of LGBTQ Youth, YMSM, and YWSW Engaged in Survival Sex*. Urban Institute; Bigelsen, Jayne, and Stefanie Vuotto. 2013. *Homelessness, Survival Sex and Human Trafficking: As Experienced by the Youth of Covenant House New York*. New York: Covenant House; Curtis, Ric, Karen Terry, Meredith Dank, Kirk Dombrowski, and Bilal Khan. 2008. *The Commercial Sexual Exploitation of Children in New York City, Volume 1: The CSEC Population in New York City: Size, Characteristics, and Needs*. Submitted to the National Institute of Justice, US Department of Justice.

Respondent: They paid. They use the money that they subtract from my payment to cover this cost.

Interviewer: Does it mean that paying a bribe is the way to keep you safe?

Respondent: Nothing is guaranteed. Sometimes clients use drugs with sex workers during the service. (Respondent 8)

Violence, whether it be at the hands of their customers, employers, co-workers or others in their neighbourhood, was not something that many respondents had experienced. Some stated that they experienced verbal abuse from some clients who did not like ladyboys, and others claimed that some clients expected to engage in extreme sex acts with them and for the youth to be ok with whatever they wanted to do. Two stated that they had been robbed by a client.

There were some clients that don't like ladyboys. They know that this pub only has ladyboys, but they still come. They disparage us. (Respondent 9, 21-year-old transwoman from Chiang Mai)

Interviewer: Have you ever been severely abused by a customer?

Respondent: Yes.

Interviewer: How often?

Respondent: Not really often. I once went with a Thai customer outside of work and they drugged me with sleeping pills.

Interviewer: They drugged you with sleeping pills?

Respondent: That day I had had a customer earlier and was wearing gold jewellery. That's why the customer drugged me.

Interviewer: Why?

Respondent: Because he wanted my valuables.

Interviewer: Oh my god. So you were robbed? That is not good. How do you deal with this kind of situation? You can't make a police report about this, right?

Respondent: Right, because you look like you are just sleeping for the whole day.

(Respondent 13, 24-year-old gay male from Udon Thani)

Although the vast majority of respondents did not disclose whether they had been sexually assaulted or raped, one ladyboy from Nakhon Ratchasima did describe an experience she had with a client which led to her being raped by the client while his friends watched. It was clearly a very traumatic experience.

Interviewer: Is there any time that you have gone through sex that you were not willing to do?

Respondent: Yes, there is one customer who paid me to go out with him because he didn't want to sleep with me at my workplace, and I went with him but when he opened the room his friends were inside the room.

Interviewer: How many of his friends were in the room?

Respondent: Two of them, so there were three of them in total. When I saw he had his friends inside the room I asked if he could bring me back to the shop and told him he didn't have to pay me. But he wanted me to stay and he said he would not do anything to me. They were on drugs, but I was not. Then the customer changed his mind and wanted to have sex with me in front of his friends, but I refused. He did not even care that his friends were right there, and when I refused he put his gun to my head. He said that I needed to sleep with him. His friends did not even care about what happened to me. I wanted to save my life, so I let him do what he wanted to do to me.

Interviewer: How are you feeling right now with what happened?

Respondent: It's still a scary memory from my life but I take that as a lesson to teach myself. (Respondent 15)

Safety Plans

When asked if they had a safety plan for when they went out on dates, only five respondents stated that they told someone prior to meeting up with a client. Some told friends, while others were required to tell their employer if they were leaving to go somewhere with a client.

When I get to the place, I will share the location with my friends or my brother and tell them where I am at. (Respondent 4, 23-year-old ladyboy from Buri Ram)

I have to tell the pub's owner so they can tell other clients that I'm going out. (Respondent 9, 21-year-old transwoman from Chiang Mai)

I tell my best friends that if I disappear, they can look for me at this place. If they can't reach me, they would know the location to find me. I tell them the usual place that I go with clients. When I get a new client or they invite me to a new place, I would tell my friend before I go. I'm careful that some clients might be police. I would tell my friend that if they don't hear from me, I might be arrested. Sometimes, I ask my friend to give me a ride and ask her to wait for me. (Respondent 7, 23-year-old transwoman from Chiang Mai)

Shame seemed to be the main reason why certain respondents did not tell anyone any details prior to meeting up with a client. They didn't want others to know where they were going or what they were doing, and felt that if anything were to happen, they could handle it on their own.

No, I never tell anyone before I go to see a customer, and I try to not tell anyone if I want to go. I go alone. (Respondent 3, 21-year-old gender of the alternative from Kamphaeng Phet)

No. If I have a problem, I will fix it by myself. (Respondent 5, 15-year-old gay male from Buri Ram)

When asked if they had a safety plan if someone tried to hurt them, most said they would do their best to survive – whether it be fighting back, running away or resigning themselves to the situation and hoping for the best.

I don't have any plans but if something happened, I would have to try my best to survive. I'd have to go along with the situation. There was one time, when one of my clients left me at the hotel and I didn't get money from the client. I had to pay for the hotel room by myself. I called my friend

to pick me up. (Respondent 9, 21-year-old transwoman from Chiang Mai)

*No, I just prepare my heart for that. (Respondent 3, 21-year-old gender of the alternative from Kamphaeng Phet)
The first thing I would do is run and if I can't get away in time I will fight. (Respondent 5, 15-year-old gay male from Buri Ram)*

Networks

Research on youth engaged in exchanging sex market has shown that a majority of young people have a large network of friends and acquaintances who are also involved in the sex trade.⁴⁷ Almost all of the youth respondents in this study knew individuals between the ages of 16-24 who were engaged in the sex trade. However, their interactions with those on the younger end of the spectrum were minimal and they didn't know much about them.

Interviewer: *How many youth in your age range from 16-24 years old are doing this job?*

Respondent: *There are quite a lot. They are female, ladyboy and gay. They are doing this to exchange for valuable things like cell phone, brand name outfit, alcoholic drinks and good food. They usually have their client pay for their drinks like whiskey or beer.*

Interviewer: *Are they Thai?*

Respondent: *Oh yeah! Of course! Some of them are half Thai and Tai-Yai.⁴⁸*

Interviewer: *What are the push factor for people to do this job?*

Respondent: *Money! People need money to survive. They need to make a living and buy necessary things. (Respondent 7, 23-year-old transwoman from Chiang Mai)*

Respondents were also asked if they felt that SOGIE-diverse individuals were more likely to trade sex than their heterosexual cisgender counterparts. Most of the respondents stated that

47 Dank, M. et al. (2015, February). *Surviving the Streets of New York. Experiences of LGTBQ Youth, YMSM, and YSW Engaged in Survival Sex*. Urban Institute; Curtis, Ric, Karen Terry, Meredith Dank, Kirk Dombrowski, and Bilal Khan. 2008. *The Commercial Sexual Exploitation of Children in New York City, Volume 1: The CSEC Population in New York City: Size, Characteristics, and Needs*. Submitted to the National Institute of Justice, US Department of Justice.

48 Tai Yai is an ethnic minority group from Myanmar.

sex work is not a trade where a disproportionate number of SOGIE-diverse identified people are involved. They stated that, in particular, cisgender heterosexual women are just as likely to be engaged in the sex trade as SOGIE-diverse individuals.

No, I don't think so, it is the same because from what I heard there are many women who do this kind of work and I think it's the same. (Respondent 3, 21-year-old gender of the alternative from Kamphaeng Phet)

One 22-year-old ladyboy from Udon Thani provided her perspective as to why she thinks that exchanging sex is not limited to a specific gender or sexual orientation.

From my perspective, everyone has the right [to trade sex], and there is always a reason for that person to come and work like this. It is not about being gay or a ladyboy needing to sell themselves. But everyone has the reason why they are doing it. This is my perspective. (Respondent 1)

Only one respondent felt that SOGIE-diverse individuals were more likely to be involved in the sex trade than those who identified as heterosexual. They believed it was because third gender people in particular had few job options outside of selling sex. Previous research has also identified that third-gender people in Thailand may not change their gender on formal government ID which also impacts economic inclusion by limiting access to various supports, as well as other rights.⁴⁹

Because most of them are this group of people (SOGIE-diverse). It's a job that can earn more money. We cannot work anywhere else. We cannot dress like a woman and work in the office or be a government officer and dress however we want. We cannot do that. (Respondent 9, 21-year-old transwoman from Chiang Mai)

Health and Protection

All respondents stated that they used protection against sexually transmitted infections, and overwhelmingly their contraception of choice were condoms. All but six respondents stated that they always used a condom with clients.

The six who didn't report that they always used contraception, stated that they used it most of the time. The main reason why they didn't use a condom with some clients was because they were paid more money not to use one.

Interviewer: *How often do you use condoms?*

Respondent: *I always use condoms when I go with clients. Hmmm I don't know how to explain.*

Interviewer: *For example, out of ten times that you went with a client, how many times did you use a condom?*

Respondent: *It's about 6-7. Sometimes, I don't use them*

Interviewer: *Why not?*

Respondent: *The client didn't want to use a condom. I wanted money, so I had to do as they requested.*

Interviewer: *They requested not to use one, but didn't force you, right?*

Respondent: *Yes*

Interviewer: *Did the client offer to pay more if you didn't use condom?*

Respondent: *Yes, some of them did.*

Interviewer: *Was that one of the reasons why you didn't use a condom?*

Respondent: *Yes (Respondent 17, 20-year-old male from Chiang Mai province)*

Most respondents carried condoms with them at all times or had access to free condoms where they worked. A lot of the respondents also frequented clinics where they were given free condoms and lubricant.

I have condoms everywhere I live. (Respondent 20, 21-year-old male from Chiang Mai)

LGBTQ+ sort of centre. They will provide condoms for us and also provide blood test checks. (Respondent 9, 21-year-old transwoman from Chiang Mai)

⁴⁹ World Bank. (2018). *Economic Inclusion of LGBTI Groups in Thailand*. Bangkok: World Bank.

Six respondents disclosed that they have had a sexually transmitted infection, namely gonorrhoea. No one stated that they were HIV positive. Eight respondents stated that they had been to the doctor in the last 6 months, most of them having been within the last two months from when they were interviewed. All of those respondents had stated that they had gone for a blood test to check for sexually transmitted infections, and most had gone to a local clinic to have those tests administered.

Five respondents stated that they believe they suffered from a mental health disorder, namely depression, anxiety and/or bipolar disorder, but only one of those respondents had been evaluated and diagnosed by a medical professional and was on medication for depression.

I used to be a psychiatric patient. My mom is worried that I might not come home or something might happen to me. I'm not homeless. I'm just an ordinary person, but I was suffering from depression and have to take psychiatric medicine. This is why my mom has been so worried. She usually asks where I am going and who I am with. (Respondent 10, 26-year-old gay male from Nan)

One 23-year-old ladyboy from Buri Ram reported being occasionally depressed, but she would feel better once she talked to her friends about how she was feeling.

Interviewer: *Do you have any health issues like any allergy or short-focus, bipolar disorder, mental health concerns, or depression?*

Respondent: *I would say I sometimes have it.*

Interviewer: *What did you mean sometimes you have it. What do you have?*

Respondent: *Depression. Sometimes I am frustrated.*

Interviewer: *How do you overcome that issue?*

Respondent: *I will spend time with my friends and talk to my friends. (Respondent 4)*

Drug Use

Approximately half of the respondents disclosed using drugs, including alcohol, in their lives. Oftentimes when drugs were abused, it was most likely with clients. Seven respondents stated that they currently used drugs, while four respondents said that they used to use drugs, but they no longer did. The most common drug used by respondents was methamphetamine. It helped to keep them awake and energised so they could work late into the night.

It's methamphetamine. It helps to keep me awake. I can work all day. It keeps me energetic. I can talk and hang out with friends all day and night. (Respondent 7, 23-year-old transwoman from Chiang Mai)

A couple of respondents stated that they reluctantly smoked methamphetamines with clients since they felt it was something they had to do in order to satisfy the customer.

I use meth. Sometimes when my clients are using drugs and they want to have sex with me, they will tell me to use drugs too. I can't refuse because my work is to service [them]. (Respondent 9 21-year-old transwoman from Chiang Mai)

One 24-year-old gay male from Udon Thani reported that he would pretend to use drugs with his clients because he was against drug use. However, he needed to make it appear like he was using them to appease his clients.

Interviewer: *Let's go back to when you said you are anti-drugs. If a customer contacts you to use them how do you refuse? Or do you use drugs with them?*

Interviewee: *Yes, I have to use drugs with them. Or sometimes I fake taking them.*

Interviewer: *So you act like you took it?*
Interviewee: *Yes, acting. I have to act like I use them but if they find out I'm just acting they will force me to do it or I won't get money so I have to do my best to pretend. (Respondent 13)*

Access to Services and Assistance

Access to services

The respondents' knowledge of and access to service providers in Chiang Mai and Bangkok varied. Some had been receiving assistance – medical, legal, and educational-- from providers for quite some time; whereas others did not know of any specific organisations. However, they felt confident that they could search on the Internet where to go depending on what their needs were at that time.

I have the contact number of an organisation. They usually come to my community to run activities and workshops. I can ask them for help. They are local organisations. VPower, M plus, and Caremat. VPower is the main organization in my area. They do [sexual health] screening and provide support in local area. They build local networks. They train people. They arrange activities. (Respondent 7, 23-year-old transwoman from Chiang Mai)

One 23-year-old male from Lumphun described what he would do to seek help if he were to be sexually assaulted, but ultimately did not know which organisations could assist him or who exactly to contact.

Interviewer: *Who can you contact when you have some problems?*

Respondent: *I would say social media. I usually search for information when I need help.*

Interviewer: *For example, if you were raped, do you know who to contact?*

Respondent: *I would contact the police first. If the case is getting bigger, more people will be involved. I know that people pay bribes to end a case. If I can't seek compensation from the legal prosecution, then I would ask for help from NGOs or organisation. I know that there are foundations out there that can help. I just don't have their contact. (Respondent 8)*

When asked if there were services that the youth wished service providers offered, responses included employment opportunities, financial aid, legal assistance, mentorship and counselling. One 22-year-old ladyboy from Udon Thani felt that

mentoring services would help her set goals for her life, which would be incredibly helpful.

A: *What another service would you like to request from the [service provider]? Normally they provide condom, gel, would you like anything else?*

B: *Honestly the condoms should be enough, right? But it maybe helps to advise more about how to live our life.*

A: *Like someone to help advise you?*

B: *Yes. Sometimes people have plans for their life and it's a personal thing I think. But if you ask me if I need anything from them more? I don't think I need anything that they haven't already given to me. (Respondent 1)*

Assistance

When asked who they would go to if they were in trouble, whether it be financial, legal or health-related:

- 3 respondents said they would go to friends
- 3 would go to a family member
- 2 would go to the police
- 2 would go to a service provider
- 2 said they had no one and would do their best to deal with the situation on their own

Below, youth describe who they would go to for assistance, or why they would choose to handle the situation on their own.

