



## Statement on the situation of child pornography being sold on the streets of Bangkok

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For immediate release

ECPAT International decries the tolerance of child pornography in Thailand, evident in the open availability of these materials on its streets, and urges the government to enact a comprehensive law on child pornography.

Child pornography, also known by the term *child abuse images*, refers to different kinds of materials that capture and depict acts of sexual abuse of a child. These materials are created by sex abusers in the course of the abuse of a child and those that profit from such activities due to their high demand. Child pornography materials therefore represent the documentation of the abuse of children depicted in the images. Investigations worldwide have resulted in the seizure of hundreds of thousands of child abuse images and gradually also in the identification and assistance to victims. Seizures of child pornography images worldwide show that the type of abuse depicted is increasing in severity and that the age of the victims continues to fall.

Nevertheless, as the recent exposure of child pornography being openly sold on the main streets of Bangkok demonstrates, such investigations and measures to protect children from these violations remain largely weak or insufficient in Thailand. Several factors contribute to this serious gap in protection of children from this form of sexual exploitation. First, Thai law fails to address the problem of child pornography directly and specifically. The principal legal measures to combat child pornography are embedded within section 287 of the Penal Code which prohibits producing, possessing, importing and circulating any obscene material for public distribution and/or other commercial purposes. The law also prohibits trading in or participating in the trade of, hiring out or publicly distributing or exhibiting obscene materials or assisting to circulate or inform of availability of such material. Due to the broad interpretation of the term obscenity, which is not defined, the law serves as a catch-all that provides no clear indication that it covers child pornographic images. Similarly, although the 2008 Anti-trafficking in Persons Act 2551 defines “exploitation” to include the “production or distribution of pornographic materials”, it too does not specify and criminalize all acts related to child pornography, as required under international law. The Computer Crime Act (2007) on the other hand, is primarily focused on protection of computer data and systems while other laws

refer to photos, film, audio or video materials and do not cover digital and electronic images, a gap in light of the digital age of the Internet.

The absence of a specific law against child pornography has concrete consequences for the protection of children. It results in there being no designated authority specifically responsible for preventing and addressing these crimes against children. In this regard, law enforcement have inadequate support to build the required knowledge and experience for investigation and prosecution of all the offences related to child pornography as well as the technical and human resources to address the problem. The lack of a clear legal mandate creates a situation where child pornography can be sold and purchased in the public space without consequence. For example, although there is a reporting hotline to receive public reports of misuse of the Internet, it is housed under the Ministry of Information and Communication Technology with a link also in the Ministry of Culture which receive reports of 'inappropriate websites'. The placement of the hotline within these Ministries is due to the primary focus given to security and culture, rather than as a legal and social measure to address violations against children. Against this backdrop is the troubling reality of the sale of child pornography on Bangkok's principal streets and tourist hubs, demonstrating an environment of impunity in which no authority has the specific responsibility to take action.

ECPAT International and civil society actors have been actively advocating to close these gaps. For example, ECPAT International has collaborated with the Internet Foundation for Thailand Development and other civil society organizations in the Asia-Pacific region to provide training on international standards for the operation of child pornography hotlines. In the North of Thailand, the ECPAT Foundation is involved in a campaign to make IT safe ([www.make-it-safe.net](http://www.make-it-safe.net)), particularly working with young people to increase their awareness of measures for protection in their social interactions on the Internet, where child pornography crimes are increasingly centered. Schools also participate in an "Internet Safe School Programme" that certifies that relevant measures for Internet safety in the institution are being taken.

A collaboration has also been launched with NetClean, which provides technical solutions that can detect and block child abuse images and videos and has recently started distributing its products in Asia through Asia Safe Tech.

These kinds of initiatives are undertaken to establish a base for broader action by the government to prevent and address child pornography crimes in a comprehensive manner.

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**Note to the editor:**

ECPAT International is a specialized child rights network of organizations in 82 countries around the world working together for the elimination of child prostitution, child pornography and the trafficking of children for sexual purposes. It seeks to encourage the world community to ensure that children everywhere enjoy their fundamental rights free and secure from all forms of commercial sexual exploitation.

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