

## Global Alliance against Child Sexual Abuse Online

### Thailand

**Policy target No. 1: Enhancing efforts to identify victims and ensuring that they receive the necessary assistance, support and protection**

**Operational Goal:** Increase the number of identified victims in the International Child Sexual Exploitation images database (ICSE database) managed by INTERPOL by at least 10% yearly

#### **Actions ALREADY UNDERTAKEN**

***Description of the actions already undertaken***

#### **Identification of victims**

1. Bearing in mind that, in some cases, the production of child sexual abuse material in Thailand seems to be linked to child sex tourism, the Ministry of Tourism and Sports has collaborated with End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT) International, Child Wise and Accor Asia Hotel in the implementation of the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism. Approximately 6,000 employees of Accor Asia Hotel have been trained on detection of signs of child-sex tourism and while hotel guests are informed of the hotel policy regarding child protection. Training has been organized for business operators on the prevention of sex tourism. Police officers under the Police Command for Elimination of Wrongdoing against Children, Youth, and Women, have been designated to carry out surveillance and investigation, and to notify the Tourist police of any suspected case of child-sex tourism.

#### **Victims protection**

2. Investigations conducted by the Department of Special Investigation (under the Ministry of Justice) provided evidence that street children are particularly affected by sexual exploitation for the purpose of the production of child pornography. In order to improve the conditions of street children, including reducing their exposure to sexual abuses, the Ministry of Social Development and Human Security has been implementing the project entitled Social Safety Net.
3. Three means of victims protection
  - Return them to their Parents/Guardians
  - Place them under a Witness Protection Program

	<ul style="list-style-type: none"> <li>Place them under a protection and responsible of the Ministry of Social Development and Human Security</li> </ul>
<b>Actions that WILL BE UNDERTAKEN</b>	
<i>Description of the actions that <u>will be undertaken</u> and timeframe</i>	<ul style="list-style-type: none"> <li>- Amendment of law provisions pertaining to sexual abuse online; which will grant the law enforcement officials the authority to arraign the sexual abuse online accuses merely upon their “malice” to commit certain crime.</li> </ul>

**Policy target No. 2: Enhancing efforts to investigate cases of child sexual abuse online and to identify and prosecute offenders**

**Operational Goal:** Establish the necessary framework for the criminalization of child sexual abuse online and the effective prosecution of offenders, with the objective of enhancing efforts to investigate and prosecute offenders

**Operational Goal:** Improve the joint efforts of law enforcement authorities across Global Alliance countries to investigate and prosecute child sexual abuse online

**Actions ALREADY UNDERTAKEN**

***Description of the actions already undertaken***

**Establishment of the legal framework**

4. The definitions of the sale of children, child prostitution and child pornography were endorsed in the Ministerial Resolution of 23 November 2005, entitled Measures in preventing and combating online child pornography, which is in line with the definitions under the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. Child pornography means any pornographic material representing a child engaged in actual or stimulated sexual activities or any representation of the sexual parts of a child for sexual purposes. Online child pornography means any computer traffic data representing a child engaged in actual or stimulated sexual activities or any representation of the sexual parts of a child for sexual purposes.

5. The Penal Code Amendment Act (No.14), B.E. 2540 (1997) imposes penalties to whoever is involved in the production, distribution and trade in materials of a pornographic nature . Section 287 stipulates : “Whoever:

(1) for the purpose of trade or by trade, for public distribution or exhibition, makes, produces, possesses, brings or causes to be taken away, or circulate by any means whatever, any document, drawing, printing, paint, painting, printed matter, picture, poster, symbol, photograph, cinematograph file, noise tape, picture tape or any other thing which is obscene;

(2) carries on trade, or take part or participates in the trade concerning the aforesaid obscene material or thing, or distributes or exhibits to the public, or hires out such material or thing;

(3) in order to assist in the circulation or trading of the aforesaid obscene material or thing, propagates or spread the news by any means whatever that there is a person committing the act

which is an offense according to this section, or propagates or spread the news that the aforesaid obscene material or thing may be obtained from any person or by any means, shall be subject to imprisonment not exceeding 3 years or fine not exceeding 6,000 baht (approximately 180 USD), or both”.

6. The Child Protection Act, B.E. 2546 (2003), aims to provide protection for children from all forms of abuses, exploitation, violence and gross negligence by clearly stipulating that any child below the age of 18 is protected by the State. The Act forbids any person to force, threaten, use, induce, instigate, encourage or allow a child to perform or act in a pornographic manner, regardless of whether the intention is to obtain remuneration or anything else; and advertise by means of the media or use any other means of information dissemination to disclose such pornographic picture regardless of a child's consent.
7. The Computer Crime Act B.E. 2550 (2007), stipulates measures aimed at preventing and suppressing the use of a computer system to disseminate pornographic computer data and criminalizes any person committing such an act. Section 14 stipulates that whoever enters any obscene computer data into computer system that may be accessed by the public or sends or forwards such obscene computer data shall be liable to imprisonment for a term of not exceeding 5 years or to a fine not exceeding 100,000 baht (approximately 2,900 USD) or both. In addition, Section 26 creates an obligation for Internet Services Providers to keep child sexual abuse content and data concerning the users of such websites stored for at least 90 days as to facilitate investigation and prosecution. Internet Service Providers may receive a fine if they fail to do so.
8. The Publishing Registration Act, B.E. 2550 (2007), empowers the Commander of the Royal Thai Police to prohibits the importation of ordering for distributing in the country any print materials which will affect the good morals of the people.