I can't go to the police because of my work. So, I will go to my friend. (Respondent 12, 18-year-old gay male from Phare)

Interviewer: *Who do you usually turn to when you need help?*

Respondent: *I want to ask for help from the organisation. It's easier to talk to them than a hospital. They provide better privacy. It's less formal than a hospital. I feel more comfortable.*

Interviewer: *If I gave you more choices like hospitals, organisations, family, friends and people in the community, what would you prefer?*

Respondent: I would rather go to an organisation. It is more private and confidential. I don't have to overshare my personal information. (Respondent 7, 23-year-old transwoman from Chiang Mai)

Mostly I don't bring it up to anyone. I will try to deal with it myself first or if it's about the money, I will process it first. I am not brave enough to bring it up with other people. I must try to deal with it by myself first because I know that everyone has their issues. When I don't have any customers at all, I will go to a local bar to get some money for food. (Respondent 6, 20-year-old gay male from Sakon Nakhon)

I don't want my family to worry about me. If I can fix the problem by myself, I'm not going to ask them for the advice or anything. Because my family worry about me a lot. So when I have a problem I will fix it and if I can't find a way out, that's when I will tell my family. (Respondent 1, 22-year-old ladyboy from Udon Thani)

Experiences with the Police

Only two out of the 20 respondents stated that they had been arrested for a prostitution-related offence. Four additional people had been arrested for non-prostitution-related offences, such as drug possession and drug sales. For the two youth who had been arrested for a prostitution related offence, their interactions with the police were fairly routine. They were expected to pay a fine, and if they weren't able to, they would spend a night in jail.

Not very often. Once every 3-4 months. I was charged for prostitution. Sometimes the police acted as one of my clients [and then arrested me]. (Respondent 9, 21-year-old transwoman from Chiang Mai)

One 22-year-old ladyboy from Buri Ram reported that someone was more likely to be arrested for prostitution if they worked on the streets as opposed to in a bar or massage parlour. As stated earlier, this might be because these venues will often pay a bribe to the police in order not to be subject to a raid or fined.

Interviewer: Have you ever run away from the police?

Respondent: If you are working in a bar you don't have to worry, but if you are working outside on the streets the police will arrest you and you have to pay a fine.

Interviewer: How do the police know what you are doing since you are just standing there?

Respondent: Because it is a place where prostitutes usually stand.

Interviewer: How much is the police fine?
Respondent: One thousand baht

Interviewer: What is the fine for?

Respondent: Prostitution

Interviewer: How often does that happen?

Respondent: Not very often, it depends. Usually about once a month I pay a fine for prostitution. If you don't have the money to pay the fine, you have to stay in jail. (Respondent 14)

Some respondents stated that they don't have any issues with the police since they have clients who are police officers. Thus, they felt protected, even if it was a false sense of protection.

The police are good, they do their job and when that happened it was my fault. And some of them also use my service. (Respondent 6, 20-year-old gay male from Sakon Nakhon)

Interviewer: Can you explain your relationship with the police, please?

Respondent: Let me tell you this. One of the police officers is our customer and he is very close to [name of the manager from the massage parlour] from the shop.

Interviewer: Is he Thai?

Respondent: Yes, he is Thai. But I think because he may have a high position [within the police], and is well known. And if he has a high position, for him to come get the service is difficult. So that's why it's normal for him to be friendly with the [manager]. If other people look at him or someone that he knows finds out that he also comes to do something, this will affect him. (Respondent 1, 22-year-old ladyboy from Udon Thani)

Although few respondents had interactions with the police specific to their involvement in sex work, this topic should be explored further with a larger sample in order to get a better understanding of the experiences of those engaged in exchanging sex, particularly those who have immigrated from other countries (not included in this sample).

Youth' Perceptions of Engaging in Sex Work

Positive perceptions of exchanging sex

When asked what were some of the positives of trading sex, overall, the youth reported that being able to earn enough money to care for themselves, and in some cases, their families was the best thing to come out of exchanging sex. Additional gains included the friendships they were able to foster with both co-workers and clients, and what they learned about other people and ways of life.

The good thing about this work is that I am able to send money back to my family, and I can support myself, and get the things that I need from the income that I make from this job. (Respondent 2, 22-year-old gender of the alternative from Prachin Buri)

First of all, money, and then friendship. Friendship from friends and customers. Sometimes if you meet a kind customer they will take care of you. I hope that I will be able to find someone who can support and provide for me in the future. (Respondent 13, 24-year-old gay male from Udon Thani)

The good thing is I have a lot of friends that are willing to support me. It is such a good network. I don't feel that I'm the only one doing this. There are people out there that always help and support me. (Respondent 10, 26-year-old gay male from Nan)

One respondent in particular spoke about how they learned that they can survive on their own which was an important skill they had developed through trading sex.

For me, one good thing is that I was able to open my heart to the world out there and learn from it. Another good thing for me is I was able to learn and know how to take care and protect myself from harm. I learned how to open my heart and to live

in the community right. (Respondent 5, 15-year-old gay male from Buri Ram)

Negative perception of exchanging sex

Most of the negative feelings around trading sex were specific to clients – having to have sex with individuals they didn't find attractive, weren't interested in, or didn't love, made it especially difficult. Additionally, they felt that they were sometimes forced to engage in certain sex acts or take on certain people as clients that they normally would not because they needed the money. At the end of the day, for many of the respondents, it came down to survival.

The thing that I don't like is to fulfil and meet the needs of the customer. Sometimes you have to do things that you don't want to do but you have to force yourself to do it just because you need the money. That is the thing that I don't like. (Respondent 2, 22-year-old gender of the alternative from Prachin Buri)

The thing that I don't like is when you have to go to sleep with someone one that you don't love and that's hard enough, but for the exchange of money, you have to do it. You have to fulfil their needs. Everyone who works in this environment is not happy.

That's what I believe but they have to do it. Some of them don't have a choice, and some of them might not be able to get a good job to work so they have to work like this. (Respondent 3, 21-year-old gender of the alternative from Kamphaeng Phet)

Sex Work and Self Worth

Although respondents didn't specifically say that exchanging sex defined who they are, some did feel that it reduced their self-worth and made them feel ashamed.

People look down on me. They say it is an unstable job. Sex work isn't a decent job. (Respondent 7, 23-year-old transwoman from Chiang Mai)

Yes, sometimes I feel it bothers me and I wonder why I am not born in a better place than this? (Respondent 4, 23-year-old ladyboy from Buri Ram)

One 21-year-old transwoman from Chiang Mai explained that finding employment in the formal job sector was incredibly difficult since the name and gender listed on her government ID was male. This was a sentiment expressed by many of the other transwomen and ladyboys in their interviews. Several of them felt that if this was the only job open to them, it should be legal and they should be afforded the benefits that come with a legal, formalised job.

Respondent: Sometimes I look down at myself but I cannot choose what I want to be. Other jobs are more difficult for me because I'm a ladyboy. Some companies are anti ladyboy. If my name on the ID card is a guy's name, but I dress like a woman, they will not accept me as one of their employees. It's difficult to find a job. The job I do is a job. It's just an illegal job.

Interviewer: Does this reduce your worth honestly?

Respondent: Yes, absolutely. Because I use my body to work for money. I didn't use labour to exchange for money. (Respondent 9)

While many of the youth felt ashamed and despondent about exchanging sex, others felt empowered. They felt that they were able to make good money and set their own hours, which is not as common with jobs in the formal sector.

I am willing to do this on my own. I travelled here on my own, and I know what my purpose in life is. I am here at this point to do what I have to do to support myself, and when I look at myself, I see that I am happy. Going to work to have sex and getting the money is better than having sex for free. (Respondent 6, 20-year-old gay male from Sakon Nakhon)

Others believed that if they thought about how people saw them and what they do for a living, they would feel bad about themselves. So, instead of focusing on the negative, they block it out and focus on what they have to do to survive.

I look at myself in a good way but I think about how others see me and they might misunderstand me and think of me as a bad person. If I care about what others say I will feel bad about myself so I don't care. (Respondent 14, 22-year-old ladyboy from Buri Ram)

Interviewer: Have you ever felt that this job has decreased your self-value?

Respondent: Yes, I have. I know it isn't easy to stay in this job but I have to ignore what people think or say. I know no one would want to settle down with me if they know what I do. People would leave immediately as soon as they figure it out. Some guys that I talk to left after they saw me on dating app or in the massage parlour. No one stays when they know. (Respondent 8, 23-year-old gay male from Lumphun)

Changes needed in their life to leave sex work (if that's what they want)

All but two people stated that they would stop trading sex if they could; however, they would need to have a stable, living wage employment in order to do so. There were some respondents who stated that they tried to stop and find other employment, but the salary they received was not enough to cover their bills and also send money home to their families.

If you ask me if I want to stop, I do. But if you aren't at the place where you can stop and have to make money for your future you have to work like this. (Respondent 13, 24-year-old gay male from Udon Thani)

I would like to have a fulltime job and a better job. I would like to graduate from University. I want to have a better salary so I can stop doing this kind of work. (Respondent 3, 21-year-old gender of the alternative from Kamphaeng Phet)

I have to change it myself. I'm actually trying to make some changes, but I have to accept my challenges. My financial situation and low education background limit my employment opportunities. I can't go far. I can't find a well-paid job. I don't have a good foundation like others who come from a better family background. (Respondent, 8, 23-year-old gay male from Lumphun)

Others stated that the only way they would be able to stop is if they found someone who would be able to help support them as they transitioned into a new line of work.

If I find love. You know love is the thing that everyone expects. I don't know how to say it, but if I meet someone, get a different job and start over with my loved one...when that happens I would like to stop doing this

kind of work. (4, 23-year-old ladyboy from Buri Ram)

One 22-year-old ladyboy from Udon Thani perfectly conveyed what a lot of the youth in this study felt when it came to engaging exchanging sex. It was not something that they readily embraced; however, it was a means to survive and not only have their needs met, but the needs of their family.

Depending. It's a personal thing like I said. No one wants to come and do this kind of work. If there are any other choices or any better choices or another job that is better than this, I would like to take that job. If you ask me if I can [stop exchanging sex] or not, yes, I can because I have gone through a lot in life. But, it's not the right time yet. I have a purpose for my life, like I have to support my family in the area of their needs and I have goals that I want to meet, then I can move out of this. I would say move into another world that I don't have to work like this. (Respondent 1)

Discussion of Interviews with SOGIE-Identifying Young People

The experiences of SOGIE-diverse youth who are engaged in exchanging sex are best understood when they are not viewed in black and white terms. As this report illustrates, the 20 young people we interviewed shared an array of stories about why and how they became involved in exchanging sex, which often involved complicated and difficult situations. It was important for us to describe their experiences using their words and to avoid using labels to explain their behaviours and circumstances.

What we found echoes past research findings: SOGIE-diverse youths' past experiences are drivers for their current situations. These experiences include family poverty; familial violence and abuse; and rejection and discrimination based on sexual orientation or gender identity by families, communities, and

employers.⁵⁰ Many of the young people we interviewed ran away because of abuse they were experiencing at home or in their community. Others left because of economic problems or other factors.

Many of the young people described knowing at a young age that they were 'different' from other children their age, particularly those who later went on to identify as third-gender or trans-female. Some of the respondents purposely hid these feelings from their family because they knew that their family wouldn't accept or understand how they were beginning to identify, whereas others chose to express themselves from a young age. Most of the youth stated that they found a peer group who accepted them for who they were, and they became their biggest support system. Several youths who came out to their family were immediately ostracised and/or experienced severe verbal and emotional abuse, which pushed them to leave home and find a way to support themselves. Some of the respondents shared that once they were able to prove to their family that they were capable of making it on their own, their families were more accepting of their sexual orientation, gender identity and expression.

Almost all of the SOGIE identified young people we interviewed came from rural provinces throughout Thailand. The abject poverty many respondents experienced as children decreased their chances of finishing high school since there was an expectation and need to generate an income to help with family expenses. There were also a number of young people who looked for the first opportunity to run away from the familial violence they were forced to witness and/or endure themselves. Some ran away several times before they officially left the home; whereas others ran away and never returned. However, some continued to live with family, either in Bangkok or Chiang Mai, and felt pressure to contribute to household bills and ensure that their families' needs, in addition to their own, were met.

50 Dank, M. *et al.* (2015, February). *Surviving the Streets of New York. Experiences of LGBTQ Youth, YMSM, and YWSW Engaged in Survival Sex.* Urban Institute; Bigelsen, Jayne, and Stefanie Vuotto. 2013. *Homelessness, Survival Sex and Human Trafficking: As Experienced by the Youth of Covenant House New York.* New York: Covenant House; Rees, Jo. 2010. *Trans Youth Involved in Sex Work in New York City: A Qualitative Study.* Ph.D. diss., New York University, New York; Lankenau, Stephen E., Michael C. Clatts, Dorinda Welle, Lloyd A. Goldsamt, and Marya Viorst Gwadz. 2005. *Street Careers: Homelessness, Drug Use, and Sex Work among Young Men Who Have Sex with Men (YMSM).* *International Journal of Drug Policy* 16: 10–18.

Many of the youth initially became involved in exchanging sex through their friends or by being approached by a potential client. In the majority of cases, sex was exchanged for money from the start, though there were some examples of exchange for goods, food, shelter or security. Some of these peers, the majority of whom were engaged in survival sex themselves, played a passive role in introducing others into the sex economy by providing tips on where to find customers and how to stay safe, while others played a more active role by introducing them to prospective clients. These situations were not exploitative in nature, and these individuals did not profit or expect to profit from assisting their peers. They simply were trying to help others survive in the same way they were surviving.

The majority of the young people reported now practicing safe sex and about half abused drugs at some point in their life. Although some were connected to service providers in Chiang Mai and Bangkok, others were either unaware that these programmes existed or knew but didn't have contact information. The organisations they were connected with were mainly health providers, and there seemed to be a lack of NGOs that provided other services, such as: vocational and job training, mental health counselling, legal services, and educational and living wage opportunities.

Interactions with law enforcement were rare, and those that did have some run-ins with the police for prostitution related offences reported fairly routine procedures. Those that worked for a massage parlour or bar felt protected by their employer, who oftentimes had to pay a bribe to the police, whereas those who worked on the street were at a higher risk of gaining unwanted police attention.

The majority of young people we interviewed wanted to stop engaging in the sex trade. However, most youth said that exchanging sex seemed like their only viable means for meeting their basic needs. These youth expressed a need for alternatives that would enable them to stop trading sex for money and/or material goods. The needs they identified included job training, educational opportunities, food security, mentorship, assistance with legal documents and benefits, mental health care and counselling, and liveable-wage employment opportunities. Although the youth found several of the service-provision programmes in Chiang Mai and Bangkok helpful, these programs were not sufficient and were often underfunded and under-resourced.

Youth weighed benefits, such as survival and financial independence, against the known and perceived risks of involvement in the sex trade, including incarceration; sexually transmitted infections; feeling devalued and stigmatised; in addition to the risk of death or physical and sexual violence at the hands of customers or other participants engaged in the sex market. That said, the youth we interviewed demonstrated an extraordinary level of resilience, taking many affirmative steps to take care of themselves and others and turning their skills to making changes in their own lives and in society.

