

Through a Euro Lens: Exploring the Roles of NGOs and non-NGOs and the impact they have
on child sex tourism in Thailand

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Abstract

As the child sex tourism industry in Thailand has increased in the last 30 to 40 years, so too has the demand for trafficking children from other parts of Southeast Asia and into Thailand for prostitution. This research aims to examine the impact in which the European Union (EU) can normatively have on the Thailand Government, Non-Government Organisations (NGOs) and Civil Society Organisations (CSOs) when it comes to child rights and their relation to the Child Sex Tourism (CST) industry in Thailand. As child sex tourism has grown in popularity, there has been added pressure towards the Thai Government from other international actors to strengthen prosecution laws towards traffickers and brothel owners that coerce unsuspecting child victims for sex work and the local and foreign clientele who make use of those services.

This study used a comparative analysis that looked into three projects that used the normative values of the EUs 3 Ps (Protect, Prevent, and Prosecute). Secondly, NGOs such as End Child Prostitution and Trafficking (ECPAT) and their involvement with the EU and its Member States was also analysed to determine if their association with these three projects had an impact on clamping down child sex tourism in Thailand. Thirdly, this analysis also investigated to see if these three projects were able to increase the promotion of raising awareness on the dangers of child sex tourism in Thailand. The study revealed that developing projects to help increase awareness of the dangers of child sex tourism does not always help to reduce the problem. This research has shown that more collaborations needs to be made by the Thailand Government, ECPAT, the EU and its Member States so better policies, laws and programmes can be developed to help combat this issue further.

Acronyms

ARF	ASEAN Regional Forum
ASEAN	Association of Southeast Asian Nations
ASEM	Asia – Europe Meeting
CDC	Centers for Disease Control and Prevention
CoE	Council of Europe
CSEC	Commercial Sexual Exploitation of Children
CRC	Convention on the Rights of the Child
CSO	Civil Society Organisation
CST	Child Sex Tourism
EC	European Commission
ECPAT	End Child Prostitution and Trafficking
EEAS	European External Action Service
EU	European Union
EUROPOL	European Police
INTERPOL	International Police
NGO	Non-Government Organisation
NP	Normative Power
NPE	Normative Power Europe
SECTT	Sexual Exploitation of Children in Travel and Tourism
SOM	Senior Officials' Meeting
UN	United Nations
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
UNODC	United Nations on Organised Drugs and Crime
WTO	World Tourism Organisation

Chapter 1

Introduction

Child Sex Tourism and Child Trafficking in Southeast Asia

Child Sex Tourism and Child Trafficking in Southeast Asia have been known to be a huge issue for many years. Children are usually trafficked from the Greater Mekong Sub-region areas such as Cambodia, Laos PDR, the Philippines, Vietnam, Northern Hill Tribes of Thailand and the Yunnan Province of China. These trafficked children then go across the Burma Border and into Thailand to start working in the sex tourism industry (Rafferty, 2007; UNODC, 2014). Due to the historical, economic, and social issues that have come across the Greater Mekong Sub-region areas of Thailand and also other parts of Southeast Asia, child sex tourism has become very prominent in these areas. When investigating child sex tourism and child trafficking there is a clear distinction between the two as many academics get confused between the two terms. According to UN OHCHR (2013, p. 5), they define child sex tourism as "...the exploitation of children for sexual purposes by people who travel locally or internationally to engage in sexual activities with children." They further go on to explain that "CST often involves the use of travel agencies, transport, accommodation and other tourism-related services that facilitate contact with children." (UN OHCHR, 2013, p. 5). For example, this could be based on local and foreign clientele travelling to other destinations for the sole purpose of paying for sexual services with children by using other means made readily available to them. Child trafficking according to UNICEF (2007, p. 1), define it as "A child has been trafficked if he or she has been moved within a country, or across borders, whether by force or not, with the purpose of exploiting the child." This could also be seen in situations in Southeast Asia where the child has been trafficked into Thailand to be sexually exploited in the sex tourism industry. As it has been clearly explained, both child sex

tourism and child trafficking are defined very differently from one another. These definitions help to explain how both industries work and how children end up becoming migrants in Thailand.

Children in this scenario are usually trafficked for a variety of purposes such as labour exploitation and sexual exploitation. In this case, children who are trafficked from different countries in Southeast Asia and into Thailand are more prone to be sexually abused and exploited to work in the sex tourism industry (Gugic, 2014; Rafferty, 2007, p. 5). According to UNODC (2014, p. 18), they explain that as tourism seems to be thriving in the Greater Mekong Sub-region areas of Thailand and among other ASEAN countries, so is the increase of child trafficking and keeping up with the demand of child prostitutes for Western male clients in Thailand. Due to the influx of children being trafficked for the sole purpose of sexual exploitation and working in the child sex tourism industry, the common challenge that these countries seem to face is ‘The lack of resources and know how to tackle these sorts of issues head on and effectively’ (UNODC, 2014, p. 25).

In this scenario, Non-Government Organisations (NGOs) like ECPAT have been heavily involved with trying to combat child sex tourism and child trafficking in Thailand. ECPAT stands for “End Child Prostitution and Trafficking”. They are a NGO that deals with combating sexual exploitation and child sex tourism in all its forms (ECPAT, 2016). As an organisation, ECPAT has worked on projects with other government bodies like the European Union (EU) and EU Member States to try and protect children from being trafficked from other Southeast Asian countries and into Thailand. Also ECPAT has worked with the EU and its Member States to also prevent children working in the sex tourism industry in Thailand. The EU was created to serve as a government body to help promote greater social, political and economic harmony between the nations of Western Europe. The EU believes that all child trafficking and sex tourism needs to be eradicated. The EU has been interested in

ridding the world of child sex tourism and child trafficking for quite some time. Due to an increase of children being trafficked into Thailand and Southeast Asia for the purpose of sex tourism, this has promoted the EU to work alongside NGOs like ECPAT to try and solve this issue (ECPAT, 2013; Gujic, 2014). The EU is all about making Europe safer for all its European citizens. They believe that combating child sex tourism and trying to prevent EU Nationals travelling to Thailand and other parts of Southeast Asia will do this. According to Gujic (2014, p. 4), she believes that the EU is doing this by assisting other EU Member States in the fight against international crime and terrorism; for example, trying to prevent EU Nationals travelling abroad to pay for sexual services with children by sharing information from Interpol's database with other EU Member States, this might help to combat this issue (Gujic, 2014; UNODC, 2016). The EU takes prosecution of EU Nationals who travel abroad quite seriously as they believe that "Rules on jurisdiction should be amended to ensure that sexual abusers or sexual exploiters of children from the Union face prosecution even if they commit their crimes outside the Union, in particular via so-called sex tourism." (European Union: DIRECTIVE 2011/92/EU, 2011, p. 4). EU Nationals have been known to travel to Thailand and its sub-region areas because it is cheaper to pay for sexual services with children. The EU is aware of this and has provided funding to ECPAT and Member States to investigate this issue further.

Research that has been conducted by ECPAT and EU Member States has proven that the reason why child sex tourism and child trafficking is so common in Thailand is because child sex tourists, child sex offenders and paedophiles know that they can get away with paying for sexual services with children. Also the scale of this issue is so immense that it has been increasing a lot over the past 20 years or so. Unfortunately there is easy access to cheaper airfare, globalisation and new telecommunication technologies (computers, smartphones and the internet – dark web), all of these interactions with this travel industry tend to be quite

interactive. Also, this increases the problem and makes it more complex to tackle from an international and local law perspective. Due to the Greater Mekong Sub-region areas being very popular, it presents a major issue when trying to tackle child sex tourism and child trafficking from sexual exploitation in Thailand and Southeast Asia. The EU has also worked closely with Interpol to have more of a handle on human trafficking in countries like Thailand for the purpose of sex tourism (Interpol, 2016).

According to Interpol (2016) and Rafferty (2007, p. 6), they explain that child trafficking seems to be involved with internal trafficking within the borders of the country as well as cross-border international trafficking. From a Southeast Asian perspective, Thailand seems to be the most common country when it comes to child victims being used for sex trafficking and sexual exploitation. She goes on to explain that child victims can also be "...routinely trafficked for CSE from Thailand into Cambodia, Laos, Myanmar and Vietnam within the Greater Mekong Sub-region, as well as beyond (for example, Japan, Korea, Malaysia and the Middle East)" (Rafferty, 2007, p. 6). Besides these destinations, girls and boys are also being routinely trafficked from Cambodia and into Thailand to meet more of the supply and demand of child prostitutes to Western male and female clientele; and Vietnamese girls are also being trafficked into Cambodia for the same reason.

Literature Review

Child Sex Tourism in Thailand

Child sex tourism (CST) is a very complex phenomenon that has been going on for many years. Sex Tourism in Thailand has origins that trace back to the presence of the American military when they were on their rest and recreation leave during the Vietnam War in 1962 (Ecpat UK, 2006; Montgomery, 2008). Around this time, many women and children were used as sex slaves to work and accommodate for the foreign male clientele. Since then, this

industry has grown to be a multi-million dollar industry and more children are now being trafficked from other parts of Southeast Asia, across the Burma border and into Thailand to service in the sex tourism industry. Based on this, children in Thailand are being subjected to work in the sex tourism industry by force and are automatically put into debt bondage. Debt bondage in this situation is defined as “work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.” (International Labour Organization, 2017). This means that if children are forced to work in an industry against their will, and have been sold off to a trafficker by a family member or neighbour, they automatically have to start paying off the debt they have “incurred”. This debt usually gets paid to the owner of a brothel or sometimes the trafficked victims pimp (Seabrook, 2001). Many of these children that work in the sex tourism industry in Thailand come from other Southeast Asian countries and end up working as prostitutes with no knowledge of the country they have just entered (Montgomery, 2008; Seabrook, 2001).

According to The UN Refugee Agency (UNHCR) (2018), they define Stateless children as “a person who is not considered as a national by any State under the operation of its law”. This means that if a person (in this case a child trafficked into Thailand) would be considered a stateless child as they would be considered a person who does not have a nationality of any country. In some cases, some children can be born stateless, and some others can become stateless. Children in Thailand can suffer from various reasons of statelessness. For example, living in a foreign country and not able to communicate with the locals as language is usually a barrier in this situation, not able to access medical care as they are not citizens of the country they are staying in, not knowing the country or customs of the country and education also becomes an issue amongst other things. This in turn becomes a major violation of the child’s basic human rights as they are forced to be stateless and work in the sex tourism

industry in Thailand against their will. They are also not able to seek proper help which then places concern for the child's welfare and safety (UNHCR, 2018).

Unfortunately, this kind of industry has deprived children of their childhood, human rights, and dignity. Thailand has had a very long history with child prostitution and sex tourism.

Today sex tourism seems to be a part of a burgeoning sex industry that includes prostitution, pornography and human trafficking. Even though local men seem to make up the majority of clients who purchase sex, foreign men are also starting to become a part of this significant proportion too (ECPAT UK, 2006; Jonsson, L. & Nilsson, M., 2016). In order for the demand and supply of children to be met for male and female clientele, a lot of these children are coming from the Burmese border and into Thailand to serve as child prostitutes for this ever growing industry (ECPAT International, 2009; Montgomery, 2015).

It is known that Thailand is the centre of the sex tourism industry. But what seems to drive the country's economy is a lot of foreign male clients coming to Thailand to specifically pay for sexual services with children. As of 2014, it was reported that a lot of foreign tourists had visited Thailand. This had made approximately THB1, 037 billion which then made at least 8.6% of Thailand's Gross Domestic Product (GDP) which had come from the tourist sector (World Travel & Tourism Council, 2015). And in 2016, 32.6 million tourists had visited Thailand which made up a contribution of at least US\$82.5 billion to Thailand's travel and tourism sector (Reuters, 2017; Statista, 2016). Even though this growth has proven to be very impressive, there is a dark side to the tourism industry in Thailand. According to Reuters (2017) and Sisavath (2011), they explain that the reason for this expanded growth in tourism is because the Thailand Government had originally signed an agreement with the United States of America Government to provide entertainment to its soldiers who were sent to the war in Vietnam which was in the 1960s. American soldiers who had visited Thailand at the time were willing to exploit and pay for sexual services with Thai prostitutes, especially the

younger ones who were children, and since then Thailand as a country had developed a reputation for sexually exploiting children (both boys and girls). Since then, an increase had been seen with tourists visiting Thailand and more money had been made. This in hindsight had increased the economic growth of the country and still continues to grow (Reuters, 2017; Statista, 2016).

Furthermore, according to a report that was conducted by ECPAT International (2009) but based in Thailand, they explain that there were a fewer paedophiles and preferential child sex tourists than there have been in the past 20 years. Instead, child sexual exploiters that had been arrested tend to be very opportunistic or situational offenders that are always looking for the next best thing. In addition to this, while child sex tourists are usually found in entertainment establishments in the sub-regions of Bangkok, they are also found in newer destinations such as Pattaya, Phuket and Chiang Mai. Based on this movement, this could influence the activities that could help combat Child Sex Tourism (CST) in big cities such as Bangkok which had previously been severely affected by child sexual exploiters, and because of this, children had suffered psychologically and physically from this sexual exploitation. Due to the ramifications of this, exploitations of children "...were drawn from ethnic communities such as hill tribes in the north of Thailand" (Sisavath, 2011, p. 33). These exploiters and child victims had made their way to the big city of Bangkok in Thailand to search for work; and because of this, they knew that due to their lack of education they could not get work in a high ranked job. As mentioned briefly in this chapter, majority of these child victims have to pay double the debt as sometimes their family members come to an agreement with the trafficker and the child ends up getting stuck into debt bondage. Sisavath (2011), also mentions that based on these ideologies, rural communities in Thailand have somewhat improved in terms of provision in education, healthcare and alternative jobs to help these child victims gain some form of economic development and stability. Sisavath (2011)

also goes into detail about Thai child prostitutes have decreased to a certain extent. Because of this shift, children are now being trafficked from neighbouring countries such as Vietnam, Cambodia, Burma, Southern China, Northern hill tribes of Thailand, Malaysia and Lao PDR to serve as child prostitutes for the foreign male and female market in Thailand.