#### **Specialized investigative units**

9. Some specialized unit were established in order to deal more effectively with cyber crimes, including online child sexual abuse cases, in particular:

(1) the Technology Crime Suppression Division under the Royal Thai Police

	<p>(2) the High-Tech Crime Unit IT Suppression under the Royal Thai Police</p> <p>(3) the Technology Crime Suppression and Protection Office under the Ministry of Information and Communication Technology.</p> <p style="text-align: center;"><b>Law enforcement cooperation</b></p> <p>10. The Department of Special Investigations under the Ministry of Justice has been cooperating with foreign law enforcement agencies in order to exchange information and improve investigation of cases of child sexual abuse online.</p>
<b>Actions that WILL BE UNDERTAKEN</b>	
<p><i>Description of the actions that <u>will be undertaken</u> and timeframe</i></p>	<p style="text-align: center;"><b>Enhancement of the legal framework</b></p> <p>11. The Ministry of Social Development and Human Security has recently finalized a new draft law entitled “Protection and Suppression of Objects Inducing to the Dangerous Behavior Bill B.E....”. The draft law aims to address shortcomings related to enforcing law against child pornography efficiently and it will be shortly introduced to the National Legislative Assembly for consideration.</p> <p style="text-align: center;"><b>Enhancement of interagency cooperation</b></p> <p>12. A draft Protocol aiming to improve cooperation among all Thai government agencies involved in the investigation and prosecution of cases of child sexual abuse online was elaborated under the leadership of the Ministry of Justice, and it might be adopted shortly by all relevant agencies.</p>

**Policy target No. 3: Enhancing efforts to increase public awareness of the risks posed by children's activities online, including grooming and self-production of images that results in the production of new child pornography that may be distributed online**

**Operational Goal:** Develop, improve, or support appropriate public awareness campaigns or other measures which educate parents, children, and others responsible for children regarding the risks that children's online conduct poses and the steps they can take to minimize those risks

**Operational Goal:** Share best practices among Global Alliance countries for effective strategies to inform the public about the risks posed by online, self-exploitative conduct in order to reduce the production of new child pornography

**Actions ALREADY UNDERTAKEN**

***Description of the actions already undertaken***

**Awareness raising and public participation**

13. In 2006, the Prime Minister’s Office established a 24-hour hotline 1111, the website [www.thaicypcop.com](http://www.thaicypcop.com), and F.M. 105 radio (aired between 3-5 pm everyday) to encourage the public to get involved and report incidences of pornographic materials.
14. Cyber Scout Project, a joint project of the Ministry of Education, Ministry of Justice, and Ministry of Information and Communication Technology launched in 2010, aims to build a network of 20,000 volunteers comprises students, teachers, government officials and private sector officers who will monitor inappropriate content on the Internet and become online volunteer scouts to help the government screen website.
15. The Ministry of Information and Communication Technology organized a total of seven seminars aimed at improving awareness and understanding of inappropriate use of the internet and the enforcement of the Computer Crime Act of 2007, in Bangkok and other regions.
16. The Ministry of Information and Communication Technology has also implemented the “Cyber Care Project”, aimed at suppressing dissemination of inappropriate materials via the internet. The project has been divided into the following sub-projects:
  - (1)Cyber Clean, a collaboration with relevant agencies to create a learning society via the internet. The Cyber Clean logo, containing the contact address ([www.cyberclean.org](http://www.cyberclean.org) and [signin@cyberinspector.org](mailto:signin@cyberinspector.org)) for notification of any indecent websites or messages on the internet, was posted on internet websites;
  - (2)The Gatekeeper Project, aimed at barring inappropriate websites