THAI LEGAL PROVISIONS ON SEXUAL EXPLOITATION OF CHILDREN WITH A FOCUS ON BOYS

Thailand's International and Regional Legal Commitments

Thailand has set the bar high for the Southeast Asian countries when it comes to its international commitments to protect children. The primary document, at the international level, addressing sexual exploitation of children is the United Nations Convention on the Rights of the Child (CRC). It includes provisions to protect children from all forms of sexual abuse and sexual exploitation, including the protection of children from the sale or trafficking for any purpose or form.⁵¹ Thailand has acceded to the CRC in 1992 and has taken tremendous efforts to align with its commitment to the CRC and child protection.

In 2000, the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography (OPSC) was adopted to address the rising concern of trafficking of children for sexual exploitation as well as other forms of sexual abuse and exploitation.⁵² Thailand acceded to the OPSC in 2006, reaffirming its commitment to protect children from this heinous crime.

In 2014, the international community pressed for a shift in the focus being on implementation of international treaties and adopted the Optional Protocol on a Communications Procedure (OPIC).⁵³ The OPIC was adopted to allow for children to access the international redressal system if the national mechanisms failed to enforce their rights. Thailand is the first and, at the time of writing, only Southeast Asian country that has ratified (in 2012) the OPIC.⁵⁴

In addition to the CRC and its optional protocols, the international community has a plethora of other instruments to protect children from different forms of abuse and exploitation. The 1999 Worst Forms of Child Labour Convention No.182⁵⁵ by the International Labour Organisation and the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention against Transnational Organized Crime⁵⁶ (hereinafter the 'Trafficking Protocol') from 2000 insist on the participating members to ensure effective implementation and enforcement of the respective Conventions, including the creation and application of penal sanctions. Further, the Trafficking Protocol addresses the issue of demand, as it requires states to adopt or strengthen legislative or other measures in the educational, social or cultural spheres to discourage the demand that fosters all forms of exploitation of persons, especially women and children.⁵⁷

Thailand has also been part of a number of international collaborative efforts resulting in various resolutions that aim to eliminate violence against children. Thailand was a leading country, among others, that submitted a draft resolution on model strategies and practical measures on the elimination of violence against children in the field of crime prevention and criminal justice to the Commission on Crime Prevention and Criminal Justice during its twenty-second session in Vienna in 2013.⁵⁸ This led to Thailand hosting the international expert group meeting in Bangkok from 18 to 21 February 2014 that had led to the adoption of UNGA Resolution

51 UN Convention on the Rights of the Child. (1989), Articles 34 and 35.

52 Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. (2000).

53 Optional Protocol to the Convention on the Rights of the Child on a communications procedure. (2014)

54 United Nations Treaty Collection.

55 Worst Forms of Child Labour Convention, 1999 (No. 182)

56 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. (2000).

57 *Ibid.* Article 9.

58 Commission on Crime Prevention and Criminal Justice. (2013) Model strategies and practical measures on the elimination of violence against children in the field of crime prevention and criminal justice E/CN.15/2013/L.21/Rev.1 24 April 2013.

A/RES/69/194 on 26 January 2015 on the “United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice”, which is a holistic and practical tool for policy makers and practitioners to ensure child-friendly criminal justice and to effectively prevent and respond to violence against children.⁵⁹

As part of the Association of Southeast Asian Nations (ASEAN), Thailand has been an active member and a pioneer in addressing the issue of abuse and exploitation against children. When the ASEAN, in 2015, set the ASEAN Convention against Trafficking in Persons Especially Women and Children, Thailand became part of the commitment to combat trafficking and protect victims in the member countries.⁶⁰ Thailand also has varied bilateral and multilateral agreements with neighbouring countries specifically related to crimes which have a cross-border element like that of trafficking. Notable agreements that aim to combat trafficking include the Memorandum of Understanding on Cooperation against Trafficking in Persons in the Greater Mekong Sub-Region,⁶¹ as well as bilateral treaties with Vietnam,⁶² Cambodia,⁶³ Laos⁶⁴ and Myanmar.⁶⁵

Thailand has also been an example in ensuring the commitment to the Sustainable Development Goals 2030 set by the United Nations.⁶⁶ It submitted its voluntary review report in 2017 on the progress it has made towards achieving the goals. In the report, Thailand has reaffirmed its commitment to ending all kinds of human trafficking through the ‘zero tolerance’ policy against all forms of trafficking, including that of children. It detailed that for achieving the target

16.2, ‘End abuse, exploitation, trafficking and all forms of violence against and torture of children’, the ‘Happy Village based on nine Virtues’ has been set up.⁶⁷

Apart from being a party to conventions both at the international and regional levels, both the Royal Thai Police and the Department of Special Investigation also work closely with INTERPOL, an international criminal police organisation that tackles transnational crimes. This collaborative approach helped contribute to the successful operation Blackwrist, conducted between 2017 and 2019, in which over 50 children were rescued, and sexual offenders were arrested and prosecuted.⁶⁸

The Legal Landscape for Children’s Rights in Thailand

Thailand has adopted a number of laws regarding domestic violence, child sexual exploitation, child sexual abuse materials and trafficking, in part due to its obligations under international law following its ratification of treaties on children’s rights.

The definition of a child in the Thai national legislations is fragmented which could pose problems during enforcement of the laws, but on a positive note, it does not differentiate and discriminate between the rights and protections of boys and girls.

The main law aimed at the protection of children is the Child Protection Act B.E. 2546 (2003).⁶⁹ It states that a child is “a person whose age is less than 18

59 United Nations General Assembly. (2015), United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice, A/RES/69/194, 26 January 2015.

60 ASEAN. (2015), ASEAN Convention against Trafficking in Persons Especially Women and Children.

61 Government of the Kingdom of Cambodia, the People’s Republic of China, the Lao People’s Democratic Republic, the Union of Myanmar, the Kingdom of Thailand and the Socialist Republic of Vietnam. (2004). Memorandum of Understanding on Cooperation against Trafficking in Persons in the Greater Mekong Sub-Region.

62 Agreement Between the Government of the Kingdom of Thailand and the Government of the Socialist Republic of Vietnam on Bilateral Cooperation for Eliminating Trafficking in Persons, Especially Women and Children and Assisting Victims of Trafficking (2008).

63 Memorandum of Understanding Between the Government of the Kingdom of Thailand and the Government of the Kingdom of Cambodia on Bilateral Cooperation for Eliminating Trafficking in Children and Women and Assisting Victims of Trafficking (2003).

64 Memorandum of Understanding Between the Government of the Kingdom of Thailand and the Government of the Lao People’s Democratic Republic and Cooperation to Combat Trafficking in Persons, Especially Women and Children (2005). (No English translation available).

65 Memorandum of Understanding Between the Government of the Kingdom of Thailand and the Government of the Union of Myanmar on Cooperation To Combat Trafficking in Persons, Especially Women and Children (2009)

66 United Nations General Assembly. (2015). Transforming our world: the 2030 Agenda for Sustainable Development, A/RES/70/1, 21 October 2015.

67 The Ministry of Foreign Affairs. (2017). Thailand’s Voluntary National Review on the Implementation of the 2030 Agenda for Sustainable Development.

68 Interpol. (2019). 50 children rescued, 9 sex offenders arrested in international operation.

69 Child Protection Act B.E 2546 (2003), Section 4.

years” but doesn’t include those children who attain majority through marriage.⁷⁰ With the legal age of marriage set at 17⁷¹ and the existence of exemptions, as described in the dedicated section below, this provision could hamper the protection of married children.

Meanwhile, in the Juvenile and Family Court Act and Juvenile and Family Case Procedure Act B.E. 2553 (2010) there is a distinction in how persons under the age of 18 are referred to. Indeed, the Juvenile and Family Court Act and Juvenile and Family Case Procedure Act B.E. 2553 (2010) refers to persons not over 15 as “children” and to persons over 15 but not yet 18 as “juvenile”.⁷² This distinction in the Juvenile and Family Court Act and Juvenile and Family Case Procedure Act B.E. 2553 (2010) may apply to both the (accused) juvenile offenders⁷³ and those juveniles who have been the victim of domestic violence (over which the Juvenile and Family court has jurisdiction).⁷⁴ As both juveniles and children are covered under the relevant provisions under the Chapter related to trial of well-being protection case,⁷⁵ it does not appear that the distinction will result in a barrier to accessing justice or protective services for SEC victims.

The Criminal Code criminalises sexual intercourse with a child not yet over 15 years of age (statutory rape) with or without consent.⁷⁶ According to Section 1(18) of the Criminal Code, as amended in 2019, ‘sexual intercourse’ is an act done with the intention to gratify the sexual desire of the offender by inserting their sex organ into the vagina, anus or mouth of another person.⁷⁷ Although this new definition is an expansion of the previous one which did not include “anus” and “mouth” and therefore may provide additional protection to boys, the choice of the legislator to specify that the offender “has to insert their sex organ” would clearly not cover cases where the offender is a female and the victim a male. Section 276 of the Criminal

Code gives the criteria for what are classified as non-consensual sexual activities. This criteria applies to all offences and does not directly target persons under the age of 18.⁷⁸ Section 277 of the Criminal Code includes the offence of child rape.⁷⁹ It criminalises sexual assault against a child not yet over 15 years of age, who is not the husband or wife of the offender, with or without consent. The offence covers all children not yet over fifteen years of age, irrespective of gender. There are adjusted punishments under this Section depending on the age of the child victim. For offences against children aged over 13 to 15 the punishment of five to twenty years imprisonment and a fine of one hundred thousand to four hundred thousand baht is applicable.⁸⁰ For those offences committed against children not yet over 13 years of age, the offender will be punished with imprisonment of seven to twenty years and a fine from one hundred and forty thousand baht to four hundred thousand baht or life imprisonment.⁸¹

Section 277 (para 5) also provides for a close-in-age exemption in case a person not yet over 18 years of age has sexual intercourse with a child over 13 years but not yet over 15 years of age with the consent of the latter. As of 2019 the law has been amended so as to remove the court’s power, in such cases, to permit marriage which results in no punishment of the offender.⁸² However, in cases involving a close-in-age exemption the court may render a well-being arrangement for the child victim or offender in accordance with the Child Protection Law, instead of imposing punishment on the offender. The court will take into consideration factors in the interest of the child victim such as, among other things, age, background, education and relationship between the offender and child victim when deciding the well-being arrangement.⁸³ Furthermore, if the offender, who has carried out a rape under Section 277, is a child, the court may exercise its discretion

70 *Ibid.*

71 [Civil and Commercial Code](#) Section 1448.

72 [Juvenile and Family Court and Procedure Act B.E. 2553 \(2010\)](#), Section 4.

73 *Ibid.* Section 10.

74 *Ibid.* Chapter 15.

75 *Ibid.*

76 [Criminal Code B.E. 2499 \(1956\)](#), (as amended by the Amendment to the Criminal Law No. 24 of 2015) Section 277.

77 [Amendment of the Criminal Code No.27 of 2019](#), Section 3.

78 *Ibid.* Section 276.

79 *Ibid.* Section 277.

80 *Ibid.*

81 *Ibid.*

82 *Ibid.* Section 277 (para 5).

83 *Ibid.* As amended by the Amendment to the Criminal Code (2019)

to reduce the scale of the punishment or not to render any punishments at all, as provided for under Sections 73-76 of the Criminal Code.⁸⁴

The minimum working age is set at 15.⁸⁵ However the minimum age for work involving hazardous work⁸⁶ is 18. The compulsory age of schooling set forth in Section 17 of the National Education Act⁸⁷ states that there shall be compulsory education from the age of seven for nine years, up until 16 except passing an examination of ninth year of compulsory education.⁸⁸ In addition, the Constitution has emphasised the need for the state to ensure that every child receives quality education for 12 years from pre-school to the completion of compulsory education free of charge. Also, the state is expected to ensure that young children receive care and development prior to education under paragraph one to develop their physical body, mind, discipline, emotion, society and intelligence in accordance with their age, by promoting and supporting local administrative organisations and the private sector to participate in such undertaking.⁸⁹

The minimum age of criminal responsibility in Thailand is set at 10 years. According to the Criminal Code, “a child not yet over ten years of age shall not be punished for committing what is provided by the law to be an offence”.⁹⁰ For children over 10 years old but not yet over 15 years of age, the Court shall not punish them for offences under the Criminal Code, but it has the discretion of imposing other measures such as admonishment or sending them to a school or training place.⁹¹ For persons over 15 years but below 18 years of age, the Court shall take

into account the sense of responsibility and all other things (not defined by the Criminal Code) concerning such a person to decide whether to punish him/her or not.⁹²

Understanding Protections from Sexual Exploitation for Boys in Thailand

International instruments aimed at enshrining the rights of children provide comprehensive protection against SEC for all children irrespective of gender. It is important that all state parties endeavour to provide the same level of protection through robust legislation and effective policy that place the interests of the child at their forefront. Article 34 of the CRC requires state parties to protect children from ‘all forms of sexual exploitation’.⁹³ It explicitly outlines that the state Parties must prevent: “1) the coercion of a child to engage in any unlawful sexual activity; 2) the exploitative use of children in prostitution or other unlawful sexual practices; and 3) the exploitive use of children in pornography.” This is compounded with Article 19 wherein it states that “the State Parties must undertake legislative, administrative, social and educational measures to protect the child from all forms of violence including exploitation and sexual abuse.”⁹⁴

Sexual violence manifests in different forms, affecting individuals and groups of persons in specific ways.⁹⁵ Although all children are affected by sexual exploitation, research has tended to focus heavily on girls.⁹⁶ But there is a growing

84 [Criminal Code B.E 2499 \(1956\)](#) Section 73-76

85 [Labour Protection Act B.E. 2541 \(1998\)](#). Section 44

86 Section 49 of the Labour Protection Act B.E..2541 states that an employer shall not require a young worker under eighteen years of age to perform any of the following work: (1) metal smelting, blowing, casting or rolling; (2) metal pressing; (3) work involving heat, cold, vibration, noise and light of an abnormal level which may be hazardous as prescribed in the Ministerial Regulations; (4) work involving hazardous chemical substances as prescribed in the Ministerial Regulations; (5) work involving poisonous microorganisms which may be a virus, bacterium, fungus, or any other germs as prescribed in the Ministerial Regulations; (6) work involving poisonous substances, explosive or inflammable material, other than work in a fuel service station as prescribed in the Ministerial Regulations; (7) driving or controlling a forklift or a crane as prescribed in the Ministerial Regulations; (8) work using an electric or motor saw; (9) work that must be done underground, underwater, in a cave, tunnel or mountain shaft; (10) work involving radioactivity as prescribed in the Ministerial Regulations; (11) cleaning of machinery or engines while in operation; (12) work which must be done on scaffolding ten metres or more above the ground; or (13) other work as prescribed in the Ministerial Regulations.

87 [National Education Act B.E 2542 \(1999\)](#)

88 The criteria and procedure of calculating age shall be as prescribed in the ministerial regulation.

89 [Constitution of the Kingdom of Thailand B.E 2560 \(2017\)](#), Section 54.