Overview: Child Sex Tourism in sub-region areas of Thailand

When we think about child sex tourism and child trafficking we tend to link it to sexual exploitation as both terms usually get intertwined with one another. There is a clear distinction between both terms as they mean very different things and yet still somehow link with one another. There are many forms of child prostitution in Thailand - one of them being child sex tourism. According to Montgomery (2011, p. 2), she explains that the linkage between both terms has confused commentators and activists alike as they tend to use the "...phrase "child trafficking" synonymously and interchangeably" and associate it with child prostitution and sexual exploitation; these terms have also been tied with child trafficking with sex tourism even though the connection between both terms can sometimes be perceived as vague. When we think about the two terms it is very important to understand distinction between them and why they are so different. According to Centers for Disease Control and Prevention (CDC) (2016) and United Nations Office on Drugs and Crime (UNDOC) (2016), they state that "'Sex tourism" is defined as travel planned specifically for the purpose of sex, generally to a country where prostitution is legal". As prostitution in Thailand is illegal, the sex tourism industry has become very prevalent and has increased over the years. They also believe that sex tourism supports human trafficking, which is known to be one of the largest crime industries and activities in the world today. Unfortunately, human trafficking has been supported by sex tourism in Thailand, and more children each year are coming from countries like the Philippines, Southern parts of China, Northern hill tribes of Thailand, Burma, Cambodia, Laos PDR, Vietnam, and Indonesia; they are then being trafficked into Thailand

to work in the commercial sex tourism industry (use an academic source here as well; ECPAT International, 2009).

For example, some of these child migrants have been sent to Thailand from Burma to work in the sex tourism industry. Internal trafficking still occurs as some of the trafficked victims were hill tribe girls that were coming from the borders of the North and the North Eastern part of Thailand. These girls are known to be aged between 14 and 16 years (ECPAT International, 2009). According to Miko & Park (2002), they explain that some of these children are also coming from other countries like China, Indonesia, Cambodia, and Laos PDR to work in Thailand as child prostitutes. But as cross-bordering is also known to be prevalent in the Mekong sub-region area of Thailand, the Mekong sub-region tends to intertwine with other country borders like Burma, Laos, Cambodia, Vietnam, and the Southern Province of China when it comes to trafficking children into the red light district areas of Thailand (ECPAT International, 2009; Miko & Park, 2002). They also explain that hundreds of thousands of foreign women and children have been sold into the Thai sex industry since 1990, with most of these immigrants coming from countries like Burma, Southern China, Laos and Vietnam. Some authors have argued that the Thai-Burma borders are used quite a lot to harbour these child victims and are directly sent to Thailand as opposed to just internally traffic these child victims for sexual exploitation (Cotter, 2009; ECPAT International, 2009; Mike & Park, 2002).

According to U.S Department of State (2016) and United Nations Inter-Agency Project of Human Trafficking (UNIAP) (2016), they both explain that child migrants are trafficked from internal and cross borders that occur in both in and outside of Thailand for both sex and labour exploitation. Both male and female migrants from other neighbouring countries are also trafficked into Thailand for the same purpose. According to the U.S Department of State (2016) and UNDOC (2016), they both explain that it is a little bit more than just the migrants

being forced to work in the sex tourism industry in Thailand. A lot of the time these victims have been sold off to traffickers as a means to make money for the family. Or sometimes these families are made to believe that their child will go off to do training and get a better education. But in a lot of these situations, these trafficked children end up owing a debt to the trafficker and owner of the brothel as soon as they enter the country.

Some authors have argued that child sex tourism and trafficking does not only happen if the child has been forced or coerced into working in the industry. Some children do it of their own free will because in many Asian cultures it is believed that the child needs to provide financial funds for their families. Furthermore, some children go into this line of work to help financially support their families and also themselves (Gugic, 2014; Mahler, 1997; Tepelus, 2008). Unfortunately even though this is may be the case, many children every year are still being trafficked into Thailand for sexual exploitation purposes. There have been very minimal responses to what the Thailand Government thinks of Child sex tourism human trafficking, but the EU and the UN think differently when the topic is mentioned. According to Gugic (2014), she explains that the EU's response to child sex tourism in Thailand is that needs for the industry to be eradicated. She also goes on to mention that the EU has developed different frameworks to try and strengthen the effectiveness of laws and law enforcement which include extraterritorial criminal laws to help protect and prevent children from becoming victims of sex tourism in countries like Thailand.

This thesis will address the various issues child sex tourism and child trafficking has on children who work in the sex tourism industry in Thailand. This thesis will also answer the main research question: "In what ways is the EU able to normatively impact the Thai Government on policies on the human rights of children involved in Child Sex Tourism and Child Trafficking using the case study of ECPAT and its projects?" and this incorporates with the main reason why child sex tourism and child trafficking is still prevalent in Thailand.

Research into this thesis will further explain “What is the donor-recipient relationship between the EU and civil society working in these fields?” This will give a better understanding as to what other organisations are doing with the EU to combat child sex tourism and child trafficking in Thailand. And lastly, this thesis will also investigate “How does external EU policies on child sex tourism compare with International Law Standards and Thailand Law?” From here, we should get a better understanding to what kind of influence the EU has with the Thai Government on policies based on child sex tourism and how that has been incorporated with International and Thai Law Standards.

EU’s Response to Child Sex Tourism in Thailand

Why is the EU interested on the topic of child sex tourism in Thailand?

As the EU is aware, child sex tourism in Thailand has becoming an increasing problem over the years. A lot of EU Nationals travel to Thailand to procure paid sexual service with children and because of this, the EU and its Member States are constantly confronted with this issue as they know that it needs to be prevented. This has made the EU and it’s Member States more interested in tackling this issue. As child sex tourism and its association with EU Nationals travelling abroad to countries like Thailand, it has made both government bodies more eager to tackle it. For example, the EU has been involved with the UN’s Sustainable Development Goals (SDG) and has been following some of the goals that relate to the trafficking of children and its association with gender equality. According to EEAS (2017, p. 32), they explain that the EU has been following the guidelines for the promotion and protection of the rights of the child through target SDG 5: Gender Equality. In this target it mentions “Target 5.2: Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation” (EEAS, 2017, p. 32). This could also be in relation to the EUs thoughts on child trafficking

and how it relates to children working in the sex tourism industry. Also, children being trafficked for sexual exploitation purposes to Thailand can also play a pivotal role in the sex tourism industry.

What sort of impact can the EU have on combating child sex tourism in Thailand?

The kind of impact the EU has had on further research to implement about the promotion of preventing child sex tourism is that the EU has provided funding to ECPAT on projects that help generate awareness to this ongoing issue in Thailand. EU Member States have also provided funding and have assisted in developing and research projects that would hopefully prevent child sex tourism in Thailand, Southeast Asia and other parts of the world. Some of these projects were 'Don't Look Away: Report Child Sex Tourism'. This website was created to get tourists who to travel to other countries to report on this website if they saw anything suspicious (i.e. a child being sexually exploited by a tourist overseas); 'ECPAT SERIOUS GAME!' an online simulation game that educates people on the dangers of child sexual exploitation in a travel environment and Protection of children against sexual exploitation in tourism: Capacity building and awareness raising activities in Thailand, Cambodia, Philippines, Gambia and Dominican Republic' Project which was funded by the Ministry of Foreign Affairs in the Netherlands for ECPAT. This project was designed to develop awareness of the child sex tourism industry in Thailand and what steps could be taken to prevent this industry from increasing. Besides these projects being developed, in the past the EU had worked on Strategy to increase the knowledge on the rights of the child. Based on the projects mentioned above, they have had some impact on combating child sex tourism in Thailand as the EU, individual EU Member States and ECPAT had managed to work with other international actors like Interpol to try and combat this issue. They did this by sharing information with one another to track down and prosecute EU Nationals who travel to countries like Thailand and pay for sexual services with children. Even though there have

been some successes in the EU working with NGOs like ECPAT on developing strategies to combat child sex tourism in Thailand, some authors (European Commission, 2012; George & Panko, 2011; Thomas, 2007) have argued that the EU and its Member States need to focus on this issue more and generate more funding to other NGOs to combat this issue further.

The EU has been interested in ridding the world of child sex tourism and child trafficking for quite some time. Due to an increase of children being trafficked into Thailand and Southeast Asia for the purpose of sex tourism, this has promoted the EU to work alongside NGOs like ECPAT to try and solve this issue (ECPAT, 2013; Gujic, 2014). The EU is all about making Europe safer for all its European citizens. They believe that combating child sex tourism and trying to prevent EU Nationals travelling to Thailand and other parts of Southeast Asia will do this. According to Gujic (2014, p. 4), she believes that the EU is doing this by assisting other EU Member States in the fight against international crime and terrorism; for example, trying to prevent EU Nationals travelling abroad to pay for sexual services with children by sharing information from Interpol's database with other EU Member States, this might help to combat this issue (Gujic, 2014; UNODC, 2016). The EU takes prosecution of EU Nationals who travel abroad quite seriously as they believe that "Rules on jurisdiction should be amended to ensure that sexual abusers or sexual exploiters of children from the Union face prosecution even if they commit their crimes outside the Union, in particular via so-called sex tourism." (European Union: DIRECTIVE 2011/92/EU, 2011, p. 4).

In 2000, the EU and the World Tourism Organisation (WTO) had decided to gather their resources to combat child sex tourism through a series of related projects that were carried out to develop the "International campaign against sexual exploitation of children in tourism" (WTO, 2001, p. 3). Since then, the European Union has also worked with other individual EU Member States and NGOs like ECPAT to develop projects to combat child sex tourism (ECPAT, 2018; Gujic, 2014, p. 4). With the projects that had been developed by the EU,

individual EU Member States and ECPAT, they were hoping to achieve the same common goal which is to combat child sex tourism and child trafficking in Thailand and Southeast Asia. It has been argued from organisations such as ECPAT International (2016, p. 30) that EU's response towards Sexual Exploitation of Children in Travel and Tourism (SECTT) is that the EU, Council of Europe (CoE) and Organisation for Safety and Cooperation in Europe has adopted several legal, preventive and other counter measures to help enhance child protection against trafficking and sex tourism in developing and developed countries around the world. It was also argued that only a few of these had targeted specifically at SECTT. However, EU Member States have worked alongside NGOs like ECPAT to help tackle this issue (a more detailed analysis of collaborated ECPAT and EU projects will be explained in more detail in chapter 4 of this thesis).

The Role of the EU in combating child sex tourism and child trafficking

The EU has been working alongside other NGOs and CSOs to try and find efficient ways in dealing with this phenomenon. The aim for the EU and its Member States to try and combat child sex tourism and child trafficking is to identify the most effective way to deal with this issue by using resources to help target perpetrators and traffickers; using data collection of convicted child sex offenders and traffickers to help track and prosecute perpetrators, establish the best way to raise awareness of the child sex tourism industry and how to stop it, and working alongside INTERPOL and EUROPOL to reduce chances of children becoming victims of child sex tourism and trafficking. The EU also believes that if other NGOs, CSOs, government agencies and local governments all communicate with the EU and individual EU Member States then child sex tourism as an industry can hopefully one day be eradicated. The European Commission, EU and its Member States do recognise that child trafficking and child sex tourism is a problem and that it needs to be dealt with. According to EUROPOL (2016, P. 32), they explain that the Charter of Fundamental Rights of the European Union

“...forbids other gross human rights violations linked to THB, such as conditions of servitude and forced labour, as well as torture or inhumane or degrading treatment or punishment; it also reaffirms the prohibition of employment of children below the school leaving age...”

According to the European Parliament (2017, p. 31), they explain that various initiatives have been put into place by the relevant industries to help deal with offenders travelling abroad to commit sexual activities with children. They also explain that international organisations, NGOs the Code and CSOs are also working alongside with the EU to try and combat this issue. Most EU Member States have also taken “...measures to transpose the provision that concerns prohibition and prevention of the organisation for others of travel arrangements with the purpose of offending” (European Parliament, 2017, p. 31).

Some international entities (European Parliament, 2017; UN, 2017) have argued that sharing information is crucial in dealing with human trafficking and sexual exploitation of children. According to United Nations Security Council (2017), they explain that a framework of action to counter trafficking and also rooted in international law, had been built through the Security Council resolution 2331 (2016), this framework was a part of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. This had been supplemented with the United Nations Convention against Transnational Organized Crime (Palermo Convention). Furthermore, EU Member States and the EU have been encouraged to implement these frameworks into their strategies when they develop their data collection on prosecuting traffickers and child sex offenders. The United Nations Security Council (2017) also believes that EU Member States need to intensify their efforts more when it comes to communicating with other Member States, NGOs, CSOs and other International Organisations.

Within the European Union (EU), prostitution and trafficking for sexual exploitation with adults and children has been on the scene since the 1980s. One of the first explicit resolutions

for prostitution and trafficking for sexual exploitation first came into light when the European Parliament was accepted in early 1989 (Gugic, 2014; Roth, 2012). This particular resolution had managed to identify a clear link with trafficking and the exploitation of female prostitution. But in the eyes of the European Parliament, trafficking had remained linked to prostitution until the early 1990s when the Parliament had decided to adopt a few resolutions that would change the course of how prostitution was seen (being linked to human trafficking) (Gugic, 2014; Roth, 2012). These resolutions were put into place in 1993 and 1996, which in these resolutions helped distinguish the difference between prostitution and trafficking (Gugic, 2014). In 1997, the European Council had formed a Joint Action which was concerned with trafficking in human beings and also the sexual exploitation in children. Later on this helped form more of an understanding when it came to child sex tourism in general (or in this case child sex tourism in Thailand). This Joint Action gave more of a narrower and defined definition of trafficking than the European Parliament, which then also helped to explain that it was based on "...identifying coercion, deception or abuse of a person's vulnerable position as required elements of trafficking" (Roth, 2012, p. 63). Unfortunately, changes in child right policies when it came to child sex tourism did not come into fruition until the early to mid-1990s as around this time, child sex tourism had increased in Thailand. The European Commission and also independent EU Member States started to realise that there was a real serious issue when it came to trafficking children from other countries in Southeast Asia and into Thailand for the sole purpose of child sex tourism (Montgomery, 2015).