	<p>from abroad by installing gateway filters to screen and authorize websites;</p> <p>(3)The Housekeeper Project, aimed at providing tools for parents and teachers to better supervise children and youth regarding computer and the internet, including:</p> <p>(3.1)Smart Gamer, allowing parents to set time limits for both off-line and on-line computer games;</p> <p>(3.2)Kiddy Care, screening inappropriate websites and allowing parents to personally check applications;</p> <p>(3.3)People Clean, facilitating easy notifications of inappropriate websites by the internet users with just one click of a button. More information on this can be obtained by visiting <a href="http://www.ichousekeeper.com">www.ichousekeeper.com</a>.</p> <p>(4)Workshops and technical meetings at schools to disseminate knowledge on internet harm and appropriate use of the computer, and to give demonstrations to parents and teachers on the application of the “Gatekeeper Programme”. Copy discs of the Gatekeeper software were disseminated to educational institutions and the interested public.</p>
<b>Actions that WILL BE UNDERTAKEN</b>	
<p><i><b>Description of the actions that <u>will be undertaken</u> and timeframe</b></i></p>	<p>The Ministry of Culture has proposed the Safe and Creative Media Development Fund Bill B.E. ... for the consideration of the National Legislative Assembly: NLA. The objectives of this bill is to encourage and support children and juvenile’s learning and good behavior building up, to support family bond and promote public participation in media improvement.</p>

**Policy target No. 4: Reducing as much as possible the availability of child pornography online and reducing as much as possible the re-victimization of children whose sexual abuse is depicted**

**Operational Goal:** Encourage participation by the private sector in identifying and removing known child pornography material located in the relevant State, including increasing as much as possible the volume of system data examined for child pornography images.

**Operational Goal:** Increase the speed of notice and takedown procedures as much as possible without jeopardizing criminal investigation

**Actions ALREADY UNDERTAKEN**

***Description of the actions already undertaken***

17. Government agencies set up several hotlines for receiving reports concerning online child sexual abuse content, in particular:
  - (1) the e-Cyber Crime Internet hotline staffed by the Royal Thai Police
  - (2) the hotline established under the Ministry of Information and Communication Technology
  - (3) the hotline run by the Ministry of Culture.
18. The Ministry of Culture and the Ministry of Information and Communication Technology have jointly developed a software programme called Web Guard to bar access to inappropriate websites, including those containing pornographic material. Approximately 20,000 copies of the software CDs were produced and disseminated to schools nation-wide. Another software called Swing was also developed to facilitate reporting of suspicious websites.
19. The Obscene and Pornographic Materials Elimination Centre was also established to take a leading role in arresting and prosecuting those involved in the trade of pornographic materials. The Centre liaises with Internet service providers (ISPs) and serves to ensure that pornographic materials are removed from the Web.
20. The Ministry of Information and Communication Technology cooperates with some Internet Services Providers (especially with Microsoft and You Tube) in monitoring the dissemination of child sexual abuse materials on the Internet.
21. The National Telecommunications Commission was established to be responsible for frequency allocations and management, and regulation of telecommunications services. The Commission is responsible for ensuring that telecommunications services are

conducted in a manner which takes into account the best interests of the public, national and local, in terms of education, cultural, security and other public interests.; Some of the projects and activities which aim to prevent child pornography include:

(1)Ensuring that licensed telecommunications and internet service providers carry out their businesses strictly according to the terms and conditions of their licenses;

(2)Establishing channels for receiving complaints of any usage of telecommunications services in a manner which is deemed harmful to the peace and good morals of the public. The Commission has formulated a consumer protection plan under the Telecommunications Consumer Protection Institute;

(3)Conducting regular visits and information-sharing meetings with telecommunications operators and internet service providers to establish a common understanding on how to prevent child pornography via telecommunications and the internet;

(4)Collaborating with relevant agencies, such as the Ministry of Information and Communication Technology, the Office of the Prime Minister, the Ministry of Culture, and the Royal Thai Police, in the formulation of guidelines and measures to prevent and address the problem.

22. Cooperation between State agencies and the private sector can be seen from such project as “Partners in Learning”, a five-year partnership between Microsoft Thailand and the Ministry of Education. Under this programme, an on-line community ([www.pil.in.th](http://www.pil.in.th)) was launched to promote knowledge sharing among teachers and provide an e-learning resource on Information Communication Technology (ICT) skills which can be transferred to students. Training has been targeted for 20,000 teachers. It also promotes safe internet use. A comic book was produced and disseminated to teach the general public and children about the dangers of the internet.

23. Once inappropriate or suspicious websites were found or the complaints pertaining to certain prohibited materials were filed, it is the authority of the Obscene and Pornographic Materials Elimination Centre, under the Ministry of Information and Communication Technology, to cease such websites.

<b>Actions that WILL BE UNDERTAKEN</b>	
<i>Description of the actions that <u>will be undertaken</u> and timeframe</i>	<ol style="list-style-type: none"> <li>1. The Ministry of Culture strengthens public awareness of relevant organizations, network, and stakeholders; including family network at all levels.</li> <li>2. Develop substantial information system and identification data; so as to prevent suspicious persons from illegal arrival in Thailand. The information will be automatically transferred to the Immigration Bureau-such system has not yet proceeded.</li> <li>3. Child sexual abuse online problem has a great deal of effect on Thailand's image; which could lead to Human Trafficking problem. Therefore, it is a crucial mission to promote the attitude adjustment of justice system and raise awareness of people and society.</li> </ol>