90 [Criminal Code B.E 2499 \(1956\)](#) Section 73.

91 *Ibid.* Section 74.

92 *Ibid.* Section 75.

93 [UN Convention on the Rights of the Child. \(1989\)](#), Article 34.

94 *Ibid.* Article 19.

95 World Health Organisation. (2002). [World Report on Violence and Health](#). Chapter 6.

96 Greenbaum, J., Crawford-Jakubiak, J. E., & Committee on Child Abuse & Neglect. (2015). [Child sex trafficking and commercial sexual exploitation: Health care needs of victims](#). *Pediatrics*, 135(3), 566–574.

understanding that male victims of sexual exploitation are prevalent,⁹⁷ emphasising the need to ensure research, policy and legislation on this topic protects all children, irrespective of gender. It is with consideration of the importance of providing protection from sexual exploitation for all children that this research has analysed the relevant laws in place in Thailand as they apply to boys. Attention has been given to how boys are protected and considered under the eyes of the law.

According to the United Nations Office on Drugs and Crime, using international data on exploitation, it was found that more than half of all (adult and child) exploited victims (59%) are sexually exploited. Among all sexually exploited victims, 3% were boys.⁹⁸ Whilst there is a lack of research into the prevalence of the sexual exploitation of boys in Thailand specifically, data from research carried out in other Southeast Asian nations has highlighted the scale of the problem. Research reveals that, in Cambodia, 5.6% of males had experienced sexual violence under the age of 18⁹⁹ and that 26% of boys working in the street had been sexually exploited in exchange for money, food or gifts.¹⁰⁰ In the Philippines, this figure rose to 27% of boys working in the street.¹⁰¹ Furthermore, studies suggest that 8% of boys globally have experienced childhood sexual abuse.¹⁰² Given that sexual exploitation of children occurs across all genders, it is vitally important that all legislation and policy related to children covers all children without distinction.

The following sections explore the different contexts in which sexual exploitation of all children can occur. Positively, the relevant Thai legislation is mostly gender-blind, meaning it may be applied to all children regardless of their gender. While the analysis largely indicates

that boys and girls are not treated differently, instances are noted where specific gender sensitive considerations may also be pertinent to ensure equal access to the stated laws. Furthermore, while the law may allow for equal treatment of children regardless of gender, exploration of implementation is needed to understand if this is how the law is applied in practice reflects the extent to which boys are likely victims of SEC.

Exploitation of children in prostitution

Although prostitution is illegal in Thailand, as explained below, it is still widely practiced throughout the country. The Committee on the Rights of the Child stated in 2012 that it was “practiced quite openly, with the involvement of large numbers of children.”¹⁰³ Estimates as to the number of children involved in prostitution in the country vary and no recent, precise statistics as to the extent of the problem exist. In the US State Department’s 2008 Human Rights Report, estimates from Thai government officials, researchers and NGOs put the number to be at around 60,000 children.¹⁰⁴ In 2010, Thailand’s health research institute estimated that 40% of all prostitution in the country involved child victims.¹⁰⁵ Whilst these are only estimates and are dated, they are important indicators that exploitation of children in prostitution likely continues today.

Research into the prevalence of exploitation of boys in prostitution is severely lacking. A study carried out in Chang Mai in 2013 indicated that males engaged in prostitution in that region had entered this work in their early teens.¹⁰⁶ The fact that boys are less likely to be engaged in establishment-based commercial sex may explain their absence in much of the research that tends to focus on establishment-based commercial sex

97 Josenhans, V., Kavenagh, M., Smith, S. & Wekerle, C. (2019). Gender, rights and responsibilities: the need for a global analysis of the sexual exploitation of boys, *Child Abuse & Neglect*.

98 United Nations Office on Drugs and Crime. (2018). *Global Report on Trafficking in Persons*.

99 Sumner, S. A., Mercy, J. A., Buluma, R., Mwangi, M. W., Marcelin, L. H., Kheam, ... Hillis, S. D. (2016). *Childhood sexual violence against boys: A study in 3 countries*. *Pediatrics*, 137(5).

100 Davis, J. D., & Miles, G. M. (2014). “I want to be brave”: A baseline study on the vulnerabilities of street-working boys to sexual exploitation in Sihanoukville Cambodia.

101 Davis, J. D., & Miles, G. M. (2017). A baseline study of vulnerabilities of street-involved boys to sexual exploitation in Manila, Philippines. *Philippine Journal of Child Sexual Abuse*, 7, 32–58.

102 Stoltenborgh, M et al., (2011). *A Global Perspective on Child Sexual Abuse: Meta-Analysis of Prevalence Around the World*.

103 Committee on the Rights of the Child. (2012). Consideration of reports submitted by States parties under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, Concluding observations: Thailand. CRC/C/OPSC/THA/CO/1, 21 February 2012, para 21.

104 US Department of State. (2008). *Human Rights Report: Thailand*.

105 ECPAT International. (2015). *Situational Analysis of the Commercial Sexual Exploitation of Children in Thailand*

106 Davis, J. Glotfelty, E. and Miles, G. (2013). *Boys for Baht?*

in which women and girls are more prevalent.¹⁰⁷

As mentioned, most acts related to prostitution are illegal in Thailand.¹⁰⁸ These are covered in the Criminal Code, the Prevention and Suppression of Prostitution Act B.E. 2539 (1996) and the Anti-Human Trafficking Act B.E. 2551 (2008).¹⁰⁹ The Prevention and Suppression of Prostitution Act B.E. 2539 (1996) penalises all persons engaging in specific acts related to prostitution, such as solicitation, inducing a person into prostitution, etc. but punishment is limited to a fine not exceeding one thousand baht.¹¹⁰ As the relevant Section of this Act does not distinguish between children and adults and considering that the age of criminal responsibility is 10 years as described in the section above, this may hamper the protection of child victims of exploitation in prostitution by identifying them as offenders instead of victims.

Meanwhile, it is a criminal offence under Section 282 of the Criminal Code to procure, seduce or take away a person (regardless of gender) not yet over 18 for the purpose of indecency,¹¹¹ which can be interpreted to include sexual purposes. If this offence is committed against a person over 15 but not yet over 18 years of age, the punishment will amount to imprisonment of three to fifteen years and a fine between six thousand and thirty thousand baht.¹¹² If the offence is committed against a child not yet over 15 years of age, the punishment will be adjusted to imprisonment of five to twenty years and a fine between ten thousand and forty thousand baht.¹¹³

Section 8 of the Prevention and Suppression of Prostitution Act B.E. 2539 (1996) states that any person who, in order to gratify his or her sexual desire or that of another person, has sexual intercourse or acts otherwise against a person (regardless of gender) a person over 15 but not yet over 18 years of age in a prostitution establishment, with or without his or her

consent, will face penalties of imprisonment for a term of one to three years and to a fine of twenty thousand to sixty thousand baht.¹¹⁴ If this offence is committed in relation to a child not over 15 years of age, penalties are increased to imprisonment for a term of two to six years and to a fine of forty thousand to one hundred and twenty thousand baht.¹¹⁵ It is of concern that acts committed under this Section will not be considered an offence when committed against one's own spouse and not to gratify the sexual desire of another person. Therefore, the act of a person having sexual intercourse with his/her spouse who is over 15 but not over 18 years of age in prostitution establishment is not a criminal offence.

Section 9 criminalises any person who procures, seduces or takes any person for prostitution, irrespective of consent and geographic location (within or outside the Kingdom of Thailand) and issues a penalty of imprisonment for a term of one to ten years and a fine of twenty thousand to two hundred thousand baht.¹¹⁶ If the offence is committed against a person (again, regardless of gender) over 15 but not yet over 18 years of age, the offender will face penalties of imprisonment for a term of five to fifteen years and a fine of one hundred thousand to three hundred thousand baht, whilst if the child victim is not over 15 years of age, the offender will face imprisonment for a term of ten to twenty years and a fine of two hundred thousand to four hundred thousand baht.¹¹⁷

Increased penalties (one-third heavier) are also provided in case the offence above is committed by means of fraud, deceit, threat, violence, undue influence or coercion against one's will in any manner.¹¹⁸

The Prevention and Suppression of Prostitution Act B.E. 2539 (1996) goes one step further by expanding the same penalties to those who

107 ECPAT International and Defence for Children-ECPAT Netherlands. (2016). *Global Study on Sexual Exploitation of Children in Travel and Tourism*. Regional Report: Southeast Asia.

108 *Prevention and Suppression of Prostitution Act B.E. 2539* (1996). Section 5.

109 *Anti Human Trafficking Act B.E. 2551* (2008).

110 *Prevention and Suppression of Prostitution Act B.E. 2539* (1996). Section 5

111 *Criminal Code B.E. 2499* (1956) Section 282.

112 *Ibid.* para 2.

113 *Ibid.* para 3.

114 *Prevention and Suppression of Prostitution Act B.E. 2539* (1996). Section 8.

115 *Ibid.* Section 8.

116 *Ibid.* Section 9.

117 *Ibid.*

118 *Ibid.*

support the commission of the offence.¹¹⁹ Finally, under Section 6 of the Anti-Human Trafficking Act B.E. 2551 (2008) the “procuring, buying, selling, vending, bringing from or sending to, detaining or confining, harbouring, or receipt of a child” for the purposes of exploitation, is considered a human trafficking offence.¹²⁰ The definition of exploitation, provided in the same Section, covers, among other things, the seeking of benefits from prostitution.¹²¹

In summary, there are at least three separate Acts concerning prostitution in Thailand. Under the Criminal Code it is an offence for both any person to procure, seduce or take away a person not yet over the age of 18 for sexual purposes¹²² and to instigate a person to engage in exploitation of children in prostitution.¹²³ The Prevention and Suppression of Prostitution Act B.E. 2539 (1996) criminalises all persons, including children above 10 (as per the provision on age of criminal responsibility) who engage in prostitution.¹²⁴

The Act also criminalises sexual intercourse or acts otherwise against persons not over 18 years of age in a prostitution establishment in order to gratify his or her sexual desire or that of another person¹²⁵ as well as the procuring, seducing or taking away of any person for prostitution whether committing within or outside the Kingdom of Thailand.¹²⁶ The Anti-Human Trafficking Act B.E. 2551 (2008) makes illegal those acts, related to the human trafficking of a child, that are carried out for the purpose of exploitation.¹²⁷ The definition of exploitation under the Act includes the seeking of benefits from prostitution.¹²⁸ All of the above provisions cover both girls and boys without distinction. A concern arising from the legislation surrounding prostitution is that child victims of exploitation in prostitution may be left at risk of being identified as offenders by the criminalisation of all persons

engaging in specific acts related to prostitution contained in Section 5 of The Prevention and Suppression of Prostitution Act B.E. 2539 (1996).¹²⁹

Online child sexual exploitation (OCSE)

According to research into child sexual abuse material (CSAM), based on analysis of data contained in the International Child Exploitation database stored by INTERPOL, in the 72.5% of cases where victim gender was recorded, 64.8% of unidentified media files depicted female children, 31.1% depicted male children and in 4.1% both male and female victims.¹³⁰ When boys were depicted in the abuse, it was more likely to be severe or involve paraphilic themes.¹³¹ Whilst it is difficult to find precise statistics on the amount of children who are victims of OCSE in Thailand, the country has previously been recognised “by both local and foreign markets, as a production and distribution source of child pornographic materials.”¹³² Furthermore, the deputy director of the Bureau of Foreign Affairs and Transnational Crime at the Department of Special Investigation reported in 2020 that Thailand was experiencing a surge in sexual exploitation of children, with offenders orchestrating and watching abuse on live-streaming sites and via webcams, and paying for it with near-untraceable cryptocurrency.¹³³ This highlights the vulnerability of all children to OCSE offences and emphasises the importance of robust legislation in order to reduce demand for CSAM as well as prosecuting offenders.

In terms of legislative framework, most Thai provisions related to CSAM are included in the Thai Criminal Code. Indeed, according to Section 1(17) of the Criminal Code, “child pornography” refers to objects or things that show children (regardless of gender) not over 18 years of age engaged in sexual acts through images or stories,

119 *Ibid.*

120 [Anti-Human Trafficking Act B.E 2551 \(2008\)](#) as amended in 2019, Section 6.

121 *Ibid.* Section 4.

122 [Criminal Code B.E 2499 \(1956\)](#) Section 282.

123 *Ibid.* Section 312 ter.

124 [Prevention and Suppression of Prostitution Act B.E. 2539 \(1996\)](#), Section 5.

125 *Ibid.* Section 8.

126 *Ibid.* Section 9.

127 [Anti-Human Trafficking Act B.E 2551 \(2008\)](#), Section 6.

128 *Ibid.* Section 6.

129 [Prevention and Suppression of Prostitution Act B.E. 2539 \(1996\)](#), Section 5.

130 ECPAT International. (2018). [Towards a Global Indicator on Unidentified Victims in Child Sexual Exploitation Material](#). Summary Report. 3.

131 *Ibid.* 3.

132 Committee on the Right of the Child (2009). [Initial reports of State parties on the OPSC: Thailand](#). para 16.

133 Bangkok Post. (2020). [Dark net’ a godsend for paedophiles](#).

in the form of documents, paintings, prints, colouring, publications, pictures, advertisements, marks, photos, movies, audio recording, tape recording or any other formats and shall also include the above objects or things stored in a computer system or in other electronic devices.¹³⁴ This definition covers visual as well as audio and written material. The use of the words “drawings” and “illustrations” can be used to cover cases of virtual CSAM (digitally generated CSAM including realistic images of non-existent children). The definition is largely in line with international standards as enshrined in the OPSC. However, it fails to explicitly cover material that depicts a person appearing to be a child, for example an adult wearing children’s clothes and acting as such, engaged in sexually explicit conduct, unless virtual.

The Thai Criminal Code also covers a number of CSAM-related conducts. First, Section 287 criminalises the production, dissemination, offering, selling or possession, import and export of anything obscene for the purpose of trade.¹³⁵ This offence is punishable with imprisonment for up to three years or a fine of up to sixty thousand baht or both.¹³⁶ The wording under this Section may create loopholes in reference to cases where CSAM is not produced, disseminated, offered etc. for the purpose of trade but for mere personal use. Moreover, the term “obscene” is not defined by the Thai Criminal Code.

Possession of CSAM for the purpose of sexual benefits to oneself or other persons is separately criminalised under the Act.¹³⁷ The offence carries the associated penalties of imprisonment for a term of up to five years or a fine of up to one hundred thousand baht, or both.¹³⁸ This wording emphasises the need for intent to use for this conduct to be considered a criminal offence. The law should be broadened so as to criminalise possession of CSAM without the requirement of being for the purpose of sexual benefits. Notably, the offence is limited to possession and does not include mere access as an offence. Forwarding

CSAM to another person is also an offence under the Code with penalties of imprisonment for a term of not exceeding seven years or a fine of not exceeding one hundred forty thousand baht, or both.¹³⁹

The Child Protection Act criminalises acts of forcing, threatening, inducing, instigating, encouraging or allowing a child (regardless of gender) to perform or act in a pornographic manner, irrespective of the intention behind these acts.¹⁴⁰ However, the Act does not criminalise attending, whether knowingly or unknowingly, ‘pornographic performances’ or knowingly obtaining access to CSAM. This creates a legal loophole that may allow offenders to avoid punishment by accessing CSAM without storing it on their device (e.g. in the form of live streaming).