Later on, trafficking in human beings especially children had been labelled as a crime under international law and many national and regional legal systems around the world especially countries like Thailand had been known for this. Based from other regions around the world, Europe has been very deeply affected within the issue of human trafficking and has also

started to take some initiatives since the early 1990s. The European Union's (EU) first legal framework on combating human trafficking in human beings and also child sex tourism was first introduced in the 1990s. This was within the Treaty of the European Union which was then created within the structure of the "...three so-called pillars: the first being the Community pillar, the second pillar was relating to common foreign and security policy and in the third pillar, justice and home affairs were included" (Gugic, 2014, pp.357-358). Even though the third pillar is the most effective when it comes to fighting against human child trafficking, this would be achieved if the first two pillars were connected in conjunction with the third pillar (might need to either change this sentence or get rid of it). There have also been several actions that were taken by the EU in compliance within the third pillar, but the success of these pillars was not only dependant within the EU but also within other EU Member States as well. The EU had developed a resolution on combating child sex tourism which was brought up to the attention of the other EU Member States in 2000 and managed to collect all the relevant documents in an effort to try and win the battle against any form of trafficking in human beings.

Some authors (ECPAT International, 2009; George & Panko, 2010; Montgomery, 2008) had argued that the EU had not done enough to try and combat child sex tourism in Thailand or in general. They also mentioned that based on internal trafficking, the European Union and other Western countries had not used enough resources to tackle the issue of internal and external human trafficking with children in Thailand. Furthermore, there is still a knowledge gap when it comes to internal and external trafficking of non-national children, separated or asylum seekers. Unfortunately, trafficking of child victims has increased and in order to keep up with the demand, more crime syndicates are getting involved in supplying child prostitutes to foreign and local clients for sexual exploitation services. This has become a trend in Thailand as more children are being trafficked from other Southeast Asian countries and are sent to

Thailand to work in the sex tourism industry. It has been said that the European Union thinks that the kind of clients that are involved with this kind of service are convicted paedophiles amongst other child sex tourist clients. They also think that these child sex tourists come from Thailand and other foreign countries (E.g.: America, Australia, New Zealand, Russia, Germany, Sweden, the Netherlands, France, Southeast Asia and Central Asia countries just to name a few) (ECPAT, 2009; UNODC, 2014).

According to the European Commission (2015), they explain that as a part of the actions that were formed against paedophilia, the European Commission had decided to adopt Communication to the Council Ministers and the European Parliament; this had proposed a step up process that would help fight against child sex tourism in developing and developed countries. The European Commission had also proposed an action that will hopefully aim to dissuade and penalise any individual who sexually exploits children for the sole purpose of sex, to intervene on both the demand for and the offer of child sex tourism in countries like Thailand, and also motivate individual EU Member States to create some form of common front when it comes to fighting for equal child rights against this appalling phenomenon. The issue with this is that in existence with all anti-trafficking acts, it is mainly based on the impossibility of individual EU Member States to try and implement any form of national regulations when it comes to European male sex tourists travelling to Thailand for child sexual services.

The main reason for trying to bring this particular kind of framework into practice is because it has been designed to better implement the national law regulations of all EU Member States, and also promote a common EU approach towards human trafficking and child sex tourism in Thailand. Based on the opinion of the EU, they explain that the need for the 4 Ps needs to be satisfied in order for human trafficking and child sex tourism to be taken seriously. These 4 Ps are Prevention, Protection, Prosecution, and Partnership (European

Parliament, 2017; Gusic, 2014). Without these 4 Ps, it is believed that child sex tourism and human trafficking would not be dealt with at full force (for the purpose of this thesis, we will only focus on the 3 Ps).

According to Europa (2015), they explain that the EU's approach to tackling the trafficking issue on human beings does encompass law enforcement, prevention and victim support. They also explain that trafficking begins from a gender and human rights perspective and also looks on the prevention of child trafficked victims, prosecution of criminals and also the protection of child and adult victims who have been exploited for either sexual or labour services. This kind of approach was reflected in the Directive on Trafficking in human beings who were adopted on 21 March 2011. The EU Strategy towards the Eradication of Trafficking in Human Beings was adopted in 2012. This strategy had updated the 2005 EU Action Plan on best practices, and also on the standards and procedures for combating and preventing trafficking in human beings (especially children). The strategy for the Eradication of Trafficking in Human Beings is a set of solid and practical measures that is designed to be implemented over the next five years. These measures include the "... prevention, protection, support of victims and prosecution of traffickers...". This also includes the formation of national law enforcement units that focuses on human trafficking, and also the creation of the joint European investigation teams that help to prosecute cross-border trafficking cases (Europa, 2015). It has not been made clear if these plans from the European Union or the European Commission have been implemented into full force in Thailand as child trafficking and child sex tourism in Thailand is still a growing issue.

EUs impact and Thai Government jurisdiction on Child Sex Tourism and Child Trafficking in Thailand and Southeast Asia

What impact does the EU have on child sex tourism and child trafficking in Thailand and Southeast Asia?

The EU does have some impact when it comes to child sex tourism within the EU but not outside of the EU. Reason for this is because the laws within the EU are very similar so resources are able to be implemented to prosecute seasonal EU Nationals who travel to other EU Member State countries for the sole purpose of child sexual acts. If EU Nationals were to travel outside of the EU and into countries like Thailand for example, then prosecution would be difficult as you would have to get the cooperation of the country's local law enforcement and government to cooperate with capturing and prosecuting EU Nationals that are involved in this industry.

According to the European Commission (2016), they state that they have developed their own report that covers 'DIRECTIVE 2011/92/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA' that help them to assist in the fight against sexual abuse of children in the child sex tourism industry. It also mentions about prosecuting EU Nationals that travel abroad to commit sexual acts against children. The Directive is a very detailed legal framework that covers areas such as investigation and prosecution of crimes committed within the EU and third countries, also provides information on assistance to and also protection for child victims, and lastly prevention measures to be used to tackle sexual exploitation and abuse of children. On 16 December 2016, the European Commission had adopted two reports which were based on measures that had been taken by other EU Member States to combat the sexual

exploitation of children and child pornography. Out of those two reports, child sex tourism was mentioned (European Commission, 2016). These reports had presented the first overview in the measures that had been taken by other Member States to transposing the Directive into EU National Law. The reports did mention that there is still room for improvement when it comes to addressing prevention and intervention programmes for child victims of sexual abuse and child victims of sexual exploitation in the sex tourism industry (European Commission, 2016).

Based on the UN Convention on the Rights of the Child, this has helped assist in Laws being generated from these policies. Also, policies that have been created from this Convention have helped EU Member States utilise these policies to help prosecute EU Nationals who are perpetrators in child sex tourism activities. According to the European Parliament (2015, p. 28), they state “...The Convention requires parties to align their national laws to enable them to prosecute the offences referred to in the Convention, by ensuring jurisdiction based not only on the traditional principles of “territoriality” and the “nationality” of the perpetrator, and even in some cases the victim, but uniquely establishing jurisdiction based on the habitual residence of the perpetrator or the victim.”

As the EU does not have jurisdiction in other country’s laws within the EU, they do have some influence with other Member States when it comes to developing policies and laws that revolve around combating child sex tourism and trafficking within the EU. Not all EU Member States follow the EU’s Directive 2011/92/EU extensively, but the Directive does mention which EU Member States have incorporated some these policies into their countries laws. For example, it is up the country itself to enforce these policies from the EU into their own laws. This leaves room for EU Member States to develop their own laws when it comes to dealing with EU National who commit sexual crimes against children abroad. In this situation, this should hopefully leave room for child victims of sexual exploitation to be better

protected against these perpetrators if a crime of human trafficking or sexual exploitation in the sex tourism industry were to be committed. The report from the European Parliament also mentioned something quite interesting from the Convention that if a crime were to be committed by an EU National abroad, the EU National would be prosecuted in their country of origin (European Parliament, 2015, p. 28). The impact the EU has within the EU does not have the same principle abroad as the EU has no jurisdiction in countries outside of the EU (i.e. Thailand). It would be difficult to prosecute an EU National in another country as you would have to factor in the country's laws. If an EU National were to travel back to their country of origin, then they could be prosecuted and sentenced in their own country for committing child sexual crimes from having travelled to another country.

There has been some debate on how the European Commission, EU and its Member States have been handling prosecution of EU Nationals who commit child sexual exploitation crimes abroad. According to Manners (2009, p. 232), he explains that even though there has been some debate that has centred on the EU's involvement with extra-territorial legislation to combat child sex tourism, and how this transcends into making the distinction between child and adult sexual exploitation; this then relates to the different types of tourism. He goes to mention that based on UN Convention on the Rights of the Child (CRC), it illustrates the extent to which how the European Parliament had responded to the European Commission's report on 'Toward an EU Strategy on the rights of the child' and how it showed the degree to which the European Commission, the Council of Europe's joint actions and also the European Parliament all seemed to be committed to extending their resources (based on extra-territorial legislation). This had also included the help of EUROPOL to try and combat child sex tourism from a global standpoint (Manners, 2009). According to European Parliament (2008, p. 12), they mention that as part of the extra-territorial legislation, Point 75 of the report mentions that 'Calls for the effective protection of children against sexual exploitation

including by considering sex tourism involving children as a crime in all the Member States and by making it subject to extraterritorial criminal laws; calls for any citizen of the Union committing a crime in a third country to be dealt with under a single set of extraterritorial criminal laws applicable throughout the EU, in accordance with the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography;’ (European Parliament, 2008, p. 14). The report also mentioned that in Point 76 it ‘Calls for Europol to be duly mandated to cooperate with the police forces of Member States and countries affected by this type of tourism in order to conduct investigations with a view to identifying those responsible for such crimes and to this end calls for the creation of European liaison officer posts; calls for adequate measures for the rehabilitation and social integration of the victims of sexual exploitation who have been liberated from their exploiters; calls as well for more comprehensive information on child sex tourism in the Member States;’ (European Parliament, 2008, p. 14). Based on these sections of the report, it clearly does show that the EU is trying to do something about child sex tourism. The only thing that is not really shown through these points of the report was which countries had planned to tackle this sort of legislation to. According to Sharma (2014), they explain that “The EU needs to work at an international level to put in place a multilateral enforcement mechanism that will provide for the prosecution of child sex tourism offences”. They also mention that some EU countries have produced extraterritorial laws that allow EU Nationals to be prosecuted if they commit sexual crimes against children abroad. While some other EU Member States have produced more general extraterritorial laws that may be able to be used to prosecute other EU Nationals who may commit sexual crimes against children while being on a planned child sex tourism trip (Sharma, 2014). According to European Commission (Brussels, 16.12.2016 COM(2016) 871 final, 2016, pp. 17-18), Article 21(b): ‘Measures against advertising abuse opportunities and child sex tourism’ of the ‘REPORT FROM THE COMMISSION TO THE EUROPEAN

PARLIAMENT AND THE COUNCIL assessing the extent to which the Member States have taken the necessary measures in order to comply with Directive 2011/93/EU of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography' explains that:

“...concerns the prohibition/prevention of the organisation for others of travel arrangements with the purpose of offending. Most Member States have taken a variety of measures to transpose this provision. For example, AT, BG and FI criminalize this conduct through provisions applicable to aiders/abettors and practical measures, while in CZ, LT and SK such conduct is solely penalised via the provision applicable to participants, even if the main crime was not committed. CY, EL, IT and MT have adopted a specific offence which sanctions the organisation of travels for third parties with the aim to commit child offences” (European Commission, 2016, pp. 17-18).

As mentioned above, only some EU Member States had implemented domestic legislation on EU Nationals who commit sexual crimes against children while travelling abroad. Some EU Member States (Austria, Bulgaria and Finland) have criminalised this conduct through provisions of criminals that are known to be aiders/abettors of sexual crimes against children in tourist destinations; while other EU Member States such as Czech Republic, Lithuania and Slovakia had taken the approach of just penalising perpetrators of the crime committed. Lastly EU Member States like Cyprus, Greece, Italy and Malta had adopted specific legislations that target specific offenses that have been committed through sanctions of organisations through third parties (i.e. the dark web or travel brokers) that specialise in organising tour packages to potential offenders with the aim to commit child sexual offences abroad (European Commission, 2016). Based on extraterritorial legislations in Europe, many European Member States have managed to enact these legislations to reflect prosecution laws from their own country if the perpetrator is an EU National and has committed a crime from

abroad (ECPAT, 2016). Based on prosecutions and convictions of travelling sex offenders who come from EU Member States and travel to countries like Thailand and Southeast Asia, it is still quite difficult to apply extraterritorial laws into domestic law (ECPAT, 2016).

One could assume that the EU is basing this from an individual EU Member State perspective as opposed to other countries in Southeast Asia as the EU does not have much influence when it comes to prosecuting child offenders or child sex tourists. In this situation, if an EU National was caught by Interpol or EUROPOL for committing a sexual crime against a child in another country, then that EU National would be prosecuted in their country of origin and would be sentenced to prison by the laws of that country (European Commission, 2016). This in turn, has somewhat helped reduce the amount of EU Nationals going to countries like Thailand to pay for sexual services with children. However, migration in Thailand with trafficked children still remains to be an issue and prosecuting traffickers who are involved in this industry still remains to be quite sparse. For example, the influence the EU has with Thailand is not very present when it comes to child sex tourism but when it comes to child trafficking they seem to hold a bit more influence in ASEAN countries such as Thailand. The EU has funded a project with INTERPOL called 'EU-ASEAN Migration and Border Management Programme' which is designed 'To support ASEAN in its integration process through the implementation of the Master Plan on ASEAN Connectivity, in particular people to people connectivity.' And also 'To strengthen law enforcement agencies' networks and cooperation at main regional transit hubs with the help of a study on easing visa requirements for ASEAN and Non-ASEAN Nationals within ASEAN.' (European Commission International Cooperation and Development, 2018). The funded project by the EU is worth €3.2 million (roughly NZ\$5,305,000). The programme started from June 2015 and the end date for the programme is in June 2018 (European Commission International Cooperation and Development, 2018).