Other laws that partially cover CSAM are the Anti-Trafficking in Persons Act and the Computer-Related Crime Act. Under the Anti-Trafficking in Persons Act, the definition of the term “exploitation” covers seeking benefits from the production or distribution of pornographic materials.¹⁴¹ It criminalises the acts of procuring, buying, selling, vending, bringing from or sending to, detaining or confining, harbouring, or receipt of a child for sexual exploitation.¹⁴²

The Computer-Related Crime Act criminalises the importation of any data of a pornographic nature to a computer system that is publicly accessible.¹⁴³ However, the Act does not define what constitutes data of a pornographic nature. The above offences apply for conducts in an online environment but there are significant challenges in the Criminal Procedure Code for evidence collection and admission in the court of digital evidence. The Electronic Transactions Development Agency provides support to legal bodies in terms of digital evidence investigation. They have noted that it has not always been possible to guarantee that data collected has not been changed throughout the course of its collection and analysis, thereby affecting the

134 [Criminal Code B.E 2499 \(1956\) \(as amended by the Amendment to the Criminal Law No. 24 of 2015\)](#), Section 1(17).

135 *Ibid.* Section 287.

136 *Ibid.* As amended by the Criminal Code Amendment No 26 (2017) Section 10.

137 *Ibid.* 287/1.

138 *Ibid.*

139 *Ibid.* As amended by Criminal Code Amendment No 24 (2015).

140 [Child Protection Act B.E 2546 \(2003\)](#), Section 26(9).

141 [Anti-Human Trafficking Act B.E 2551 \(2008\)](#), Section 4.

142 *Ibid.* Section 6.

143 [Computer-Related Crime Act B.E 2550 \(2007\)](#), Section 14(4) as amended in 2017.

integrity of the evidence.¹⁴⁴

Presently, no Thai law explicitly criminalises OCSE offences, other than those related to CSAM, such as online streaming of child sexual abuse, online grooming and sexual extortion. Being cognizant of these issues, at the time of writing, there is a draft bill in process to criminalise the live streaming of child sexual abuse and online grooming.

Given that live streaming of CSAM is considered “no longer an emerging trend but an established reality”,¹⁴⁵ it is vital that it should be covered as an offence under national legislation. Going by the definition of CSAM provided by the Thai Criminal Code, live streaming of child sexual abuse would not be covered as such abuse is not stored on the computer of the receiver. As CSAM can be directly streamed through the Internet without the requirement to download the material, the perception of impunity of the offender is heightened, and specific challenges for post-event investigation arise, particularly relating to the recovery of evidence and the identification of victims and offenders.¹⁴⁶

A study of live streamed child sexual abuse, carried out by the Internet Watch Foundation, found that 98% of the victims depicted were assessed as being aged 13 or younger and 28% depicted were assessed as being aged 10 or younger.¹⁴⁷ Images containing one or more girl represented 96% of the sample and images containing boys made up just 3%. Images containing two or more children of both genders made up 1% of the sample.¹⁴⁸ Whilst specific data as to the prevalence of live streaming of child sexual abuse in Thailand does not exist, the fact that countries in South East Asia are facing the issue should be a concern - the Philippines has been dubbed the global epicentre of the live stream sexual abuse trade.¹⁴⁹ The scale of the problem in the region is not known but there is

an urgent need for legislation criminalising all live streaming of CSAM to be enacted.

Grooming refers to the solicitation of children, either boys or girls, for sexual purposes. ‘Grooming/online grooming’ refers to the process of establishing/building a relationship with a child either in person or through the use of the Internet or other digital technologies to facilitate either online or offline sexual contact with that person.¹⁵⁰ Previous research has indicated that cases of child sex offenders grooming children via chatrooms and social media sites are increasingly being documented in Southeast Asia.¹⁵¹ Other research shows that 45% of Thai teenagers have met ‘virtual friends’, 92% had been persuaded to talk about sex with these friends and 13% have gone on to have sexual intercourse with these friends.¹⁵² This indicates that, whilst precise statistics as to the scale of the problem are not available, the online grooming of both boys and girls is likely to be prevalent in Thailand.

Children can unknowingly engage with CSAM, for example, in the form of being persuaded to share naked images of themselves. In fact, parents may be more conscious of this risk with girls than with boys as a result of gender norms. Given such scenarios, having the criminal liability of a child set at age 10 may increase cases where children are seen as offenders instead of victims. It is counterproductive to the interests of the child for the law to potentially penalise children who may have produced and/or shared CSAM consensually with another child or been compelled to do so in an exploitive situation. This needs a reform wherein the legislation excludes a child’s criminal liability for producing/sharing CSAM, especially when compelled to do so when in an abusive or exploitive situation.

The Criminal Code establishes that the ignorance of the law cannot be used to excuse criminal

144 Electronic Transactions Development Agency. (2016). *ETDA offers a digital forensics framework*.

145 Virtual Global Taskforce. (2019). *Child Sexual Exploitation Environmental Scan*. 3.

146 Interagency Working Group on Sexual Exploitation of Children. (2016). *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse*. 47. Bangkok: ECPAT International.

147 Internet Watch Foundation. (2018). *Trends in Online Child Sexual Exploitation: Examining the Distribution of Captures of Live-streamed Child Sexual Abuse*, 10.

148 *Ibid.* 11

149 United Nations Children’s Fund. (2016). *Safe from harm: Tackling online child sexual abuse in the Philippines*.

150 Interagency Working Group on Sexual Exploitation of Children. (2016). *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse*. 51. Bangkok: ECPAT International.

151 ECPAT International. (2010). *The Use of Information and Communication Technologies in Connection with Cases of Child-Sex Tourism in East and Southeast Asia*. Bangkok: ECPAT International, 47.

152 United Nations Office on Drugs and Crime. (2014). *Protecting the Future: Improving the Response to Child Sex Offending in Southeast Asia*. 21.

liability.¹⁵³ Similarly, Section 285/1 (as amended in 2015) states that the alleged perpetrator of a specific list of offences indicated in the provision (including child rape, sexual indecency towards a child, procurement and seduction for sexual indecency) cannot raise as an excuse the ignorance of the age of the victim.¹⁵⁴ The law is silent regarding the possibility of using the ignorance of the age of the victim as an excuse for all specific SEC-related crimes analysed in this report. In the absence of a specific prohibition, the defence might use the lack of mens rea (intention) as a defence argument.

One of the important ways noted to prevent the dissemination of CSAM material is to enable and obligate the Internet Service Providers (ISPs) to report, filter/and or block CSAM. Section 15 of the amended Computer Crime Act¹⁵⁵ holds liable ISPs that intentionally support or consent to importing computer data of a pornographic nature onto computer systems accessible to the public, subjecting them to the same penalties as those imposed on the offender (imprisonment up to five years and a fine of up to one hundred thousand baht, or both). Accordingly, both ISPs and cybercafé owners are responsible if an offence relating to the ‘importation’ of pornographic data, which includes CSAM, is committed using a computer system under their control. At the moment, ISPs in Thailand do not have a specific duty to filter, report and/or block CSAM, but when issued a court subpoena they have to comply. In order to effectively investigate and prosecute offences related to OCSE it is imperative that ISPs be required by law to report, filter and/or block all cases of CSAM-related offences of which they become aware.

Surprisingly, the recently passed Cybersecurity Act does not contain any provisions relating to OCSE.¹⁵⁶

Sale and trafficking of children for sexual purposes

Whilst statistics detailing the prevalence of human trafficking in Thailand exist, much of the research has not been disaggregated by age, gender or purpose of exploitation. Thailand is a major destination for victims trafficked from Cambodia, the Lao People’s Democratic Republic, Myanmar and Viet Nam.¹⁵⁷ Research from the UNODC on the East Asia and Pacific region found that, in 2016, 60% of trafficking victims were trafficked for the purpose of sexual exploitation.¹⁵⁸ The Thailand country report on anti-human trafficking responses found that within prosecuted human trafficking cases in 2017, 84.4% were for the purpose of sexual exploitation.¹⁵⁹ According to UNODC, the majority of children trafficked to Thailand fall into the age range 13-17.¹⁶⁰ Of all boys documented as trafficked to Thailand, most come from Cambodia, followed by Myanmar and Viet Nam. Most trafficked girls come from Lao PDR and Viet Nam.¹⁶¹ High levels of regional migration, wide economic disparity and the demand for the sexual services of children in the region are some of the factors which make children vulnerable to sale and trafficking for sexual purposes.

The definition of trafficking in persons provided by the Thai legislation is consistent with the Trafficking Protocol.¹⁶² In the case of child victims (regardless of gender), the national legislation states the means of trafficking such as coercion, abduction, fraud, deception and abuse of power are not required.¹⁶³ Sexual exploitation is listed as one of the purposes of trafficking¹⁶⁴ and both cross border and internal trafficking is included.¹⁶⁵ ‘Movement’ or ‘displacement’ of the victim is not required to constitute trafficking, but the act of ‘procuring, buying, selling, vending, bringing from or sending to, detaining or confining, harbouring, or receipt of a child’, amount to human trafficking.¹⁶⁶

153 [Criminal Code B.E 2499 \(1956\)](#) (as amended by the Amendment to the Criminal Law No. 24 of 2015) Section 64.

154 *Ibid.* Section 285/1.

155 [Computer Crime Act B.E. 2550 \(2007\)](#) Section 15.

156 [Cybersecurity Act of 2019](#).

157 United Nations Office on Drugs and Crime. (2018). [Global Report on Trafficking in Persons](#), 69.

158 *Ibid.* 67

159 Ministry of Social Development and Human Security. (2017). [Thailand’s Country Report on Anti Human Trafficking Response](#). 10.

160 United Nations Office on Drugs and Crime. (2017). [Trafficking in persons from Cambodia, Lao PDR and Myanmar to Thailand](#). 193.

161 *Ibid.* 193.

162 [Anti-Human Trafficking Act B.E 2551 \(2008\)](#), Section 6.

163 *Ibid.* Section 6(2)

164 *Ibid.* Section 4.

165 *Ibid.* Section 11.

166 *Ibid.* Section 6.

It is important to note that the sale of children for sexual purposes is criminalised as a stand-alone provision, emphasising the importance of the issue. Under Section 312 ter of the Criminal Code it is illegal to accept, dispose, procure, lure or traffic a person (regardless of gender) in order to gain illegal benefit.¹⁶⁷ If the offence is committed against a child over 15 but not yet over 18 years of age the punishment will amount to imprisonment up to five years or a fine of up to a hundred thousand baht, or both.¹⁶⁸ If the offence is committed against a child not over 15 year of age the punishment will be adjusted to imprisonment up to seven years or a fine up to one hundred and forty thousand baht, or both.¹⁶⁹ Sections 317, 318 and 319 of the Criminal Code criminalise the act of taking a child away from their parent, guardian or carer.¹⁷⁰ The acts of dishonestly buying, disposing or accepting a child to be taken away are covered under these provisions. For children over 15 but not yet over 18, the act must be committed against the child's will for it to amount to an offence,¹⁷¹ unless the act is done for the purpose of lucre or indecency.¹⁷² This requirement does not exist for children under 15.¹⁷³ The punishments for this offence are greater if the offence is deemed to be committed for lucre or an indecent purpose. Punishments are also adjusted depending on the child's age, with higher penalties attached to offences relating to children not over 15.¹⁷⁴

The appropriate definition of what constitutes trafficking of children for sexual purposes, and an unambiguous identification of the correct terms to use, is paramount in applying relevant legal dispositions, sentencing perpetrators and ensuring access to remedies, services and compensation to the victims.¹⁷⁵ This recognition of the gravity of the offences are set forth in Section 312 ter, 317 and 318 of the Criminal Code of Thailand,¹⁷⁶ as well as Section 8 and Section 9

of the Prevention and Suppression of Prostitution Act B.E. 2539 (1996),¹⁷⁷ which all have specific, adjusted punishments targeting the sexual exploitation of children.

Sexual exploitation of children in travel and tourism (SECTT)

Thailand has long been recognised as a destination for sex tourism and SECTT, with foreigners helping drive the demand for the sexual exploitation of children. Migrant children, refugees or internally displaced children, indigenous children or those from ethnic minorities may all be at a particularly high risk to SECTT. In Thailand, SECTT is shifting from brothels or establishment-based exploitation to street-based exploitation¹⁷⁸ which, considering that boys were already less likely to be engaged in establishment based sex,¹⁷⁹ could see more boys at risk of being sexually exploited.

There is a draft amendment to the Criminal Code addressing the sexual exploitation of children in travel and tourism, but at the moment, there is no specific law in place to hold responsible travel and tourism companies who create or facilitate opportunities to engage (involve) children in sexual activities. The draft amendment proposes to include legal liability for those tourism business operators who are involved in the recruitment, grooming, and trafficking of children under the age of 18 for sexual gratification of others to be punishable with an imprisonment from seven years to fifteen years and a fine from one hundred and forty thousand to three hundred thousand baht. If the crime is committed against someone under 15, it would be punishable with an imprisonment from ten to twenty years and a fine from two hundred thousand to four hundred thousand baht.¹⁸⁰

167 Criminal Code B.E 2499 (1956) (as amended in 1997), Section 312 ter.

168 *Ibid.*

169 *Ibid.*

170 *Ibid.* Sections 317-319.

171 *Ibid.* Section 318.

172 *Ibid.* Section 319.

173 *Ibid.* Section 317.

174 *Ibid.* Sections 317-319.

175 Varrella, A. (2019). *Terminology Considerations on Trafficking of Children for Sexual Purposes based on the Luxembourg Guidelines*. *Journal of Human Rights and Peace Studies*, 5(1), 36.

176 Criminal Code B.E 2499 (1956) (as amended by the Amendment to the Criminal Law No. 24 of 2015) Sections 312,317,318.

177 Prevention and Suppression of Prostitution Act B.E. 2539 (1996), Sections 8-9.

178 ECPAT International and Defence for Children-ECPAT Netherlands. (2016). *Global Study on Sexual Exploitation of Children in Travel and Tourism*. Regional Report: Southeast Asia, 33.

179 *Ibid.* 40.