According to INTERPOL (2016), they explain that they have been working alongside the EU and other ASEAN member countries in a joint project funded by the EU and implemented by Interpol called 'EU-ASEAN Migration and Border Management Programme'. This three year programme is designed to support ASEAN in its integration process of implementing a Master Plan on ASEAN Connectivity. This program is also designed to try and help improve people to people connectivity, and also by strengthening law enforcement agencies' network and cooperation through its main regional transit hubs, and also by working to try and ease visa requirements for ASEAN and non-ASEAN members within ASEAN countries. A statement that was said by Franck Viault who is the Head of Cooperation of the European Union Delegation in Indonesia and Brunei Darussalam had said that "The EU-ASEAN Migration and Border Management Programme deals with one of the most pressing challenges of our times – the growing movement of people across borders in an ever more global and connected world in which criminal organizations see no borders," (Interpol, 2016). Viault goes on to mention in the article that "Stamping out all forms of organized crime, including trafficking in persons, is a priority for cooperation between Europe and South East Asia through INTERPOL." (INTERPOL, 2016).

The training programme is focused on INTERPOL's policing capabilities and how this would help enrich the border management programme, hone on effective presentation skills, tackle the migration and human trafficking investigative techniques, increase knowledge in interviewing methods of perpetrators and victims, understanding international and local legal frameworks, and also increasing knowledge on human rights (both in adults and children) (INTERPOL, 2016). Based on this, INERPOL's Project Manager Rastislav had mentioned in the same article that the training programme in Bangkok has also been designed to provide more participants with more of a deeper understanding of INTERPOL's global policing capabilities, trying to enhance their skill set to conduct better border management operations,

tackle more transnational crime; and to also create more of a sustainable network in the ASEAN region to share more knowledge, information, resources and expertise in this field (INTERPOL, 2016). Even though this programme has been created to try and tackle the human trafficking situation in Southeast Asia, this article did not mention how they would be tackling the child trafficking situation and sex tourism situation in Thailand. Which raises the question of whether the Thai Government is willing to work alongside the EU in the fight against child sex tourism in Thailand? And what jurisdiction does the Thai Government have on this matter? The next section of this chapter below will address this further.

What jurisdiction does the Thai Government have on child sex tourism and child trafficking in Thailand?

When it comes to jurisdiction and what rights the Thai Government has on the protection and prevention of child victims being involved in the sex tourism industry in Thailand is a bit of a grey area; and when it comes to the prosecution of traffickers and child sex tourists who are involved in the sex tourism also appears to be quite sparse. It has been argued that the Thai Government is too relaxed with their laws and policies when it comes to protecting child victims as not much has been done in this area (Seabrook, 2001). The same goes for prosecution laws and policies on child sex tourists and also traffickers as they are known to be quite relaxed and not many traffickers or child sex tourists get caught; even if they do get caught, the laws are too relaxed and the fines are quite minimalistic (Seabrook, 2001). It has also been argued that there is corruption within local law enforcement in Thailand and also with Thai Government politicians as they might be involved in the child sex tourism industry in Thailand. Due to this being a possibility, there is less training and resources used with local law enforcement to help deal with this issue head on (Seabrook, 2001; UNODC, 2014). According to UNODC (2014, p. 37), they explain that due to there being limited resources for police officers, the jurisdiction to arrest perpetrators is quite minimalistic. They also explain

that “In many jurisdictions there is a tacit acceptance of brothels and other sex establishments by police, which may or may not be accompanied by bribes.” They also go on to mention that because of this, policing seems to be either “...absent, light or under-capacitated, particularly in rural areas.” (UNODC, 2014, p. 37).

In many parts of Thailand, policing seems to be absent because of the corruption and bribes accepted by local law enforcement. Due to the lack of experience from investigating these issues further in Thailand and other parts of Southeast Asia, investigating sexual exploitation of children in travel and tourism seems to be quite varied (UNODC, 2014). In Thailand and Cambodia for example, it has been known that police barely conduct any form of pro-active investigations on child victims of sex tourism; this is due to the lack of resources, skills, evidence integrity and case management training. In most countries in Southeast Asia (aka Thailand), intelligence led policing is embryonic or non-existent, and police-to-police cooperation remains to be quite weak; which is why not much has been done to deal with child sex tourism in Thailand (Gujic, 2014; UNODC, 2014).

According to a survey that was conducted by UNODC in 2013, they decided to analyse law enforcement knowledge, attitudes and practices (KAP) towards local law enforcement in countries like Thailand. This survey was designed to help identify some key and common issues and themes that were centred in different regions. They discovered that the one thing that kept popping up in their findings “...was that pro-active policing is inhibited because a significant proportion of police in GMS countries do not have fundamental information...” (UNODC, 2014, p. 37). The survey also discovered that a lot of local law enforcement in Thailand was not knowledgeable or educated about child sexual exploitation or child sex tourism. The findings also found that local law enforcement in Thailand lacked the resources and training to handle this situation head on. They also seem to lack the understanding of how a child is defined in the context of what is classified to be a child or what is entailed to be

child. UNODC (2014, pp. 37-38), gave a really good definition of this as they state "...the legal definition of a child is anyone under the age of 18, photographing a child for sexual gratification or exposing a child to pornography are acts of child sexual exploitation and illegal, unsupervised use of the internet by children poses a potential risk factor, given its use as a grooming tool; and children have the right to be heard in criminal proceedings, and children in conflict with the law have the right to be treated fairly. children in sex establishments are victims of exploitations, not criminals" (UNODC, 2014, pp. 37-38). Based on this definition, local law enforcement in Thailand do not seem to understand this as their basic understanding of what a child is is rather limited (UNODC, 2014).

This begged the question of how the Thai Government was handling child sexual exploitation and child sex tourism in Thailand respectively (UNODC, 2014). The survey by UNODC (2014) also goes on to mention that attitudes among other officials can also hinder the proactive strategies used for policing. Some of these officials from countries like Thailand and Southeast Asia believe that sexual exploitation of children had meant that it "...is only conducted for 'naughty' children; is only conducted by strangers, and people who the child or family do not know; occurs when the person is homosexual; is never conducted by women against children, is a private family problem (not under the realm of the state's law enforcement); and is acceptable, if the family and/or child have provided consent" (UNODC, 2014, p. 38). Based on this simple ideology, it differs in the reasoning as to why education and training in this area is so important when it comes to handling child victims of sex tourism in Thailand. More knowledge needs to be prevalent in order for this issue to be combated.

The Thai Government however, has made some progress in trying to combat child sex tourism and trafficking in Thailand. According to Jica (2017), they explain that the rise of human trafficking in both women and children in Thailand has reached an all-time high. They

also explain that because of this, many ministries and NGOs have been implementing a variety of measures and programmes to try and tackle this issue further. In Thailand, the Ministry of Social Development and Human Security (MSDHS) have developed an action plan that aims to try and eradicate trafficking in women and children by using 11 preventative measures such as “...creating Centers to Solve Human Trafficking Problems for Women and Children; increasing victim identification effectiveness; increasing the number of interpreters; increasing the number of female case officers, revising existing MOUs and promoting close cooperation with neighbor countries, preventing cross-border trafficking, working with the Ministry of Tourism to raise awareness against sex tourism and child sex tourism, eliminating pornographic materials that promote human trafficking, promoting a safe place and environment for victims of trafficking, improving and standardizing victim care, and coordinating with the Ministry of Interior (MOI) in inspecting and managing entertainment and other at-risk establishments...” (Jica, 2017, p. 26). The Thai Government is trying to work alongside other NGOs and CSOs to try and combat this issue as they know it has become a problem within and outside of Thailand. It has been argued that even though the Thai Government has been introducing preventive measures to try and clamp on this issue, toughening laws on prison sentences in Thailand remains to be a problem. Some authors have criticised the Thai Government for not doing enough and this will be explained more in chapter three and four of this thesis.

The purpose of this thesis is to research ‘In what ways is the EU able to normatively impact the Thai Government on policies on the human rights of children involved in Child Sex Tourism and Child Trafficking using the case study of ECPAT and its projects?’ This will help to identify how the EU may be able to normatively influence policies in Thailand on child rights and how these policies may help child victims that are involved in the sex tourism industry in Thailand. Also this thesis will be conducting a study on ECPAT and seeing if their

projects have made a difference by utilising the help of government bodies such as the EU and its Member States.

Also this thesis will be researching ‘What is the donor-recipient relationship between the EU and civil societies (CSOs) working in these fields?’ This will generate a better understanding of how the donor-recipient relationship between the EU and CSOs works when it comes to acquiring funding to generate projects to promote protection and prevention strategies for child sex tourism in Thailand. And lastly, this thesis will also investigate ‘How do external EU policies on child sex tourism compare to International Law Standards and Thailand Law?’ As EU policies are different to International Law Standards and Thailand Law, how these compare to child sex tourism laws in Thailand is very different as each country has their own laws when it comes to dealing with child victims of trafficking and sex tourism and also dealing with perpetrators and traffickers of the sex tourism industry. This thesis will explore further the differences between EU policy and how International Law and Thai Law handle child victims and criminal proceedings relating to the sex tourism industry itself.

Methods

This thesis is based on qualitative research and will be analysing ECPAT and the EU as a case study. This thesis will also investigate different projects that ECPAT has conducted with the EU from 2012-2015 on child sex tourism and child trafficking in Thailand and Southeast Asia. Data collected has been stored on a Microsoft Word designed table, enabling an easy and effective comparison between the three projects that have been conducted by ECPAT, EU and EU Member States. The use of this comparative analysis will help to identify what projects have been collaborated on with ECPAT, EU and EU Member States respectively. This will also help to examine how these resources maybe interpreted, how the information portrayed on the websites may be viewed, and how issues such as child sex tourism in

Thailand can be improved. There has been limited research done in the area of comparative analysis and how this ties in with child sex tourism in Thailand (Gould & Company, 2004). The rest of Chapter 4 will explain how normative power plays a huge part in how projects are conducted by using the 3 Ps (Protect, Prevent and prosecute). This will also be critiqued by explaining how child sex tourism is dealt by individual EU Member States, the EU and the Thai Government. By the end of this analysis, this should give a clear indication of how child sex tourism is viewed and dealt with in Thailand and also within the EU itself.

Limitations

Due to the nature of this study, interviews with child victims about their experiences in the sex tourism industry in Thailand were not able to be conducted. Also another limitation was the amount of NGOs that did not work alongside the EU on policy actions, projects and initiatives with Thailand about child sex tourism in Southeast Asia (aka Thailand specifically). Current information on the EU's involvement with child sex tourism in Thailand had been very hard to obtain as the information seemed to be limited to 2014-2016. Also there was not many Thai academics that had contributed their thoughts on the child sex tourism industry in Thailand and was only able to use a small amount of citation because of this.

Outline of Study

This thesis will examine the role the EU and how their policies and laws with child sex tourism and child trafficking in Thailand and Southeast Asia are possibly shaping Thai Law on these issues. And secondly, this thesis will also investigate NGOs and UNs involvement with these issues and how their presence might have an impact on child rights in Thailand.

The second chapter will look into normative power and how it can play a role in child rights when it comes to child sex tourism and child trafficking. This chapter will also look into ASEAN's response to child sex tourism and child trafficking and how they interpret normative power for child rights and human rights policies that centre on liberal democracy and good governance (aka human rights).

The third chapter will talk about the EU's response and NGO's relationship towards Child Sex Tourism and Child Trafficking in Thailand and Southeast Asia. This chapter will also investigate the aspect of civil society and how it relates to this issue.

The fourth chapter will analyse ECPAT and the EU as a case study and go into detail about the 3 Ps and how child sex tourism in Thailand plays a part in the development of the three projects analysed. Also this chapter will look at the donor-recipient relationship between ECPAT, the EU and its member states and how providing funding can help generate research in the protection and prevention of child sex tourism in Thailand.

The fifth chapter will conclude this thesis by summarising chapters 1-3 and also findings from chapter 4. Also this chapter will have a summary of the whole thesis and explain what recommendations for future research need to be made to tackle the issue of child sex tourism in Thailand.

Appendix 1 has investigated EU Law and how that relates to Directives, Policy and Report documents on Child Sex Tourism and child trafficking. Also this Appendix has looked into Thai Law (Thai Criminal Code) and Government Acts that centre on the protection, prevention and prosecution of child sex tourism in Thailand.

Appendix 2 has a definition about what an NGO is, a NGOs role in relation to child sex tourism and how CSOs role can play a role in providing assistance to NGOs to help with

developing policies that centre on the protection of child victims being trafficked; and also the prevention of child sex tourism policies in Thailand. Lastly, Appendix 2 will also discuss what the relationship between the EU and NGOs for child sex tourism is and why these relationships are important to combat child sex tourism.

And lastly, a reference list with all resources used for this thesis will be laid out in alphabetical and chronological order by year.

Chapter 2

‘Normative Power’ and the psychologies of ‘the mirror effect’ with human child rights and child sex tourists in Thailand and its neighbouring borders

When we think about Normative Power Europe (NPE), we tend to think of it as a term that could be used to describe the EU’s formation of values and policies that centre on civil or military power. In this scenario, NPE can be defined as “...a foreign policy actor intent on shaping, instilling, diffusing – and thus ‘normalizing’ – rules and values in international affairs through non-coercive means” (Tocci, 2008, p. 2). This means that the EU classifies normative power as an entity that has more of a proactive role in liberal democracy and human rights with a ‘...European way of doing things’ (Tocci, 2008, p. 2). Normative power can also be known as soft power where it is designed to attract targets and get other organisations or people in general to “...do what you want them to do”; normative power in a sense can be known as more proactive in their moral purposes, which in this logic is expected to have a certain part of socialisation with other international actors or donors as they believe that these ideologies are the right thing to follow (He, 2016, p. 2 ; Tocci, Darbouche, Emerson, Fernandes, Hanau-Santini, Noutcheva & Portela, 2008, p. 7; Whitman, 2011, p.3). According to Whitman (2011, p. 3), he argues that normative and human rights lies in “...the rejection of a totalistic and state-centred view of traditional approaches”. This means that the

EU has their own thought processes when it comes to foreign policy and how that works with child rights for child sex tourism and child trafficking victims (Whitman, 2011, p. 3).

The European Union's (EU) normative power framework has been transcended from the roots of social constructivism which has been seen as a way for the EU to spread its core norms and values which in this instance goes beyond their own borders. According to Tilley (2012), he explains that Ian Manners was the first theorist that looked beyond this notion of Civilian Power Europe and also Military Power Europe. He argued that there was a distinctive feature that was based on this and that normative power was seen as an 'ideational impact of the EU's international identity'. He also states that this was able to 'shape conceptions of 'normal' international relations' (Tilley, 2012, p. 4). Based on this theory, the EU has been seen as an international entity that has had their hands on policies that centre on human rights and how these rights can help child victims who have been involved in the sex tourism industry in countries like Thailand and Southeast Asia. This part of the thesis will focus on why normative power plays a huge part with the European Union (EU) and how normed diffusion links with psychologies of the mirror effect in regards to profiling the Geographic's and Demographics of which countries these children come from, how the Thai government responds to EUs policies on child and human rights that centre around trafficking, how the Thai government and other international actors such as NGOs and the United Nations (UN) respond to similar policies from the EU, and how do these policies and laws impact child sex tourism in Thailand and other parts of Southeast Asia.

This chapter will talk about how NPE plays a huge part in the decision process of producing policies for human rights and its association to child trafficking and sex tourism within and outside of Europe. Secondly, this chapter will talk about ASEAN Members views and values of NPE and they have used some of the EUs core normative values and implemented it into their human rights mechanism framework to try and combat child trafficking and sex

trafficking in Thailand and Southeast Asia. Lastly, how NPE can have a hold on child rights and its effect to produce quality values and policies that can fight against this issue.

Overview: Diffusion of Mimicry and Normative Power Europe (NPE)

When we think about normative power we tend to see it as something that is in relation to hard and soft power. Basing on the norms and how diffusion can act as a mimicry towards negative connotations, the EU could be seen as an organisation that could be the main driving force of policies from a globalised world perspective. The EU in the eyes of countries like Thailand and other ASEAN countries see the EU as a parent trying to take care of their child. But not all developing countries in Southeast Asia see it this way let alone follow the EUs policies; and so this poses the issue of these countries doing their own thing when it comes to developing laws that centre on protecting children from being trafficked into Thailand. This could also be seen as ASEAN Member countries not taking much notice of child victims being sexually abused for the sole purpose of sexual exploitation with foreign tourists and local clientele. According to Borzel & Risse (2011, p. 5), they explain that the EUs approach towards the Europeanisation of normative power and diffusion towards mimicry have been “...increasingly criticised by their top-down perspective”, which tends to prejudge the EU as the main source of domestic change screen[ing] out other domestic causes”. This in hindsight can also be perceived as other developing countries and nations being heavily dependent on the ‘shadow of hierarchy’ which in this instance not only allows the EU to legally suggest policies on human rights, but could also be solely based on the three Ps: Protect, Prevent, and Prosecute for child victims and perpetrators who are involved in the sex tourism industry in countries like Thailand.

Borzel & Risse (2011, p. 5), also suggest that based on geographical proximity of the EU and it’s other European counterparts, the EUs ability to make other non-member countries (in this

case Thailand and its neighbouring borders) comply with its standards of institutional policies. This has left somewhat a form of an issue with strengthening policies in their country which has then become weaker for the EU itself. This then ties in with the notion of how this kind of problem has contributed to other Asian countries such as Thailand, Burma, Cambodia, Laos PDR, Philippines, Malaysia, and Southern part of China to “...actively adopt or mimic European Institutional solutions and adapt them to their specific needs”. Based on this ideology, some authors (Brozel & Risse, 2011; Keukeleire & Delreux, 2014) have explained that Asia had signed a few treaties with the EU in regards to human rights and the protection of children who have been trafficked to countries like Thailand for the sole purpose of working in the sex tourism industry. These treaties have not really been enforced in Thailand. Reason for this is because policies in their laws are seen as something that will generate a dramatic drop in profit and will later on affect their economy as they will not be able to produce more money. Based on the findings in this thesis, even though Thailand has signed a few human rights treaties and constitutions that centre around trafficked children and their human rights, enforcing prevention laws and increasing prosecution sentencing remains to be seen in Thailand.

Authors like Keukeleire and Delreux (2014), have argued that the view of the limits of Europeanisation and how it relates to diffusion remains to be in association with interdependence between the EU and the other EU member states. Based on this theory, they also explain that integration plays a huge role when it comes to being a part of the European system of rules that will still remain below the threshold of the EU membership. This theory, however, does not relate to non-developing countries such as Thailand and the rest of Southeast Asia as they are not a part of Europe. This theory also does not relate to the child sex tourism industry in Thailand as the Thai government is not really implementing policies from the EU as they have their own set of laws and policies that centre on the sex tourism

industry in their own country. Keukeleire and Delreux (2014) also mention in their book 'The Foreign Policy of the European Union' that external governance tends to relate to a variation of relations between three different levels of hierarchy, networks and markets. These are integrated into different governance forms of EU policies and how that could become a part of third world policies and law. In this instance, the Thai government has used some of the EU's policies when it comes to the human rights of children who have been victimised into the sex tourism industry. They have not used policies from the EU when it comes to harsher laws and policies that are meant to be centred on the prosecution of traffickers and foreign and local clients. Even though the EU has had some presence in Thailand, they are not really seen as a strong entity or figure in most Southeast Asian Countries when it comes to enforcing policies for the protection and prevention of child prostitution in the sex tourism industry.

In this case, even though the EU strongly believes in protection laws and policies that centre around adults and children that have been exploited to work in the sex industry in countries such as Thailand and its neighbouring countries such as Cambodia, Laos PDR, Burma, the Philippines, Malaysia, Indonesia, South of China and the Northern Hill Tribes of Thailand, the sex tourism industry is still increasing and this kind of theory that is solely based on the EU being the parent that takes care of its children (i.e. ASEAN countries) has not really made its presence known. Based on the perception of normative power and how the theory revolves around mimicry and diffusion, Borzel & Risse (2012, p. 6) do bring up a very good point that counteracts the theory from Keukeleire and Delreux (2014) that the EU and its member states provides us with '...the opportunity to systematically explore more indirect mechanisms by which the EU may influence institutional change that may be better captured by diffusion approaches'. Their theory is that diffusion and mimicry seem to go hand in hand when it comes to change and how this can later on relate to transnational diffusion processes. In

countries like Thailand this kind of process can be seen as something that might be able to incorporate human rights policies into institutional change.

From this aspect, it could be placed under the assumption that a lot of NGOs that deal with human rights and protection of child victims have been subjected to work in the sex tourism industry. This has left some EUs policies to be centred on the 3 Ps: Protect, Prevent, and Prosecute when it comes to NGOs and Civil Societies developing and placing their own policies around the 3Ps. NGOs such as Nvader, Tearfund Foundation, ECPAT, Human Rights Watch, and Not For Sale Campaign just to name a few tend to follow some form of Europeanisation when it comes to developing their own values and guidelines in helping child prostitutes in countries like Thailand and other Southeast Asian countries. According to Olsen (2002), he argues that there are different conceptions of a Europeanisation complement rather than it excluding each other out. He also states that ‘They refer to different, but related phenomena’. This theory can be explained as something that is in relation to change and how Europeanisation fits into this ever changing concept. He also explains that ‘...the European case illustrates how mundane processes can produce an extraordinary outcome’ (Olsen, 2002, p. 3). Based on this theory, you can relate this back to how the EU is ever trying to change their policies so that it can accommodate for non-European countries as well. But unfortunately this kind of mentality and process does not work for everyone as you would have to encounter different cultures and people that may or may not accept the EUs version of liberal democracy and change.

Based on this connotation of events, it appears to be that the European Union (*sui generis*) has been semi-involved with trying to eradicate child sex tourism in general. According to Europa (2015), they explain that due to the military in Thailand taking power on 22 May, 2014 the EU has not been able to provide adequate support based on the Free Trade Agreement (FTA) between both institutions because the call for military leadership to be restored has not

happened. Even though the EU has offered to visit to and from Thailand, the EU and other EU Member States have not decided to sign the Partnership agreement with Thailand until a democratic elected government in Thailand has been created. They also say that even though other agreements made that centre around the FTA, other agreements that were made under this deal will be affected. In this report Europa (2015, p. 94), explain that ‘Only and credible roadmap for a return to constitutional rule and the holding of credible and inclusive elections will allow for the EU’s continued support’. Based on the theory of Europeanisation and diffusion of mimicry, this part of the report is stipulating that in order for the Thai government to get continued support from the EU they need to change their constitution and how things are run in order for there to be political and economic change. Based on this, some authors (Borzel & Risse, 2012; Euractiv, 2016; Olsen, 2002), have argued that based on Normative Power and how it relates to Europeanisation and diffusion of mimicry, it can be seen and perceived as a political entity that can be derived from other connotations of position and power. This can be seen as the EU’s way of wanting to change how things are run from a policy and law perspective in countries that are non-European (in this case Thailand).

According to Ian Manners (2009, p. 229), he describes that based on the historical development of the rights of the child in the EU it is meant to “...combat social exclusion and discrimination, they are also meant to promote social justice and protection, equality between women and men, solidarity between generations and protection of the rights of the child”.

Manners (2009, p. 232) also explains that the EU seems to use extraterritorial legislation to draw other EU Member States attention to two key elements in combating child sex tourism; first being the possibility of giving national courts the basis for extraterritorial jurisdiction for perpetrators who have committed crimes and offences against children who live abroad. This legislation is presumably based on any criminal who might have committed any crime or offence but may not be provided from under the laws of the country in which the crime was

committed. In 1989 the Convention on the rights of the child had provided an international basis for the United Nations (UN) Convention on the Rights of the Child (CRC), and also the attempts to protect children for commercial sexual exploitation which in particular have been based on article 34; this had been based as inadequate under the eyes of the Convention itself. Furthermore, the internal development of children's human rights and also its international development had also included the 1989 UN (CRC) had been seen as more people such as the UN trying to develop more policies that centre on the protection of children. From here, this development from the EU was supposed to uphold and promote its values and interests to the rest of the world. But it did not turn out this way as the EUs policies seemed to centre more on Europe than developing countries like Thailand.

In the book 'the European Union and the social dimension of globalisation: how the EU influences the world' which was written by Ian Manners (2009, p. 229), also states that before 1996 children seemed to be absent from EU legislation which had deemed to question how the UN CRC had become a normative principle so quickly around this time. They were also supposed to contribute to "... peace, security, the sustainable development of the earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights, in particular the rights of the Child, as well as to the strict observance and development of international law, equity respect for the principles of the United Nations Charter". Manners (2009, p. 233), also explains that the first response to the absence of adequate protection on child's rights had stemmed from policies that centred on combating child exploitation. This was also taken from the First World Congress against Commercial Sexual Exploitation of Children (FWCCSEC) in Stockholm in 1996 which was organised and supported by ECPAT at the time. He also explains that ECPAT had organised and supported the End Child Prostitution in Asian Tourism (ECPAT), United Nations Children Fund (UNICEF), the NGO group for the UN conventions on the Rights of the Child

and the Swedish Government. Because of this support, the EUs actions towards this issue from commercial sexual exploitation of children had increased and this ended up resulting in the Stockholm Declaration and Agenda for Action. Around this time, the advocacy of ECPAT and the EU had later on led the Irish Presidency to push the EU to take action through the new policy initiatives that centred on the Amsterdam Treaty.

Following from the Stockholm convention on children's rights, the EUs first action on this issue was to try and prevent commercial sexual exploitation of children. This started in November 1996 when the Commission's Communication on Combating Child Sex Tourism had arisen. Based on this kind of advocacy, this had generated some form of debate that had been based on the EUs view on extra-territorial legislation to combat the commercial sexual exploitation of children (Oshri & Shenhav, 2018). In this area, debate in both the distinction between child and adult sexual exploitation and between different forms of abusers had been seen as different types of sex tourism. Due to the shift of focus within this area, it needs to be pointed out that the European Parliament to the EU Commission's 'Towards an EU Strategy on the Rights of the Child' report explains how the EU Commission had developed a joint collaboration with the European Parliament to extend extra-territorial legislation; and also include the usage of EUROPOL to further promote the rights of the child across the world specifically aiming at Europe and Southeast Asia (aka Thailand) (European Commission, 2017). Based on a proposed 2006 EU strategy on the Convention on the Rights of the Child (CRC) and also the 2007 Lisbon treaty had demonstrated that somehow there might have been two sides to this normative principle of the CRC. These statements were based on the Lisbon reform treaty that was developed in December 2007 which illustrates the two new references to the UN CRC under the EUs amended article 3 in 'objectives' (Davy, 2012; European Commission, 2017; European Parliament, 2017).

Even though these policies are supposed to be integrated into ASEAN laws and policies, according to UNICEF (2016) and the Office of the United Nations High Commissioner for Human Rights (2016, p. 17), they both state that based on the specific offences that are under the Optional Protocol they are established only through ministerial resolution and do not have to be enforced by the law. The same thing applies with EU human rights policies as they are a mere guideline and it is up to the country to follow those policies and protocols. There are other domestic legislations that are not fully criminalised based on offences by the Optional Protocol. Even though child sex tourism is considered to be illegal in Thailand, child prostitution seems to be widely and openly available to the western foreign and local clientele and there are only a few convictions and prosecutions made (European Parliament, 2017). This is based on a result of the severe corruption within the police force that still exists in Thailand and other parts of Southeast Asia. This is also based on child victims not coming forward as they do not trust local law enforcement which then explains the reason why there is limited prosecutions made on traffickers and foreign and local clientele (Jica, 2017; Khruakham & Lawton, 2010; Sakdiyakorn & Vichitrananda, 2010).

Due to the obscurity of how laws and policies in Thailand are implemented on child protection and prevention rights, UNICEF and the Office of the United Nations High Commissioner for Human Rights (2016, pp. 17-18) also explain that Child Sex Tourism in Thailand seems to be very prevalent within the State Party, and also the Committee recommends a strong engagement with the tourist industry in order to disseminate the Charter of Honour for Tourism and the GCET among the travel agents and tourism agencies in other South East Asian countries like Thailand. This kind of arrangement was designed to encourage other travel and tourism agencies to sign up for the Code of Conduct that deals with them not being in association with the selling or promotion of child sex tour packages to foreign clients. Also this Code of Conduct was developed to prevent travel agents to work

alongside child traffickers and for travel agents to report any suspicious activity to Interpol, EUROPOL, the Thailand Government and/or Local Law Enforcement.