180 Draft Amendment to Criminal Code B.E 2499 (1956) Section 282/1.

Volunteer tourism, (or voluntourism) describes a field of tourism, in which travellers visit a destination and take part in projects in the local community. Many of the more popular projects involve working with children in schools, orphanages or day care centres.¹⁸¹ Whilst in many cases these projects can bring positive benefits to both the project and the volunteer, they may also put children at risk of sexual exploitation. Many organisations that offer voluntourism placements lack appropriate child protection policies and procedures and many fail to conduct any type of background check. This creates pathways for unknown adults to easily make contact with vulnerable children.¹⁸² The short term nature of many of these placements may normalise frequent and irregular interaction with strangers which impacts children's ability to recognise signs of danger.¹⁸³ Many of the volunteers may be placed in positions of responsibility despite being unskilled or unqualified for the role. This allows for a power imbalance that may make it easier for offenders to exploit children. Finally, many volunteers are likely to take photographs during their placement which may leave children at risk of privacy violations. The sharing of photos online could expose children to further exploitation or online grooming.¹⁸⁴

In Thailand, there are no legal provisions regulating the recruitment and employment of international volunteers. However, the commission of sexual exploitation by teachers, tutors or any one responsible for taking care of children is an aggravated offence under Section 285 of the Criminal Code.¹⁸⁵ Under this Section, those perpetrators who commit an offence¹⁸⁶ against a child for whom they are responsible will face a penalty one third heavier than prescribed under the original offence.¹⁸⁷ Whilst this may hold

volunteers responsible for offences committed against children, but only in cases where it can be proved that children are under their responsibility and care, more needs to be done to regulate and monitor the practice of volunteering.

In order to protect children from SECTT, it is also important to regulate the conditions under which a child may work in the travel and tourism industry. All companies, including those working in a travel and tourism context, are obligated to follow the Labour Protection Act, which includes the rules on the employment of the child in Sections 44 to 52.¹⁸⁸ Under these provisions it is illegal to employ any child under 15¹⁸⁹ and when employing a child between 15-18 there are prescribed rules, regarding notifying labour inspectors and preparing a record of employment that must be complied with.¹⁹⁰ Furthermore, it is illegal for a child to work between the hours of 10pm and 6am¹⁹¹ or work in a gambling place or place of recreation.¹⁹² This prohibits children from working anywhere in which food or beverages are sold, as well as hotels and massage parlours.¹⁹³

To effectively tackle demand for SECTT it is vitally important that efforts are made to ensure that foreigners who are previous offenders or those who are deemed likely to offend, are prevented from entering the country. This is covered under Section 12 of the Immigration Act B.E. 2522 which stipulates that foreigners who have been indicated "likely to cause disruption, jeopardize public peace or safety or the kingdom security or being a person with warrant of arrest issued by a foreign government" or "likely to engage in prostitution or child trafficking... or other activities contrary to public order or good morals" are excluded from entering the Kingdom.¹⁹⁴

181 ECPAT International. (2019). [Thematic Paper: Sexual exploitation of children and voluntourism](#).

182 *Ibid.*

183 *Ibid.*

184 *Ibid.*

185 [Criminal Code B.E 2499 \(1956\) \(as amended by the Amendment to the Criminal Law No. 24 of 2015\)](#) Section 285.

186 The offences covered are those contained under Sections 276, 277, 278, 279, 280, 282 or 283.

187 [Criminal Code B.E 2499 \(1956\) \(as amended by the Amendment to the Criminal Law No. 24 of 2015\)](#) Section 285.

188 [Labour Protection Act B.E. 2541 \(1998\)](#), Sections 44-52.

189 *Ibid.* Section 44.

190 *Ibid.* Section 45.

191 *Ibid.* Section 47.

192 *Ibid.* Section 50.

193 *Ibid.*

194 [Immigration Act B.E 2522 \(1979\)](#), Section 12.

The court may grant bail in certain circumstances in which there is a deposit required and the deposit will be confiscated if the person travels outside the country violating the restriction of movement issued by the court.¹⁹⁵

Child, early and forced marriage (CEFM)

Whilst CEFM is an issue that disproportionately affects girls, it should be recognised that any child married before turning 18 has suffered a rights violation. It is important to note that this is an issue affecting both genders and not to underestimate the hardships that boys face as a result of CEFM. Globally, 115 million boys were married before the age of 18.¹⁹⁶ This results in child grooms having their childhoods cut short, placing upon them premature adult responsibilities such as early fatherhood and the economic pressure of providing for a family. In Thailand, 23% of girls are married before the age of 18 and 4% of girls are married before turning 15.¹⁹⁷ Whilst child grooms are less prevalent than child brides, 10% of boys in Thailand are married before reaching the age of 18.¹⁹⁸ In order to protect the rights of all children, it is important to strive towards the eradication of all child, early, and forced marriage.¹⁹⁹

The legal age of marriage for both men and women is set at the completion of 17 years.²⁰⁰ There is an exception clause enabling the court to, in the case of having appropriate reason, allow persons to marry before attaining such age.²⁰¹ The concept of “appropriate reason” is not defined by the law and left to the discretion of the judge. Common reasons include pregnancy and the fact that the children have enough financial resources. It is to be noted that there is a distinction in the laws of marriage; the Islamic law applied to four

southern border provinces. This Islamic family law allows girls to marry upon reaching the age of puberty, which results in child marriage disproportionately affecting the Malay Muslim community living in these provinces.²⁰² Also, same sex marriages are not legal, but there is no criminal liability either.

According to Section 1454 of the Civil and Commercial Code, consent of persons like the parents, guardian or adopter is required if children below the legal age of marriage want to get married.²⁰³ However, it is important to note that Section 277 (para 5) of the Criminal Code provides that if a person not over the age of 18 has consensual sex with a child aged over 13 but not yet over 15, then the court may consider implementing the protection of the welfare of the child victim or offender according to the law on child protection.²⁰⁴ In cases involving this close in age exemption, the court may impose a more lenient sentence on the offender. In doing so they will take various factors into consideration, including, among other things, age, background, behaviour and education of the offender and other factors in the interest of the child victim.²⁰⁵

Dowry is regulated by law under Sections 535 (4) and 1437 of the Civil and Commercial Code of Thailand. In Section 535(4) it is stated that gifts made in consideration for marriage are not revocable for ingratitude.²⁰⁶ Section 1437 states that a betrothal will not be valid until the man gives or transfers the gifts for marriage to the woman. The Section also provides that a man may claim the return of any property transferred to the parents, adopter or guardian of the woman if the woman has caused circumstances under which the marriage is unsuitable for the man or which mean that he is unable to marry.²⁰⁷

195 [Criminal Procedure Code B.E 2577 \(1934\) Section 112](#)

196 United Nations Children’s Fund. (2019). [Child Marriage](#).

197 United Nations Children’s Fund. (2019). [The State of the World’s Children 2019 Children, food and nutrition Growing well in a changing world](#). 234.

198 *Ibid.*

199 ECPAT International. (2020). Summary Paper – Exploitation of Children in Child, Early and Forced Marriage. (forthcoming publication)

200 [Civil and Commercial Code](#). Section 1448.

201 *Ibid.*

202 PATANI Working Group for the Monitoring of International Mechanisms. (2017) [“Joint CEDAW Shadow Report on the Situation of the Rights of Malay Muslim Women in Southern Thailand”](#) 8.

203 According to Section 1454 of Civil and Commercial Code, the consent of the following persons is required: his or her parents, in case both of his her father and mother are still alive; his or her parent, in case his or her father or mother died, or is in condition of state of being unable to give consent, or is under the circumstances that make the minor unable to ask for such consent; his or her adopter, in case the minor is and adopted child.

204 [Juvenile and Family Court and Procedure Act B.E 2553 \(2010\)](#), Chapter 15.

205 *Ibid.*

206 [Civil and Commercial Code](#) Section 1448.

207 *Ibid.* Section 1437.

Finally, the Criminal Code establishes that the ignorance of the law cannot be used to excuse criminal liability.²⁰⁸ Similarly, Section 285/1 (as amended in 2015) states that the alleged perpetrator of a specific list of offences indicated in the provision (including child rape, sexual indecency towards a child, procurement and seduction for sexual indecency) cannot raise as an excuse the ignorance of the age of the victim.²⁰⁹ The law is silent regarding the possibility of using the ignorance of the age of the victim as an excuse for all specific SEC-related crimes analysed in this report. In the absence of a specific prohibition, the defence might use the lack of mens rea (intention) as a defence argument. ‘Attempt’, along with what constitutes an attempt is defined in the Criminal Code.²¹⁰ Attempts at an offence are criminalised generally and not specifically in the context of SEC related offences.

Extraterritoriality and Extradition

Extraterritoriality is the power of a state to have jurisdiction on crimes committed by their citizens or on their citizens outside their territory. In the Thai legislation, almost all offences of sexual exploitation of children as provided in Section 7 and 8 of the Criminal Code²¹¹ as well as Section 11 of the Anti-Human Trafficking ACT, B.E. 2551²¹² allows for the Thai court’s jurisdiction to the case. There is a loophole regarding the extraterritoriality provisions of Thailand in relation to OCSE, whereby the possession of CSAM/CSEM that is not linked with trafficking in persons is not covered, making those provisions not applicable to a vast number of cases. The principle of double criminality doesn’t apply to the extraterritoriality provisions of Thailand which means that the act does not need to be an offence in both Thailand and the country where it happened. This allows for more cases to be filed and doesn’t deter the filing of SEC cases.

In terms of extradition, the Extradition Act B.E. 2551 (2008) provides that in order to be extraditable, an offence must be a criminal offence established by both the laws of the requesting state as well as Thailand. This means that the principle of double criminality is applicable in extradition cases. The Act further provides that the offence should be punishable either by death or imprisonment or deprivation of liberty in other forms from one year upward, no matter if it is prescribed as an offence in the same category or bearing the same name in both countries.²¹³ The double criminality requirement may be circumvented when provided for under an extradition treaty with another country.²¹⁴ Given that most SEC offences have related penalties of more than one year of imprisonment, this would render them extraditable. If less serious offences are committed in connection with serious offences as mentioned previously, the extradition request for such offences may be considered. It is noteworthy that individual extradition treaties may also provide for certain other offences to be extraditable. The Extradition Act provides for a designated Central Authority to make and receive requests.²¹⁵ The Central Authority can receive a request for extradition from a Requesting State either directly, in case an extradition treaty exists between Thailand and the Requesting State, or through diplomatic channels.²¹⁶ A request for extradition may be denied in case the offence is not extraditable and is prohibited by the Thai law or is of a political character or a military offence. Additionally, a request for extradition may be denied if the person requested has been found innocent, already punished for the crime (double jeopardy), or otherwise not eligible to face trial.²¹⁷ Some SEC offences that are bail-able are restricted while granting extradition. Those offenders who are to be extradited must be taken to the court quickly, after arrest, for investigation according to the Criminal Procedure Code. In such cases, the court will not allow the offender to receive bail.²¹⁸

208 Criminal Code B.E 2499 (1956) (as amended by the Amendment to the Criminal Law No. 24 of 2015) Section 64.

209 *Ibid.* Section 285/1.

210 Criminal Code B.E 2499 (1956) (as amended by the Amendment to the Criminal Law No. 24 of 2015) Sections 80-82.

211 Criminal Code B.E 2499 (1956) (as amended by the Amendment to the Criminal Law No. 24 of 2015) Sections 7-8.

212 Anti-Human Trafficking Act B.E 2551 (2008), Section 11.

213 The Extradition Act of 2008, Section 7.

214 Ngearndee, P. (n.d.). *Mutual legal assistance and extradition in Thailand*.

215 *Ibid.*, Section 2: “central authority means the Attorney General or the person designated by the Attorney General having power and duty to coordinate the extradition for the Requesting State and the request for extradition to Thailand including other concerned activities”.

216 *Ibid.*, Section 8.

217 *Ibid.*, Section 10.

218 Senate of Thailand (2009). *Legal Rules in Extradition*.

Access to Justice and Remedies

Both boys and girls who are subjected to sexual exploitation are entitled to seek and obtain a remedy for that violation under international law. Put simply by the Committee on the Rights of the Child, “[f]or rights to have meaning, effective remedies must be available to redress violations.”²¹⁹ The right of children to legal remedy for human rights violations is well established in international law. As the Committee notes, it is “implicit in the Convention [on the Rights of the Child] and consistently referred to in the other six major international human rights treaties.”²²⁰ Legal remedies can include, among other things, restitution, compensation and rehabilitation.²²¹

There are many reasons why children who are victims of sexual violence are hesitant to report. They may not understand how to make a report; they may be ashamed or confused about what happened to them; they may feel guilt or pity for their exploiter, particularly when he or she is a family member or friend, or in some communities, they may be silenced by social norms that make it inconceivable for a child to speak out against an adult.²²² These barriers in addition to the stigma that comes with the victim being a boy is something which has to be resolved by making systemic changes.

National Complaint Mechanisms and Reporting

There is emphasis given to the need for reporting the instances of sexual abuse or exploitation against children in the Thai law. Section 29 and Section 41 of the Child Protection Act B.E. 2546 (2003) requires any person (and especially professionals -as stated in the section above-working with children and institutions) to report if they suspect or it is apparent that the child has been tortured or is sick due to unlawful care.²²³

Having said that, there is no criminal liability attached if the person fails to report such an instance.

In practice, there is a concern that there are not sufficient systems in place for receiving and addressing reports in the legal and law enforcement force. There is no specialised unit of the police dedicated to SEC-related offences, no child friendly inquiry room in every region throughout the country. There is also a dire need for more resources, both financial and human to create an efficient system keeping the best interests of the child as a priority. There is an urgent need to equip law professionals with child protection training and ethical guidelines to provide protection to the witness. According to Section 9 of the Witness Protection Act B.E. 2546, the protection of a witness is approved by the Minister of Justice.²²⁴ If the victim of abuse or exploitation is a child they might also be protected by the Welfare Protection Shelter provided for under the Child Protection of Thailand.

Besides a few exceptions,²²⁵ public prosecutors don’t have the power to investigate SEC crimes *ex officio* (with the power of the office) on the basis of information obtained by any sources; example on the basis of a police report.

The statute of limitation for SEC offences under Section 95 of the Criminal Code is 15 years.²²⁶ Furthermore, under Section 11 of the Criminal Procedure Amendment Act (No.27) B.E 2562 sexual assault is classified as a crime against the state, not requiring the legal requirement of compoundable offence for victims to report to police within three months.²²⁷ When sexually exploited children do disclose their abuse, their disclosure is often delayed. In these cases, their access to justice can be thwarted by short statutes of limitations for sex crimes.²²⁸ There are a range of factors that may result in a child not

219 Committee on the Rights of the Child. (2003). *General measures of implementation of the Convention on the Rights of the Child*. General Comment No. 5, UN Doc. CRC/GC/2003/5, para 24.

220 *Ibid*.

221 UN General Assembly, *Basic Principles on the Right to a Remedy and Reparation*, Article 18.

222 ECPAT International. (2017). *Through the Eyes of the Child: Barriers to Access to Justice and Remedies for Child Victims of Sexual Exploitation*. 49.

223 *Child Protection Act B.E 2546* (2003). Sections 29 and 41.

224 *Witness Protection Act B.E 2546* (2003), Section 9.

225 *See e.g. Criminal Code B.E 2499* (1956), Section 20.

226 *Criminal Code B.E 2499* (1956), Section 95.

227 *Criminal Code B.E 2499* (1956), Section 96 and 281.