So when we look at situations such as ones that were mentioned previously in this chapter, when it comes to Manners (2009, p. 229) statement about the EU not really mentioning about any objectives about children, in this case the EU does not necessarily need to force other countries such as Thailand to integrate policies on child sex tourism into their laws (United Nations Higher Commissioner for Human Rights, 2016, pp. 17-18). Based on Manners (2009, p. 229) theory, he seems to go into more detail about the European commission and how the EU treaties had hardly mentioned any objectives that revolved around children (with the single exception of article 29 of the treaty of the European Union on 'Provision on Police and Judicial Cooperation in Criminal Matters' which had included a treaty from Amsterdam). Based on this theory, this can relate to what has been said in this thesis about the objectives and policies that are meant to centre on child protection and their rights. This has not really been seen in regards to promoting the dangers of child sex tourism in countries like Thailand and its neighbouring borders. Other authors such as Akinci (2014) & Wang (2012) explain that the EU has always tried to deal with local agents that specialise in policies that centre on human rights. Even though the EU has had some success in working alongside international actors like Thailand, some authors such as (Akinci, 2014; Knapp, 2011; Portela, 2010) have also argued that the EU has not had much success in fully implementing their power when it comes to protecting the rights of the child being sexually exploited. This in this instance proves the point of what Manners (2009) was trying to say when it comes to the EU not having much of a presence in countries like Thailand.

There are some authors (Akinci, 2014; EEAS, 2017; Knapp, 2011), however, that counteract what Manners (2009) was trying to say in regards to how the EU sees themselves as a Normative power in regards to child's rights as not all developing countries see eye to eye in

the EUs policies that centre on the protection of children's rights. Both Akinci (2014) & Knapp (2011), explain that based on the EUs liberal-democratic agenda that centres on the protection of children who have been victimised and trafficked into countries like Thailand for the sole purpose of child sex tourism, this kind of ideology does not always work as not all countries in Southeast Asia see the sole purpose of having liberal democratic policies. They also mention that because of this, there has always been a liberal democratic struggle between the EU and ASEAN countries.

Some Thai academics such as (Khruakham & Lawton, 2010; Oshri & Shenhav, 2010; Sakdiyakorn & Vichtrananda, 2010; Sorajjakool, 2000) have mentioned in the past that when it came to developing norms on policies that centred on the rights of the child it had been centred from a rhetoric sense. Not having much of a presence had fuelled the EUs thought process when it came to getting NGOs and CSOs more involved in spreading the EUs core values on liberal democracy, human rights and good governance in Thailand. For example, according to Oshri & Shenhav (2018, p. 219), they explain that "...policy of democracy promotion, introduction, of human rights clauses in trade agreements, emphasis on encouraging regional cooperation, and focus on strengthening international institutions and empowering the European Parliament..." are meant to be integral parts in developing EU policies in these areas. How these have been promoted and reflected through the assistance of NGOs and CSOs is a different story as NGOs like ECPAT have used the core normative values of the EU and have tried to use it in their research programs and projects on child sex tourism and child trafficking in Thailand. Furthermore, this is has been implemented into strategies that could be used to help local law enforcement prosecute EU Nationals by developing laws from these norms (Jica, 2017; Lee & Bourne, 2017).

Many developing and developed countries have their own policies and laws when it comes to their definition of protecting the child (whether they have been trafficked or sold off to work

in the sex industry as prostitutes). The EU's efforts to try and use their power as a global entity and work alongside countries like Thailand and other Southeast Asian countries has not always taken off as more of these countries do not one-hundred percent adhere or use these policies in their laws (Brown, 2015). More children (both boys and girls) are still being trafficked each year from rural countries and are forced or coerced to work in the sex tourism industry as prostitutes to pay off a debt bondage that has been accumulated by their immediate family and also themselves without themselves knowing about it. The EU has not really investigated this further as their primary focus seems to be more centred on helping the victim which in this case is a good thing but they have not really shifted their focus on how they can use their power to try and work more closely with these governments from these developing countries (in this case Thailand and other Southeast Asian countries) (European Parliament, 2017; Portela, 2010).

Even though these policies are supposed to be integrated into ASEAN laws and policies, according to UNICEF and the Office of the United Nations High Commissioner for Human Rights (2016, p. 17), they have stated that based on the specific offences that are under the Optional Protocol are established only through ministerial resolution and do not have to be enforced by the law. The same thing applies with EU human rights policies as they are a mere guideline and it is up to the country to follow those policies and protocols. There are other domestic legislations that are not fully criminalised based on offences by the Optional Protocol. Even though child sex tourism is considered to be illegal in Thailand, child prostitution seems to be widely and openly available to the western foreign clientele and there are a few convictions and prosecutions. This is based on a result of the severe corruption within the police force that still exists in Thailand and other parts of South East Asia (JICA, 2017; Pink, 2013; UNODC, 2014, p. 38; Seabrook, 2001). Due to stumbling upon ASEAN's way of doing things, it appears that the EU's focus may have shifted away from human

trafficking and human rights in Southeast Asian countries. This will be explained further in the section of this chapter.

Normative Power and Southeast Asian Values on child rights with sex tourism

When we think about the EU and how they are seen as an external actor on liberal democratic policies, the assumption is that the EU can be seen as an entity that can develop different human rights policies that centre on child rights. This tends to compel on how other normative principles are formed and how other academics and policy analysts view these policies. Based on the concept of norms and how they fit in with other values, this could be determined through the EUs identity to try and establish a basis for certain ideologies. Even if the EU has established some ideologies that centre on how child rights policies on child sex tourism, and basing it on the protection and prevention of child victims may be somewhat difficult as you would need more resources and participation from other ASEAN member countries with the EU to form a better generated policy action plan. This could also be seen as NGOs and CSOs needing to participate with ASEAN members and the EU as well to help child trafficked victims of sexual exploitation in Thailand as well. Furthermore, it may be very difficult to identify certain norms and values from other prospective interests in this situation.

Furthermore, the EUs external actorness should be able to see through the EU being somewhat guided by its own democratic values, the norms and principles that follow after this notion tend to be reflected from the Treaty of Lisbon and other documents (either legal or policy oriented). According to Knapp (2011, p. 18), she explains that based on this, the EUs values have been recognised by countries such as Southeast Asia and these EU legal documents should "...reflect a specific liberal-democratic identity" (Knapp, 2011, p. 18). The EU also believes that all countries including Southeast Asia should integrate these values into

their laws whether it would be human dignity, freedom, democracy, equality, the rule of law and respect for human rights which would include the rights of persons belonging to minorities and so forth. In this case, not all Southeast Asian countries have been welcomed to the idea of liberal democracy and integration (European Union C 326/47, 2012; Knapp, 2011). Based on this analysis, this clearly shows that the EUs liberal-democratic agenda is being committed to try and shape the world from a global perspective. Even though this ideology might look good from an external and governance perspective, not all countries especially in Southeast Asia have seen it in this way as there has been a democratic struggle between both entities for quite some time.

There have been informal relations between the European Union and ASEAN Members when they had both come together in 1972 through a Special Coordinating Committee of ASEAN. The Special Coordinating Committee was known to be the forerunner of linkages between institutions with third world countries such as Southeast Asia. This committee had managed to reinforce some form of an establishment with the Joint Study Group in 1975 and had been in charge of examining "...the substance and mechanism of cooperation between two regional organisations" (Akinci, 2014, p. 22). In the early 1990s, it had marked the beginning of a relationship where the European Union's policies towards ASEAN had changed. At the end of the Cold War in 1991 the attitude towards ASEAN and other third world countries (aka Southeast Asia) had changed quite considerably. Before then, there was change seen in the rise of the constitutional democracy in Thailand as it was implemented in the late 1980s; we also got to see the reformasi movement in Malaysia in 1988 which went under way around this time as well. This relationship not only changed quite drastically after the Cold War, but also important changes were made after the Collapse of Suharto's authoritarian rule in Indonesia in 1998; the Asian financial crisis in 1997 had triggered the most negative attitude towards Southeast Asia and how they were perceived in and outside of ASEAN

(Akinci, 2014). Based on these assessments of EU and ASEAN integration policies, liberal democratic norms had been introduced and policies like democracy and human rights had then become a part of the policy for better integration towards ASEAN itself.

The transition towards EU integration with ASEAN had not always been an easy one as liberal norms had not been seen favourably among ASEAN members. ASEAN members were not too fond of the Western Normative framework as they had seen it as something that did not match their ideologies when it came to looking at the foundations of regional order (Akinci, 2014; Portela, 2010). ASEAN members had seen this as a threat to how they ran things and thought "...the promotion of a Western-style democracy would undermine the foundations of regional order, the ASEAN Way, which were based on the inviolability of state sovereignty and the principle of non-intervention" (Akinci, 2014, p. 23). Based on this theory, this clearly showed that ASEAN countries were not often willing to work together with other non ASEAN countries (E.g. the EU and its Member States). There are a few countries in Southeast Asia that operate under the democratic system and have had somewhat of a good relationship with the EU and its Member States (Bersick, 2006, p. 187).

For example, ASEAN countries such as Bali have embraced liberal these norms. They have done this through the Bali Concord II which was the most standout accomplishment that had existed in Southeast Asia for democracy and human rights policies (Akinci, 2014). Based on the Bali Concord II, this Concord was brought forward to other ASEAN members in a promise that it would bring all "...ASEAN political and security corporation to a higher plane to ensure that countries in the region live at peace with one another and with the world at large in a just, democratic, and harmonious environment" (Akinci, 2014, p. 32). Based on this agreement between Bali and ASEAN members, not all ASEAN members had seen it this way and integration between the European Union and Southeast Asia had still proven to be a lot more difficult than expected. Countries like Indonesia were fighting to make Southeast Asia

democratic and had proposed to ASEAN members to turn ASEAN into a security community. Based on this proposition that had been put forward "...Indonesia was aiming to put democracy promotion on the ASEAN agenda" (Akinci, 2014, p. 32). From a domestic level, Indonesia had been seen as bettering themselves democratically and had been following Western policies. After the Cold War had ended, not only did the European Union and other Western countries start to demonstrate their disagreement with communist ideologies, but this had transcended through Indonesia and their thought processes when it came to communism and democracy. Similar voices had been coming from other ASEAN members such as Malaysia, Thailand and the Philippines. For example, Thailand is known as one of the most democratic countries in South East Asia. In 2014, the European Union did not pursue any form of conditionality on Thailand or saw Thailand as an obstacle with the EU-ASEAN relations. Unfortunately, it appeared that there was some form of double standard when it came to EU policy regarding democracy/building which in this instance may not have been justified (Akinci, 2014; Heiduk, 2016). This could be based on economical and tourism and how both countries could benefit from this kind of relationship but no one knows for sure the true meaning behind this kind of relationship.

Even though the EU and Thailand might have a good relationship, it has been known that Thailand has been violating a lot of their democratic values that were installed between them and the European Union; and yet any negative conditionality on Thailand seems to be absent. Based on the EUs normative power framework, it has been questioned how the EU is seen in the eyes of other ASEAN members and also with the rest of the world. Also when we look at how questionable normative power can be seen through EUs relatively weak localisations of norms, it bares to question the credibility and legitimacy of the European Union's normative power framework. Author's such as Portela (2010), have argued that based on the current debate, the European foreign policy stems from implicit assumptions about external image.

She also explains that certain policies that were applied by the European Union have been based on relations with third world countries such as Southeast Asia and are usually described as partly valued based which have a unmistakably benign outcome on Europe's partners. Policies such as conditionality to try and advance labour standards and strengthen human rights, protect the environment, fight against corruption and also strengthen democratic institutions have also become a distinguishing feature of European foreign policy. Even though these might look good from a governance perspective, when you dig deeper into this, what the European Union likes to call 'Normative Power' and 'Integration', has still bared the question of "Does normative power really work for everyone?" and if it does, "How can normative power be seen as a positive model?".

According to Wang (2012), he explains that Normative Power has always been used to integrate other developing and developed countries for the past 20 years or so. It has only been discovered that some ASEAN members have not always seen normative power as a positive thing as they felt that using liberal democracy to rule a country was not always the best thing. While the EU has always been seen as an entity that wants to uphold certain norms that centre around liberal democracy and norm entrepreneurship with international relations, based on this ideology, the diffusion of ideas has not been a "...one-way street in which local actors "passively" adopt foreign norms" (Wang, 2012, p. 17). Based on this logic, if the latter were to be the case, it would somehow be difficult to try and explain the diverse aspect of a complex norm which in retrospect would be a response to external norm promotional policies. When we look at Southeast Asian countries, we tend to see that they do not offer a certain "static "fit" for European institutional designs" (Wang, 2012, p. 17). Southeast Asian countries are also seen as countries that do not have the right mentality to adapt onto Western values from the West. So in hindsight to this revelation, instead of expecting dichotomous responses from either accepting or rejecting Western values and norms, Southeast Asians

have managed to generate some form of institutional change for their own policies and laws; this would then be described as an evolutionary process that has been catered by the remains of regional cognitive priors. Wang (2012) explains in his journal article “Normative Power Europe and Asia-Europe Relations” that cognitive powers are also a condition that is a subsequent regional institution building its own efforts for a proper democracy. He also explains that in regards to cognitive priors, it also referred to as a “localization” that has been dotted down as a constitutive on the grounds of cognitive priors that will somehow adapt to the new external norms which in this case is “...through a process of framing and grafting” (Wang, 2012, p. 17).

Other authors such as (Akinci, 2014; Portela, 2010; & Wang, 2010) have all argued that based on Western values being tried to integrate into ASEAN culture, countries such as Thailand and China have not fully embraced liberal democracy. Despite changes that have happened since Bali Concord II, there seems to have been a shift of ASEAN towards the European model of regional integration. Based on these norms, the grouping of the European model has still retained some form of key that links itself towards cognitive priors which in this case has also been seen as an embodiment of the ASEAN Way. The critical aspect of this issue seems to stem solidly from ASEAN members that have managed to strictly adhere to a principle of “non-intervention” that centres on the ASEAN Charter. Akinci (2014) and Wang (2012) also state that liberal democracy is still not widely accepted through Southeast Asia. They also explain that one of the founding members of ASEAN have stated that based on political turmoil that happened in Thailand around 2012, there had been tensions in accepting newly adopted democratic norms. This later on had explained the domestic criticism and backlash this new found norm was getting and also that the non-interference norm was also receiving the same backlash. Based on this new found ideology, the EUs advocacy on domestic norms in Southeast Asia would hardly be considered if there was some form of

transformation seen in ASEAN towards Europe's way of life. Therefore, it would be deemed more plausible that the ASEAN Way is still very prominent even though they elude some form of guise towards a European-style structure.

Even though the ASEAN way may be seen as more prominent, they do follow some of the liberal democracies of laws and policies that are meant to centre on child rights. Not all countries in Southeast Asia follow this as child sex tourism is still prevalent in countries like Thailand and child trafficking is still an ongoing issue. Based on the obscurity of how laws and policies in Thailand are implemented on child protection and prevention rights, UNICEF and the Office of the United Nations High Commissioner for Human Rights (2016, pp. 17-18) explain that Child Sex Tourism in Thailand seems to be very predominant within the State Party, and also the Committee recommends a strong engagement with the tourist industry in order to disseminate the Charter of Honour for Tourism and the GCET among the travel agents and tourism agencies in other Southeast Asian countries like Thailand. This kind of arrangement was designed to encourage other travel and tourism agencies to sign up for the Code of Conduct that deals with them not being in association with the selling or promotion of child sex tour packages to foreign clients. This Code of Conduct was developed to prevent travel agents to work alongside child traffickers and for travel agents to report any suspicious activity to Interpol, the Thailand Government and/or Local Law Enforcement.

Normative Power and the Rights of the Child

Based on normative power, in order for an institution to be recognised as one, they need to showcase normative core values such as having a unique identity which can be featured by a group of norms that will be seen as being both committed to child rights both domestically and internationally (European Parliament, 2017; He, 2016; & Jica, 2017). Based on He's (2016) analytical essay 'Normative Power in the EU and ASEAN: Why They Diverge' she

explains that the EU views human rights as a normative power that is based from Ian Manner's theory on the five "core" norms which are: '...the centrality of peace, the idea of liberty, respect for democracy, the rule of law, and human rights' (He, 2016, p. 3). She also explains the four minor norms that the EU has been known to follow are: '...social solidarity, anti-discrimination, sustainable development, and good governance' (He, 2016, p. 3). Based on these norms, the EU has been known to be quite consistent in following the European Convention on Human Rights and the Universal Declaration of Human Rights. Even though the EU has been known to take the universal liberal, democratically and political values as a source of normative power, they have managed to prioritise individual rights (children in this case) over on state sovereignty in other normative practices that could utilise this sort of strategy to help target and protect the rights of the child. When we look at the ASEAN way of doing things for example and how they view normative power, ASEANs norm-informed foreign policies are a depiction of societal values, which is based on its own experiences and lessons of regionalisation and has been viewed to be very different from the EU itself (European Parliament, 2017; He, 2016). There are two sets of normative values that comprise ASEANs basis of normative power. This includes "The other set of norms is rooted in local and regional culture and a set of diplomatic norms associated with ASEAN per se' (He, 2016, p. 3). Based on this, ASEAN seems to base a lot of their dialogue on mutual understanding and trust, which in turn is usually "...backed by the principle of non-intervention" (He, 2016, p. 3).

Other authors such as Bahr (2016), He (2016), Manners (2008) and Sjursen (2005) have all argued that when it comes to normative power and how that can be interpreted through foreign policy, they explain that a lot of the EUs perceptions on the rights of the child has a lot to do with mainstreaming external policies through developmental and humanitarian aid. They also mention how this can have an effect on international donors such as NGOS and

CSOs and how some of them get funding from the EU to help with projects and initiatives that will benefit victims of child sex tourism and child trafficking. According to Bahr (2016) and Whitman (2011), they both explain that children's rights have been mainstreamed for the sake of human rights, democracy and rule of law. Whitman (2011) also argues that EU foreign policy objectives in democracy, human rights and the rule of law was not clearly mentioned until there had been some form of establishment of the Common Foreign and Security Policy (CFSP) in 1992. Around this time, this was when the EU had decided to pledge in the Treaty on European Union to develop and consolidate some form of democracy and rule of law, have respect for human rights (child rights in particular) and fundamental freedom for everyone. But Bahr (2016) argues that even though the EU has been developing democracy, human rights and the rule of law, the EU's external policy had increased when child rights had become mainstreamed; the mainstreaming of this policy had come into full effect after the Treaty of Lisbon had entered into full force in the early 1990s. After the 1990s, normative power and child rights policies had changed as different projects and initiatives had formed to combat certain areas such as child sex tourism and child trafficking; especially in Thailand and other parts of Southeast Asia. For example, ASEAN and the EU have always had a difference in normative roles and how they are supposed to respond to regional affairs (i.e. liberal democracy and human rights). According to He (2016) she argues that based on regional affairs for human rights and normative power it all comes down to how the EU and ASEAN members differ their normative bases. This means even though the former stresses that revolve around universal, liberal and political values, both entities are still somehow committed into spreading their knowledge on certain norms that revolves around child rights. This ideology then ties into how the EU perceives the spreading of Normative Power into countries within Southeast Asia and will be explained more below.

EUs take on how they spread Normative Power to countries within Southeast Asia

When we think about normative power, we tend to see it is a tool used to combat multiple issues (using it as an instrument to deal with child rights). According to He (2016), she goes into more detail on how the EU sees normative power and what tools they use to combat issues relating to child rights. In Jiajie He's (2016) article 'Normative Power in the EU and ASEAN: Why They Diverge', she explains that based on the divergent nature of both the EU and ASEANs normative values that revolve around normative power, the EUs normative role can be easily "...identified from its foreign and development policies toward the neighboring smaller states..." (He, 2016, p. 4). This means that smaller states experience more social transitions and former colonies would usually be surrounded by local conflicts. However, this is not always the case as the EU itself tends to follow policies that help promote regional and local integration within and outside of the EU (Portela, 2010). Portela (2010) argues that in relation to foreign policy and how that applies to integration with other countries in Southeast Asia, policies such as human rights and the strengthening of democratic institutions have become an integral part of how the EU shapes some of their foreign policies. However, some academic authors (He, 2016; Portela, 2010; and Sjursen, 2005), state that the EU has had a range of values that have been based on political interests with Southeast Asia and have centred their interests on human rights, international labour organisation issues, sustainable development, democracy and also good governance. It has been argued that political policies that centre on these values needs more work as ASEAN countries need to be more integrated with normative power policies (Bahr, 2016).

ASEANs view of human rights and how it may be viewed in the concept of Normative Power

The concept of ASEAN human rights as a framework has not always been new. The concept for this started in 1993 after the UN World Conference on Human Rights was adopted by the Vienna Declaration and Programme of Action (Ciorciari, 2012). Around this time, there was a call for all ASEAN Member States to generate regional human rights bodies where they did not already exist. However, a regional human rights body had taken place around 16 or so years ago and come into realisation in areas such as Southeast Asia (Ciorciari, 2012).

Because of this, Human Rights to an extent were addressed by ASEAN members in the early years. However, they had tended to use their focus more on ‘socio-economic rights entitling their citizens to safety and basic material necessities’ (Ciorciari, 2012, p. 2). Based on this, it had led to further acknowledgement of “positive rights” – this is based on rights that had been developed into a form of state action. This was also presented and accepted by most Southeast Asian governments because it had helped justify their leadership so they could better manage different forms of ‘...national development and their decisions to open their economies to increased foreign trade and investment’ (Ciorciari, 2012, p. 2-3). It took a long time for ASEAN members to delve into human rights and develop their own version of a human rights mechanism that involved child rights specifically. Based on Southeast Asian’s version of a normative landscape, it was not very well received as a human rights mechanism around the 1990s. Because there was pressure from the West, there was change made by ASEAN members to improve the human rights mechanism that they had originally created (Paavilainen, 2017; Ciorciari, 2012).

Around the 1990s countries such as the US, and the European Union had sought to put forward material expenses on ASEAN members for instant failure for not dealing with human rights issues a lot earlier than they should have. From here, due to the amount of pressure that

was brought on from the West, ASEAN members had started to take human rights mechanisms more seriously. For example, civil society groups had been acting in partnership with ‘...individual parliamentarians or executive officials’ (Ciorciari, 2012, p. 7) to make ASEAN members take more notice of human rights as they knew that it was a serious issue that needed to be dealt with. In 1995, a civil society group called LAWASIA who were known as an international organisation group that was comprised of lawyers, judges, and legal academics had set up the Working Group for an ASEAN Human Rights Mechanism (Ciorciari, 2012). This Working Group had members who came from different governments, academia, and NGOs. These members had started to press for more of a human rights model as they felt that it was time that ASEAN members had to re-visit their own approach towards human rights (specifically child and women’s rights). And in 1998, ASEAN members had recognised the Working Group as an important partner that could contribute towards the formation of the human rights model (Ciorciari, 2012). In 1999, four main ASEAN member states - Indonesia, Malaysia, the Philippines and Thailand had set up their own national human rights commissions to tackle certain issues like child trafficking, labour and sexual exploitation of both children and adults amongst other areas of concern in Southeast Asia (Alison, 2015; Ciorciari, 2012; Sakdiyakorn, & Vichitrananda, 2010).

In 2001, the ASEAN’s People’s Assembly (APA) was also created. The APA forum had provided civil society leaders to develop collaborative reports that were based on the ASEAN Human Rights Scorecard. This kind of report was also created to help ASEAN leaders to produce recommendations which would help to develop a “...regional mechanism for promoting and protecting human rights” (Allison, 2015; Ciorciari, 2012, p. 7) in countries like Southeast Asia and Thailand. By 2003, human rights had been non-controversial by ASEAN members. Furthermore, this had also become progressively embedded in the discourse of human rights policies that centred on child rights which was included with the

Association itself; Indonesia had a very strong presence around this time as they were the forerunners when it came to generating liberal democracy type policies that centred on child rights and child sex tourism in Southeast Asia (Ciorciari, 2012). The Association also had goals for human rights and how this had translated into something more concrete which had later on become more apparent. In the 1998-2003 Hanoi Plan of Action, this Plan of Action was the first series of a five-year plan for ASEAN member states to reach their goal of producing a region that was based on “peace, stability, and prosperity” by the year 2020. ASEAN members had agreed to not only “enhance exchange of information in the field of human rights”, but to also work towards fulfilling their duties towards international conventions on the rights of women and children (Ciorciari, 2012, p. 7). In a 2004-2009 Vientiane Action Programme, ASEAN members had agreed to promote human rights (which was included for both women and children). This Action Programme was designed to be innovating towards the existing human rights mechanism that was originally created by ASEAN member states.

Authors such as Allison (2015) have argued that regardless of what programmes and Action Plans ASEAN members have developed, ASEAN members need to work closely with the EU to develop better programmes to help victims gain their rights back. She also explains that ASEAN Charter makes up specific reference to a commitment that was conducted by ASEAN member states to form policies that centre on democracy, human rights and good governance; this was also set up to form better ideologies that would centre on the human rights body which then in turn would be involved with the AICHR (Allison, 2015). However, even though ASEAN member states have set up a human rights body to protect and prevent children from being victims of child trafficking and sex tourism, ASEAN member states still have a lot to learn when it comes to how institutionalisation comes into play with political cooperation with actors such as the EU and also among its own members. Allison (2015, p.

148), goes into more detail in her book 'The EU, ASEAN and Interregionalism: Regionalism Support and Norm Diffusion Between the EU and ASEAN' about how ASEAN member states should be more proactive when it comes to establishing a logic of appropriateness when it comes to dealing with child and human rights in general. She also argues that even though the EU has promoted human rights to ASEAN from a governance perspective, ASEAN has seen the logic of liberal democracy differently as they believe that Southeast Asian culture and how they view human rights is different to the West. How ASEAN member states view the EU's role towards child rights is also different as they saw this as something that would help with economic development, reduce poverty, help child trafficked victims, increase more knowledge about Southeast Asia's culture, and having educational exchange between the West was seen as a concern for ASEAN member states (Allison, 2015).

As mentioned in this chapter, based on the World Conference in Vienna in 1993, there was resistance towards how human and child rights should be seen. According to Allison (2015, p. 173), she argues that the reason for the resistance from ASEAN members was due to the "...underlying perception of a universality of human rights which does not take into account contextual differences and the presumption that liberal democratic qualities will lead to an increased protection of human rights which has not always resonated with the states of Southeast Asia..." (Allison, 2015, p. 173). Reason for this is because there were not enough democratic developments within other ASEAN member states and within its own region too (Allison, 2015). Even though ASEAN members had not always seen eye to eye when it came to handling human and child rights from a political and security policy point of view, both actors are now trying to work together to develop better strategies to tackle child trafficking within and outside of Southeast Asia.

Normative Power and the EUs take towards child trafficking in Thailand and Southeast Asia

There has been some academic debate over the years on the externalisation of EU policies and how child trafficking has been viewed. Academics such as (Bretherton & Vogler, 2006; Heiduk, 2016; Lavernex & Schimmelfenning, 2009) in this field have understood that the EUs externalisation of policies has been transferred based on ‘...the EU’s rules and policies to third countries and international organisations’ (Lavernex and Schimmelfenning, 2009, p. 791). This means that the EU has been attempting to generate rules and policies that centre on human and child rights amongst other areas of interest (e.g. child and human trafficking in countries like Thailand and Southeast Asia). Authors such as Heiduk (2016), Allison (2015), and Bretherton & Vogler (2006), have argued that the promotion of democracy, human rights and regional integration between Europe and countries within Southeast Asia have not only introduced normative standards into their external policy relations, but have also been considered as an entity that enables security and prosperity outside of the EUs borders as well. They also argue that the EU’s so called rights based framework has been criticised as a normative power approach towards child rights and how it has been viewed towards child trafficking as something that is not very positive. ASEAN Regional Forum (ARF) has not always been viewed as an organisation that contributes towards combating child trafficking in Southeast Asia. The EU had been trying to work alongside ARF members to try and find a solution towards child trafficking in Thailand (Carbone, 2006). However, Weber (2014, p. 3), argues that the EU had criticised ARF members for ‘...allowing sovereignty-related norms to get in the way of the protection of human rights...’ This means the that EU has a strong sense of obligation and duty when it comes to forming human rights and the rule of law and this concept applies to child victims of trafficking and also victims who have been sexually

exploited in the sex tourism industry. This somehow reflects to the psychologies of mirror effect and this ideology will be explained in further detail below.