228 ECPAT International. (2017) *Through the Eyes of the Child: Barriers to Access to Justice and Remedies for Child Victims of Sexual Exploitation*. 58.

feeling comfortable with reporting SEC related crimes. Some children may not fully understand the severity of what has happened to them until much later or may not see themselves as a victim. Other children may wish to protect their abuser or feel some sense of guilt/responsibility for what has happened to them. Therefore, it is recommended that there is no statute of limitation for crimes related to SEC, allowing victims to come forward if and when they feel comfortable to do so. Further social and cultural pressures stemming from established gender norms may further discourage boys from raising concerns.

It is also worth mentioning that the successful access to justice for children also requires the development of a combination of people skills, communication skills and an understanding of child sensitive criminal justice and trauma-informed care. This applies not only for law enforcement, but also other professionals from legal aid, health care and social services. Therefore, there is a need for both committed policy and sufficient resources to aid the execution of the protection deemed under the law. It is important to note at this juncture that the existing support systems apply to both national and non-national victims, with no distinction on gender.

A national referral mechanism exists under the Domestic Violence Act²²⁹ but there is no unit within the Royal Thai police dedicated to handling child abuse cases.

Child-Sensitive Justice

The Access to Justice for Children Report of the United Nations in 2014 emphasises that the ability of a child to access justice is a “fundamental right in itself and an essential prerequisite for protection of all other human rights.”²³⁰ It defines access to justice as “the ability to obtain a just and timely remedy for violations of rights as put forth in national and international norms and standards, including the Convention

on the Rights of the Child.”²³¹

This emphasis on the ability to access justice, in addition to be child-friendly has to specifically account for the needs of boys which are often influenced by the stigma surrounding boys when it comes to sexual violence against them.

In Thailand, the national legislation has established child-friendly interview methods for child victims of SEC. The Criminal Procedure Code provides for child-friendly interview methods. According to the Code, in cases of sexual offences under the Thai Criminal Code or any other law, if the victim is a child, the inquirer shall, upon request of such child, interrogate him or her separately at a suitable place and in presence of a psychologist or social worker, a person sought by the child and a public prosecutor. If the psychologist or social worker thinks that such a questioning would be detrimental to the child’s mental condition, the inquirer is required to question the child only through the psychologist or social worker, in a way that prevents the child from hearing such questions. Unless there are justifiable reasons, a child should not be questioned repeatedly.²³² Instead, the inquirer may arrange to have the interrogation of the child recorded audio-visually as evidence that can be reproduced continuously.²³³

The Public Prosecutor’s centre of Child and Family Protection provides free legal aid and representation to the victims of SEC. NGOs can assist or support victims if they request, but the legal representation shall be in accordance with the law. While there is no requirement to provide information related to the legal proceeding in a child-friendly manner, Section 22 of the Child Protection Act requires the efforts prioritising the best interests of the child.²³⁴ The Child Protection Act allows for the privacy of the child victims to be protected. Section 26(4) states that regardless of a child’s consent a person, who is not the state or acting with the state’s approval, cannot advertise by means of mass media or information dissemination to receive or give away a child to any other person who is not the child’s relative.²³⁵

229 Domestic Violence Act B.E 2550 (2007), Sections 7-8.

230 Human Rights Council. (2013). *Access to Justice for Children*, A/HRC/25/35, para 3.

231 *Ibid.* para 4.

232 Criminal Procedure Code B.E 2577 (1934) (as amended by Act No. 28 of 2008), Section 133 bis.

233 *Ibid.*

234 *Ibid.* Section 22.

235 *Ibid.* Section 26(4).

Section 27 states that no information shall be disseminated of the child or the guardian with the “intention to cause damage to the mind, reputation, prestige or other interests of the child or for seeking benefits for oneself or for others in an unlawful manner.”²³⁶ In addition, Section 50 states that the “guardian of the Child’s welfare or welfare protector shall not reveal the child’s first name, photo or any information in a manner which would damage their reputation or their rights.”²³⁷ This applies to any “competent official, social worker, psychologist or a person having duty to protect the Child’s welfare under Section 24 who has come into possession of such information during his or her performance of duty *mutatis mutandis*.”²³⁸

The law in general prohibits any form of identification of child victims, but in the case of authorities, it is limited to some identification of the Child victims, as governed by Section 50 of the Child Protection Act.²³⁹

Access to Recovery and Reintegration

There is a concerning gap in the legislation when discussing the access to recovery and reintegration for victims of SEC in the Thai legislation. At present, there is no law that ensures that victims of SEC have a right to full recovery and rehabilitation, either girls or boys. This is the result of the current legislation being more punitive, emphasising more on criminal sanctions against the perpetrators, than accommodating the needs of victims.²⁴⁰ Chapter 4 of the Anti-Human Trafficking Act²⁴¹ has appointed the Ministry of Social Development and Human Security as the agency to support the needs of a victim of trafficking, including mental and physical rehabilitation.²⁴² Section 37 of the Act also entrusts the competent authority to assist the victim to obtain a temporary stay in the Kingdom

while the legal proceeding is underway.²⁴³

When children leave situations of violence, especially situations of sexual exploitation, they need support from different stakeholders, for example, service providers, parents, guardians, etc. which requires the support of the system at both the national and regional levels.²⁴⁴ In the case of Thailand, there needs to be a system set up for service providers, along with regulations and guidelines to protect children from re-victimisation. There needs to be a development of specialised services and programs. It also needs to set up hotlines and invest in outreach programs to ensure that the children are informed about the services for them to access them.²⁴⁵ These mechanisms should also take into account and address the different circumstances that face children which are based on their gender.

A key element of helping survivors is to ensure basic needs, including economic survival and a support system for them to move ahead with their lives after the trauma.

Access to Compensation

Victims of SEC have the possibility to seek compensation by filing a motion themselves under section 44/1 of the Criminal Procedure Code.²⁴⁶ In theory, victims are expected to be awarded compensation along with judgment of the criminal proceeding, but as the process is complex, in reality, the victims require legal support from the lawyers.

As per Section 33 of the Anti-Human Trafficking Act, the Ministry of Social Development and Human Security is responsible for aiding the victims of human trafficking to claim compensation in accordance to the regulations set by the Minister.²⁴⁷ Section 34 further obligates that the victim at the first instance be informed of

236 *Ibid.* Section 27.

237 *Ibid.* Section 50.

238 *Ibid.*

239 *Ibid.*

240 *Anti-Human Trafficking Act B.E 2551 (2008)*. Section 37.

241 *Ibid.* Chapter 4.

242 *Ibid.* Section 33.

243 *Ibid.* Section 37.

244 ECPAT International. (2017). *Casting Light on the Care, Recovery and (Re)integration Needs of Commercially Sexually Exploited Children*.

245 *Ibid.*

246 *Criminal Procedure Code B.E 2577 (1934) (as amended by Act No. 28 of 2008)*, Section 44/1.

247 *Anti-Human Trafficking Act B.E 2551 (2008)*. Section 33.

his or her right to claim compensation.²⁴⁸ Section 35 lays down the due process set forth in the law wherein the victim of human trafficking has the right and also wishes to claim compensation. The responsibility rests with the Public Prosecutor to ensure the compensation claim is carried on behalf of the victim.²⁴⁹

Victims of SEC are entitled to compensation under the Damages for the Injured Person and Compensations and Expenses for the Accused in the Criminal Case Act, B.E. 2544 (2001).²⁵⁰ However, damages are only available for those offences affixed to the Act. Therefore, whilst sexual offences contained under Sections 276 to 287 of the Criminal Code²⁵¹ may be covered, offences relating to CSAM will not. This leaves victims of CSAM related offences unable to access compensation under this Act.

Discussion of Analysis of Thai Legal Framework

Positively, the relevant Thai legislation is mostly gender-blind, meaning it may be applied to all children regardless of their gender. While the analysis largely indicates that boys and girls are not treated differently, instances are noted where specific gender-sensitive considerations may also be pertinent to ensure equal access to the stated laws. Furthermore, while the law may allow for equal treatment of children regardless of gender, exploration of implementation is needed to understand if this is how the law is applied in practice reflects the extent to which boys are likely victims of SEC.

All of the provisions described in the legal analysis cover both girls and boys without distinction. A few concerns and loopholes which may hamper children's protection from sexual exploitation have been identified in the course of this research work.

A concern arising from the legislation surrounding prostitution is that child victims of exploitation in prostitution may be left at risk of being identified

as offenders by the criminalisation of all persons engaging in specific acts related to prostitution contained in Section 5 of The Prevention and Suppression of Prostitution Act B.E. 2539 (1996).²⁵²

With regards to OCSE, the Thai legislation fails to explicitly cover material that depicts a person appearing to be a child, such as for example an adult wearing children's clothes and acting as such, engaged in sexually explicit conduct, unless virtual. Moreover, the wording of the provision criminalising the production, dissemination, offering, selling or possession, import and export of anything obscene²⁵³ (which could include CSAM) may create loopholes in reference to cases where CSAM is not produced, disseminated, offered etc. for the purpose of trade but for mere personal use. Moreover, the term "obscene" is not defined by the Thai Criminal Code.

Although the Child Protection Act criminalises acts of forcing, threatening, inducing, instigating, encouraging or allowing a child (regardless of gender) to perform or act in a pornographic manner, irrespective of the intention behind these acts,²⁵⁴ attending, whether knowingly or unknowingly, 'pornographic performances' or knowingly obtaining access to CSAM are not criminalised. This creates a legal loophole that may allow offenders to avoid punishment by accessing CSAM without storing it on their device (e.g. in the form of live streaming).

Despite the existence of the Computer-Related Crime Act which includes data of a pornographic nature, there are significant challenges in the Criminal Procedure Code for evidence collection and admission in the court of digital evidence.

Finally, at the moment, no Thai law explicitly criminalises OCSE offences, other than those related to CSAM, such as online streaming of child sexual abuse, online grooming and sexual extortion. Being cognizant of these issues, at the time of writing, there is a draft Bill in process to criminalise the live streaming of child sexual abuse and online grooming.

248 *Ibid.* Section 34.

249 *Ibid.* Section 35.

250 Damages for the Injured Person and Compensations and Expenses for the Accused in the Criminal Case Act, B.E. 2544 (2001).

251 Criminal Code B.E 2499 (1956) (as amended by the Amendment to the Criminal Law No. 24 of 2015) Sections 276-287.

252 Prevention and Suppression of Prostitution Act B.E. 2539 (1996), Section 5.

253 *Ibid.* Section 287

254 Child Protection Act B.E 2546 (2003), Section 26(9).

A further concern is caused by the fact that children can unknowingly engage with CSAM, for example, in the form of being persuaded to share naked images of themselves. Given such scenarios, having the criminal liability of a child set at age 10 may increase cases where children are seen as offenders instead of victims. It is counterproductive to the interests of the child for the law to potentially penalise children who may have produced and/or shared CSAM consensually with another child or been compelled to do so in an exploitative situation. This needs a reform wherein the legislation excludes a child's criminal liability for producing/sharing CSAM, especially when compelled to do so when in an abusive or exploitative situation.

There is a draft amendment to the Criminal Code addressing the sexual exploitation of children in travel and tourism, but at the moment, there is no specific law in place to hold responsible travel and tourism companies who create or facilitate opportunities to engage (involve) children in sexual activities.

There is a loophole regarding the extraterritoriality provisions of Thailand in relation to OCSE, whereby the possession of CSAM/CSEM that is not linked with trafficking in persons is not covered, making those provisions not applicable to a vast number of cases.

There is a concern that there are not sufficient systems in place for receiving and addressing reports in the legal and law enforcement force. There is no specialised unit of the police dedicated to SEC-related offences, nor is there a child friendly inquiry room in every region throughout the country. There is also a dire need for more resources, both financial and human to create an efficient system keeping the best interests of the child as a priority. There is an urgent need to equip law professionals with child protection trainings and ethical guidelines to provide protection to the witness.

The statute of limitation for SEC offences under Section 95 of the Criminal Code is 15 years.²⁵⁵ When sexually exploited children do disclose their abuse, their disclosure is often delayed. In these cases, their access to justice can be thwarted by short statutes of limitations for sex crimes.²⁵⁶ There are a range of factors that may result in a child not feeling comfortable with reporting SEC related crimes. Some children may not fully understand the severity of what has happened to them until much later or may not see themselves as a victim. Other children may wish to protect their abuser or feel some sense of guilt/responsibility for what has happened to them. Therefore, it is recommended that there is no statute of limitation for crimes related to SEC, allowing victims to come forward if and when they feel comfortable to do so. Further social and cultural pressures stemming from established gender norms may further discourage boys from raising concerns.

At present, there is no law that ensures that victims of SEC have a right to full recovery and rehabilitation, either girls or boys. This is the result of the current legislation being more punitive, emphasising more on criminal sanctions against the perpetrators, than accommodating the needs of victims.

255 Criminal Code B.E 2499 (1956), Section 95.

256 ECPAT International. (2017). *Through the Eyes of the Child: Barriers to Access to Justice and Remedies for Child Victims of Sexual Exploitation*. 58.

RECOMMENDATIONS

The Recommendations are divided into four categories:

- Recommendations emerging from the frontline providers;
- Recommendations emerging from the SOGIE-identifying young people;
- Recommendations from the analysis of the Thai legal context, and;
- Consolidated applied learnings and overall recommendations.

Recommendations Emerging from the Frontline Providers

Gaps and overlaps in services and a lack of programming for families and caregivers of boys and SOGIE-diverse young people

- Design and deliver more needs-led services rather than resource-led services. Much of the available specialist programming for boys and SOGIE diverse children focuses on the provision of basic counselling, sexual health services rather than the range of needs identified from the data (such as needs for economic support, educational and training opportunities, and family-based supports addressing vulnerabilities rather than individualistic services).
- Improve design and delivery of specialist services to address intersectional challenges faced by SOGIE-diverse youth.
- Increase availability of boy-specific services and programmes (where mixed-gender services are not appropriate - such as emergency shelter). Increase gender-sensitivity of mixed gender services to ensure they are available to children of all genders.
- Economic need versus a lack of economic assistance programming. Develop and provide support that is able to address complex economic difficulties which were reported here as key vulnerability for boys - few services were currently skilled and resourced to be able to address these.

A relative absence of awareness and programming for children with disabilities

- Improve programming that supports economic assistance, social supports for parents and families of vulnerable boys (and girls) and SOGIE children, and the specific intersections facing parents/family members living with disabilities.

Unconscious biases against boys and those actively engaging in their own exploitation

- Sensitisation training with communities that addresses knowledge gaps and problematic beliefs and attitudes about male and gender diverse survivors of child sexual exploitation – particularly the belief that children actively engaging in their own exploitation are responsible or are ‘naturally promiscuous’. Children cannot ever consent to their own sexual exploitation.
- Other topics may include: the existence of sexual exploitation and abuse of boys, including online exploitation and abuse (OCSEA); myths and inaccurate information; risk and vulnerability; effects and consequences of abuse; SOGIE diversity; boys’ development; helpful responses.
- Community-based, SOGIE-inclusive research on boys and young men affected by sexual exploitation is needed to understand boys and SOGIE youths’ experiences with service providers, disclosure and help-seeking and the gaps in understanding from boys themselves, families, communities and frontline service providers. The Government is encouraged to expand this research project to a wider sample of frontline workers and across all provinces in Thailand.
- Generally, there is very little research on the behaviour and social development of boys and

young men. In part, this is because it has not been made a significant priority of funders and donors. Thus, a critical part of working within the context may require specific advocacy aimed at donors and funders within government, non-government, and among private philanthropic groups. (For example, the SDG 5 funding to address gender-based violence usually only focuses on women and girls, advocacy could increase funding allocations to also address sexual exploitation of boys).

Service barriers for boys

- Provide training to assist all frontline welfare workers who are providing services to children to develop some basic skills to be able to work with boys and SOGIE-diverse young people if they seek support from general services. Many workers reported challenges they face in building rapport and relationships with male and SOGIE-diverse victims. Some specialist services for boys and SOGIE-diverse young people will continue to be necessary, but ensuring all welfare services are more accessible to children of all genders improves access to services for many excluded groups.
- Training to all frontline providers should focus on understanding the unique, intersectional challenges faced by girls and boys, SOGIE-diverse youth, Thai and non-Thai ethnic minorities, economic migrants, and people living with disabilities who are vulnerable to child sexual exploitation (see below section on training for more detail).
- While the three urban research locations may benefit from expanded specialised services available to boys and SOGIE diverse children, there is also a need for expanded access to welfare programming and support in non-urban locations that is open to all children (boys, girls and SOGIE-diverse youth). Support services that are available where children are living can prevent problems advancing and may even avert homelessness and financial pressures that can push children towards exchanging sex in the first place.

Training for frontline service providers and others

The frontline providers' survey data indicated a major need for comprehensive learning and training opportunities that increase awareness

of boys issues in general, as well as specific to their sexual exploitation and abuse. This aligns with other research that indicates major gaps in knowledge and accurate, available information leading to a lack of understanding and capacity to empathise with boys and SOGIE diverse youth. This gap is often filled with unhelpful myths, beliefs and norms, which do little to serve boys' best interests, and often result in discriminatory and harmful responses, or boys' needs being ignored.

In many respects a 'cultural transformation' is required in how we view and understand boys and men in general, and specifically in relation to their experiences of sexual violence, abuse and exploitation. Training should therefore also be conducted with organisational leadership staff, specifically to improve systems of evaluation and case management further supporting 'evidence based' responding.

The following recommended topics should be addressed in evidence-based, comprehensive training, with a boy-sensitive gender lens, and that builds on existing practice wisdom and research. (It should be noted that training along these lines does already exist and can be adapted – the barrier is promoting access to this type of training as widely as possible.):

- Identifying and addressing popular social and cultural myths and beliefs related to boys, sexual abuse and exploitation that lead to harm and marginalisation of the issue;
- Defining and understanding sexual violence, abuse, exploitation (including online abuse and exploitation) - and its application in practice;
- Gender norms and their influence on boys, families, service providers, communities and wider society;
- Boys' social and biological development (linking to their influence on vulnerability, risk, help seeking behaviours, needs, engagement with boys, and practical solutions);

- Understanding and identifying vulnerability and risk as well as signs of exploitation;
- Evidence-based prevention, protection and support initiatives;
- Effects, consequences and responses to exploitation and abuse;
- Male-friendly and inclusive strategies for engaging with boys affected by sexual exploitation and abuse;
- Establishing enabling and safe relationships and environments for working with boys;
- Supporting safe disclosures;
- Working with boys' families (prevention, protection and support);
- Disability, vulnerability and risk;
- Working with SOGIE diverse children and youth and their families.

Recommendations Emerging from the SOGIE-Identifying Young People

- Improve access to general welfare services for all children (boys, girls and SOGIE-diverse youth), particularly in rural locations. The vast majority of youth interviewed came from rural provinces to the urban locations where they are exchanging sex. Services in rural provinces are essential, to prevent or mitigate key vulnerability factors identified in this report.
- Increase oversight, scrutiny and shut down unregistered shelters for children.

Respondent: Yes. Some of them never tried to do something like this before but they eventually did. They are actually still doing it. I even did it when I was in the children's home. I didn't have a ride so it wasn't consistent. Sometimes I took a bus or went with friends. No one forced each other to do so. It was each individual's choice.

Interviewer: So the friends that you are talking about are friends from the children's home, correct?

Respondent: Yes

Interviewer: Did you come back to the children's home after you went with the client?

Respondent: Yes

Interviewer: I see. Did the staff at the children's home know about what you were doing?

Respondent: I think they did but they said nothing. Sometimes I told them that I went to the Internet café in town or Chang Puek area. They said I'm not allowed to leave at night because it is dangerous. However, I managed to escape and leave anyway. (Respondent 18, 22-year-old male from Pichit Province)

- Improve treatment of third-gender in jails and prisons.

Interviewer: Did anything good happen to you when you were in there [prison]?

Respondent: Since the first day that I got there it was not a good story for me, it was terrible. When you get inside, you need to take off your all your clothes for the officer to check your body and that is the thing that upset me because I am a ladyboy, so why not separate me from other men even just a little bit or just have something to cover me?

Interviewer: They did not cover you?

Respondent: No, nothing around to cover up at all.

Interviewer: How about your body shape? You looked like a woman by that time?

Respondent: Yes, just like a woman because I took hormones since I was a kid so my body shape looks like a woman and I wasn't ready for them to see my body like that.

Interviewer: Is there anything that you want to share?

Respondent: it's hard as a ladyboy when you go to prison. There was no area to separate you. They put you in the men's prison.

Interviewer: How do you feel about that?

Respondent: I don't like it and I don't want something like this.

Interviewer: What do you want? What do you want to tell them [law makers] - what should they do?

Respondent: I would like them to separate the ladyboys into a different room.

Interviewer: Why?

Respondent: For some ladyboys, they already got thoracic surgery and they already have boobs like a woman so they must separate the ladyboys who have undertaken sex reassignment surgery. Because if there is any urgent situation, like if there is something that happens and the officer needs to check you, you have to take off all of your clothes again. (Respondent 15, ladyboy from Nakhon Ratchasima)

- Review legislation regulating and criminalising sex work in order to better allow the possibilities of law enforcement, frontline providers and adult sex workers to engage and collaborate in order to prevent children from being exploited in prostitution contexts. Some participants suggested decriminalisation of adult sex work may positively impact likelihood of reporting concerns of involved children.

Respondent: I think it's impossible to arrest every sex worker to get rid of prostitution. The prostitution is likely to increase according to city civilization. For example, Chiang Mai is a big city and well-developed. People are more materialistic. The money flow is better. I think the police should collaborate with non-profit organizations like this to support sex work. They can encourage people to take blood tests. They can help to reduce the harm and to prevent risks [associated with] sex work. People are usually scared when the police approach them. If police are working with NGOs, people would be less frightened. (Respondent 10, 26-year-old gay male from Nan)

Respondent: I would like to say about the work of prostitution, if is possible I would like it to be a legal job so that we can make an income. I think is will be a good way to make an income for our country as well, so just make it legal. Because some people have no choice then to do this kind of work. It is good money and it is an easy way to make money. If they did not work like this, they don't know what other job they can do. If they go do another job, it will be a

small salary. If you want to see prostitution all cleaned up, it's impossible, and if you want to legalize it, be clear about the age, like what age can do this and have them sign the contract so that they can stop the illegal prostitution. If this job can become a legal job, then we can get health coverage by the law. (Respondent 16, ladyboy from Ubon Ratchatani)

- More opportunities for vocational and job training, particularly for third-gender people.
- Ensure employment law is gender-inclusive, and allowing third-gender people to change their gender on formal government identification.

Any organization or foundation that can help to generate income and job opportunities, especially for the LGBTQ population. The employment out there is so limited due to our gender. Many job advertisements even specify that they want only male and female. Not many of them are open for the LGBTQ group. (Respondent 7, 23-year-old transwoman from Chiang Mai)

- Increase the national minimum wage.

If the government can increase the salary standard that would be great because the salary for those who graduate from high school or University is really low, but all living expenses are a lot. Transportation, food and electricity bills are already half of our salary which is why people need to work in this job [sex work] to make money to cover their bills. But if the government can help support in this area it will help us a lot and I believe fifty percent of the people who work like this will be changing jobs and get a better job and they can stop doing this kind of work. (Respondent 3, 21-year-old gender of the alternative from Kamphaeng Phet)

- Increase the number of SOGIE-diverse providers in both rural and urban provinces throughout Thailand.

I would like to ask for help for LGBTQ populations in my community, especially for gay and transwoman. [Providers] need to access these people in order to help them. Providing support from local expertise is necessary. It's important to understand their background and nature in order to provide the right service to them. They don't

have to be too formal. They should make people feel comfortable so they can talk and ask questions. They don't need to be academic. They should be more like a friend who is willing to listen and share. Activities would help people to blend in and get to know each other. (Respondent 7, 23-year-old transwoman from Chiang Mai)

You know all the daily problems that happens to ladyboys. If anything happens to us, I wish we can complain about our problems to the related organization as same as the organization for children and women. (Respondent 9, 21-year-old transwoman from Chiang Mai)

- This part of the project was a contextualisation of the original New York study, with a small sample of 20 SOGIE diverse young people involved in exchanging sex. The methodology did successfully provide rich data and there would be great benefit in replicating this research across Thailand, perhaps extending the sample to include a wider range of boys who may be exchanging sex (including those with diverse SOGIE and heterosexual boys and girls).

Recommendations from the Analysis of the Thai Legal Framework

- Implement protections for child victims of exploitation in prostitution who may be left at risk of being identified as offenders by the criminalisation of all persons engaging in specific acts related to prostitution.
- Amend the definition of child sexual abuse material to include material depicting a person appearing to be a child.
- Criminalise attending, whether knowingly or unknowingly, 'pornographic performances' and knowingly obtaining access to child sexual abuse material.
- Amend and consolidate legislation related to online child sexual exploitation and criminalise all related conduct including online grooming of children and live streaming of child sexual abuse.
- Create data retention and preservation procedures, following the principle of the best interest of the child, to allow for retention and preservation of digital evidence and cooperation with law enforcement which applies to ISPs, mobile phone companies, social media companies, cloud storage companies, and the technology industry as a whole.
- Adopt specific legal provisions to criminalise the sexual exploitation of children in travel and tourism and enact policy or legislation, which will create legal obligations on preventing sexual exploitation of children amongst companies in the travel and tourism sector.
- Regulate and monitor the use of international volunteers ('volun-tourism') in children care centres and in activities with direct child contact.
- Ensure that extraterritorial jurisdiction applies to all offences of sexual exploitation of children.
- Amend the Civil and Commercial Code to set the minimum age of marriage at 18 years old for all children with no room for exceptions.
- Remove the statute of limitations for all offences related to the sexual exploitation of children.
- Provide guidelines and training to law enforcement to increase their knowledge and skills to better support child victims of sexual exploitation.
- Create legal provisions and policies to ensure that all child victims of sexual exploitation have a right to full recovery and rehabilitation.
- Ensure that all victims of sexual exploitation of children have the ability to claim compensation and are properly informed of their right to do.

Key Consolidated Applied Learnings from the Research and Overall Recommendations

Community-based awareness and programming for parents, carers, and families

It was clear from both the frontline service provider survey findings and the interviews with SOGIE identified youth that many of the factors that make young people vulnerable to sexual exploitation start in the home or community. The majority of the young people interviewed for this study were born and raised in rural Thai provinces, and the vast majority of service providers are based in urban cities.

Most of the young people do not encounter free services until after they have been victimised at home and in their community and have then migrated to a big city, often because of homelessness and in search of employment. That is why it is important that general welfare service providers – that are accessible to all girls, boys and SOGIE-diverse youth - are accessible in rural provinces, so that they can help prevent or mitigate key vulnerability factors and intervene in victimisation early on.

Based on the surveys and interviews, the most needed services that general local welfare services could be sensitised to include would be:

- Support to address family acceptance;
- SOGIE awareness and empowerment;
- Supporting healthy, supportive families;
- Conflict resolution and addressing violence.

Many of these issues were identified as service gap areas by frontline service providers in the research despite being recognised as key vulnerability factors for involvement in sexual exploitation of children.

Finally, research and learning activities are needed that target and then support communities, particularly in rural locations. These activities should engage community leaders and local welfare services to create platforms for critical, practical engagement with

the issue of sexual exploitation among males and SOGIE-diverse youth, and more broadly, address the issue of male vulnerability through a critical gender lens. (While the gender lens is often used to understand female vulnerability, it can also be used to understand how males might be prevented from disclosing their abuse or seeking help, and keep providers from even identifying vulnerabilities). Systematic changes in community attitudes and beliefs are needed to prevent discrimination and remove factors pushing/pulling boys and SOGIE-diverse youth into exchanging sex.

SOGIE specific programming that goes beyond sexual health and harm reduction

The majority of the young people exchanging sex reported practicing safe sex and very few abused drugs. Although some were connected to service providers in Chiang Mai and Bangkok, others were either unaware that these programmes existed or knew but didn't have contact information.

In fact, rather than sexual health and harm reduction support, the key issue reported by the young people was economic hardship and sustainable income. Almost all of the young people interviewed for this study stated that they would prefer not to exchange sex for money and other material goods. However, completely giving up this source of income was not possible until they had a living wage employment, access to affordable education and a safe place they could go when they needed support for a variety of issues, including legal, medical and financial.

The need for holistic programming for boys and SOGIE-diverse youth is critical to not only assist them in exiting the sex trade, but also in helping to prevent them from entering into it in the first place.

There is further importance for SOGIE programming to be built on the expressed needs and vulnerabilities of SOGIE-diverse youth themselves. This may include positive, holistic programming including peer-mentoring, economic or livelihood assistance, and other identity affirming initiatives outside of sex and sexual health (perhaps in addition to existing sexual health initiatives).

Better frontline service provider engagement on push/pull factors for youth exchanging sex

The main push and pull factors for youth entering the sex trade that were identified in the frontline service provider survey did not align with the push and pull factors stated by the young people in the interviews, with the exception of poverty. Poverty was the main driver stated by both the providers and young people for why SOGIE youth exchanged sex.

However, service providers listed access and exposure to pornography, the practice of touching boys' genitals as a way of showing affection, alcohol and drug misuse and increased access to technology and the Internet as the other main factors pushing young people into the sex trade. Yet, the interviews with SOGIE youth told a different story. The vast majority of young

people disclosed growing up around familial violence and abuse, and the need to run away to escape the violence. Additionally, they discussed experiencing familial rejection based on their sexual orientation and gender identity and expression. As a result, they ended up spending more time with friends than at home, which sometimes led to truancy, drug use, running away and an overall need to seek financial independence from their family.

Sensitisation and training with providers that improves knowledge and skills related to these issues is needed. Programming that facilitates workers to be able to address these structural problems must also be the priority if services are going to be successful in preventing these problems, or supporting young people to move beyond their current circumstances.



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