Conclusion

Although the EU has the ability to promote normative power through liberal democracy policies that centre on human rights (especially child rights), viewing this notion of strategies by ASEAN members has not always been positive as they have always had their own view on what human and child rights policies should be based on. The EU seems to have a different way of thinking as they believe that human and child rights policies should be based on good governance towards human rights. ASEAN on the other hand, have had democratic struggles towards policies that centre on human and child rights. Based on the relationship between the EU and ASEAN members, it still has a long way to go in regards to agreeing on policies that centre on this particular area. The EU with its own foundations on democracy, human rights and freedom, the merging of sovereignty and also the presence of global organisations, the presence of EU member states and how this incorporates with the “...norm of non-interference into the affairs of other states” can also be seen as something that needs to be assessed further (Allison, 2015, p. 203). On the other hand, ASEAN members seem to view normative power as depictions of foreign policies that centre on societal values which is very different to how the EU views normative power (He, 2016). Furthermore, the EU has been viewed as an entity that might be lacking in influence when it comes to foreign policy and political norm promotion, which has been recognised by the EP. This has later on been recognised that human rights to ASEAN members are not as involved as they should be according to the EU.

There has been external pressure on ASEAN members from other international actors (e.g. the EU amongst others) to address human and child rights in Southeast Asia. This has

stemmed from universal sources such as the Vienna World Conference that was conducted in 1993. ASEAN is viewed to be promoting rather than protecting human and child rights. In regards to how this is seen from a good governance perspective, child rights and how that relates to child sex tourism and child trafficking in Thailand, ASEAN is not utilising the sources they have to properly combat this issue. Based on how ASEAN is viewed to promote rather than protect child rights, this kind of strategy is not seen to be compatible with the EUs view on how to deal with child rights concerns. Furthermore, this has been based as one of the reasons why the EU has been seen as a limited relevance to ASEAN members in regards to child rights and how that might affect child victims of child sex tourism and child trafficking in Thailand.

In addition to what has been discussed above, even though the EU has explained that they are known to have policies put into place to help with the promotion and protection of child rights, this has been placed as one of their number one principal goals; and included their norms for external relations. Evidence presented in this chapter has shown that the EU and ASEAN relations in regards to child rights has not always been a steady one as both entities see normative power and good governance towards child rights differently. This has been based on how the EU has made attempts to support the presence of child rights protection and promotion towards ASEAN members. Unfortunately, this has not gone beyond declaratory statements of support by ASEAN themselves. However, in terms of international actorness, normative power and how the EU is seen to other ASEAN member states, the EU is not really seen as an international actor that promotes political norms in the eyes of ASEAN members themselves. When we look at normative power and how that ties in with child rights, child sex tourism and child trafficking in Thailand has shown evidence that ASEAN member states have a long way to go to improve their policies on child protection and child rights in Thailand and Southeast Asia as a whole.

Chapter 3

The relationship between the EU and NGOs for child sex tourism and child trafficking

The role of NGOs and their relationship with the EU and its Member States has always been in constant revolution. As projects that centre on combating child sex tourism and child trafficking keep changing, so too does the development of these projects and how they relate to the promotion of protecting and preventing child victims from becoming sex slaves in the sex tourism industry in Thailand and Southeast Asia.

In the past, the EU has provided small amounts of funding to NGOs like ECPAT to help develop projects on the promotion of combating child sex tourism and child trafficking in Thailand and Southeast Asia (Carbone, 2006). Non-Government Organisations are defined as *“NGOs are one group of players who are active in the efforts of international development and increasing the welfare of poor people in poor countries. NGOs work both independently and alongside bilateral aid agencies from developed countries, private-sector infrastructure operators, self-help associations, and local governments.”* (Werker & Ahmed, 2007, p. 4).

NGOs play an integral part when it comes to developing projects that help generate interest in policies that centre on child rights especially in child trafficking and sexual exploitation cases. According to European Commission (2018), they share the same thought process as they too believe that NGOs *“...have become essential actors in the social field, particularly in the fight against poverty and social exclusion”*. The European Commission (2018), also mention that NGOs participate in consistent dialogue with other public authorities (i.e. CSOs) that help ensure that there is improved implementation from EU initiatives and also policies from other EU countries. This is usually done by researching projects that generate interest in areas of protection and prevention policies on child rights in child sex tourism and trafficking abroad (Balfour, 2006; Lovelock & Lovelock, 2014). For example, in the past ECPAT has

worked with EU Member States while the EU provided funding on projects that generated awareness on the dangers of child sex tourism and child trafficking in Thailand and Southeast Asia. Based on what was mentioned above, this provides a general understanding on what the relationship between the EU and NGOs is all about. It could be said that there is more of a relationship between EU Member States than there is with the EU itself when it comes to working with NGOs; this will be explained further in chapter 4 of this thesis.

The EU and NGOs such as ECPAT International have worked on projects that have developed policies and initiatives based on child rights in the sex tourism industry (ECPAT, 2018; The Code, 2012). ECPAT, the EU and its Member States have had a good relationship in the past to try and fight child sex tourism and child trafficking in countries like Thailand. ECPAT International deals with children that have been trafficked for the sole purpose of sexual exploitation in the tourism sector. They also deal with projects and initiatives that centre on the rights of the child and conduct research with other EU Member States to help increase the awareness of the dangers of child sex tourism and child trafficking in countries like Thailand and also Southeast Asia. Besides having ties in these countries, ECPAT also conducts research in Europe, the US, Australia, and New Zealand just to name a few when it comes to promoting the protection and prevention of child victims being sexually exploited in the tourism industry. ECPAT has also worked with EU Member States and the EU to develop reports on profiling sex tourists. They have also developed strategies that could be used in the process of prosecuting these offenders. ECPAT has also worked closely with local and international law enforcement to track down EU Nationals that travel abroad to commit sexual criminal activities against children.

Even though the EU and its Member States have done some work with ECPAT to try and combat child sex tourism and child trafficking in Thailand and Southeast Asia, they have been somewhat criticised for not doing enough (European Parliament, 2017; Paavilainen,

2017). According to Gujic (2014), she criticises that the EU needs to do more about combating child sex tourism and needs to work with more NGOs. Unfortunately, due to the EU and other NGOs not quite seeing eye to eye when it comes to developing strategies and policies on child sex tourism, finding common ground to combat this matter still remains to be quite problematic (European Parliament, 2017; European Commission, 2012; Gujic, 2014). Other authors such as (Greenwood, 2012; Johansson & Lee, 2014; KÁRNÍKOVÁ, 2012; US Department of State, 2016) explain that even though there has been some relationships between the EU and NGOs, trying to identify transnational problems, articulating transnational norms and prospects, advocating for international policies, and also applying and observing compliances with international agreements still remains to be seen. According to Brown, Ebrahim, & Batliwala (2012), they explain that based on existing institutions (NGOs and International Non-Government Organisations (INGOs)), they have not coped very well in regards to transnational issues. Based on this, it is regarded that there needs to be more understanding to international entities like CSOs and how they govern themselves. Also, how these international actors advocate themselves effectively is paramount to enhancing other global governments and how issues like child sex tourism and child trafficking can be solved.

Given the scope of this issue, the main purpose of this chapter is to not simply summarise EU-Thailand relations on child trafficking and child sex tourism. Instead this chapter will address how the EU provides assistance for child trafficking victims within and outside of the EU, and what measures they have used to protect and prevent child victims falling victim to the sex tourism and child trafficking industry. Secondly, this chapter will also critically evaluate how child sex tourism is dealt with from an internal issue perspective between EU and their member states. This part of the chapter will also dive into what measures and strategies the EU and its member states have taken to try and combat this issue with the

assistance of NGOs, CSOs and other international actors. And lastly, the third section of this chapter will suggest some future recommendations on how child trafficking and child sex tourism within the EU and in Thailand can be handled more, how both Thailand and the EU can have closer relations to combat this issue further, and also how NGOs and CSOs can develop more policies and initiatives that would help in the assistance of promoting the protection and prevention of child victims being trafficked so they can be forced to work in the sex tourism industry.

Overview: How does the EU provide assistance for child trafficking within and outside the EU?

In the past, the European Commission, the EU and its Member States have been involved with the fight against child sex tourism. The EU had also provided a lot of assistance to child victims of child trafficking and sex tourism within the EU but not as much outside of the EU. EU Member States had been more involved with providing assistance to child victims outside of the EU with the help of NGOs like ECPAT. In order for this happen, policies had been generated to help with assisting child victims of child sex tourism and child trafficking in Thailand and Southeast Asia.

Policies around this area have been generated by the European Commission and EU Member States since the early to mid-1990s. The European Commission believed and still believes that the eradication or at least the reduction of child sex tourism needs to take place so children can have a positive and brighter future. According to a speech that was conducted by Mr. Christos Papoutsis who was a Member of the European Commission in 1998 explained that “To be effective we have to tackle this issue in the framework of our cooperation with third countries. (...) We want to ensure that the issues concerning the fight against child sex tourism are included in the framework of the structured political dialogue with the countries

concerned". (European Commission: SPEECH/98/262, 1998, p. 2). This is still quite relevant as the European Commission and other EU Member States have been working alongside NGOs and CSOs to try and combat child trafficking and child sex tourism. The European Commission have developed Directives and policies that centre on child trafficking, sexual exploitation of a child and policies and Directives that also deal with child sex tourism within and outside of the EU. Since early to mid-1990s, the European Commission and EU Member States have been working alongside NGOs and other CSOs to try and combat child trafficking and also child sex tourism. They have been especially involved with ECPAT and have fully funded and co-funded projects that centre on the research of child sex tourism in countries within the EU, Thailand and Southeast Asia. The European Commission has been involved in projects that deal with the protection and prevention of child victims being involved in SECTT.

Over recent years, there has been an increase in EU Member States who are being more involved in combating child trafficking and child sex tourism and have also been working alongside CSOs and NGOs such as ECPAT to do so. Some authors like (European Parliament, 2017; Paavilainen, 2017; Stalford, 2012) have argued that the European Commission has not been doing enough to work alongside other NGOs and CSOs to combat child sex tourism. EU Member States such as Austria, Bulgaria, Netherlands, Sweden, France, Germany and Denmark have taken more initiative in this area. Even though EU Member States have been working closely with NGOs and CSOs from a National level to develop initiatives that would help in the promotion of protecting and preventing children within the EU to be involved in the sex tourism industry; it has been argued that EU Member States are not really enforcing policies that have been created by the European Commission and into their laws (European Parliament, 2017).

For example in 2012, the sole constitution that was based on the EU's action for child protection had been limited to an isolated reference to human trafficking and how these offences against children were under the former TEU (Stalford, 2012, p. 135). The 1992 Treaty on European Union (TEU) for example, had dealt with the three pillars (3 Ps: Protect, Prevent and Prosecute) and how they related to child trafficking, liberal democracy, good governance and child rights (Stalford, 2012). The previous Article 29 of the TEU had explicitly identified that "...trafficking in persons and offences against children' are based on priority areas between EU Member States as they were in close co-operation with the former third pillar of the TEU; the former third pillar was also in context with police and judicial co-operations in formal and non-formal criminal matters (and/or criminal proceedings) that related to child trafficking. Secondly, the legislation that was based on the former Article 29 of TEU had also given the rise to the EU's Framework Decision 2002/629 of 19 July 2002 to combat trafficking in human beings with an emphasis on child trafficking" (Stalford, 2012. p. 135). The aim of this treaty was to get Member States' to come together on criminal responses to perpetrators (and traffickers) who were involved with child trafficking victims. This was also developed to try and achieve some level of agreement between EU Law and also the international trafficking regulatory framework. Considerably, this framework decision had also been the first of the EU child protection tools to be passed under the former pillar three of the TEU. This framework decision had also gone under the rearrangement of the EU Directive which was also in response to the constitutional changes that had been brought upon by the Lisbon Treaty (Stalford, 2012).

Fortunately, the EU has also managed to address child trafficking through its ability in the field of visas, asylum and immigration within EU Member States. This has been known as an accomplishment for EU Member States as they have managed to acknowledge the driving factors for 'forced' migration within EU Member States. This has also helped to expose child

victims of trafficking and also helped EU Member States get a better handle on the increase of ‘forced’ child migration. Some authors (Gugic, 2014; George & Panko, 2010; Manners, 2009, ; Montgomery, 2008), have argued that even though the EU and EU Member States have a better tackle on this issue, more children are still being trafficked within other EU Member States for the sole purpose of child sex tourism. According to Stalford (2012), she argues that even though the EU may not seem that they have done enough when it comes to dealing with children that have been trafficked within the EU, they have managed to have a very successful achievement of writing the introduction for Directive 2004/81/EU (also known as ‘the Trafficking Co-operation Directive’). In this Directive, it stipulates that “...third country nationals who are victims of trafficking or of an illegal immigration to be issued with a residence permit by the host state on the condition that they co-operate with the competent authorities in identifying perpetrators of the crime.” (Stalford, 2012, pp. 135-136). She also explains that children are also excluded from the opportunity of this tool unless individual EU Member States decide to overturn this policy. And lastly, if in the event that an EU Member State decides to integrate some protection for children, they are then obliged to device more protection measures and make sure that child victims get all their needs met. For example, the Member State would need to take into account the child’s best interest which in this case would be the protection of the child, and also preventing the child from going back into the sex tourism industry. In this case, the EU Member State would be seeking cooperation from the child victim if they cooperate with any investigation the Member State might be doing in regards to EU Nationals being perpetrators and traffickers of child victims who work in the sex tourism industry (Stalford, 2012, p. 135-136). The EU provides assistance for child trafficking victims within the EU by centring their approach through anti-trafficking legislations and policies that centre on the protection and prevention of trafficking to human beings (European Commission: Brussels, 19.5.2016 COM(2016) 267 final, 2016, p.

11). This kind of strategy is designed to establish some form of an appropriate mechanism to help identify victims and provide assistance and support, with cooperation from the relevant support organisation (e.g. NGOs, CSOs, local government agencies or local police).

Unfortunately, this has proven somewhat difficult as member states within the EU have seen this as a challenge when dealing with child trafficking victims. Furthermore, trafficking within the EU remains to be seen as an invisible crime as the number of identified child victims remains to be quite low. Due to this, not many victims have been identified as trafficked victims of sexual exploitation, and also many of those victims do not know that their human rights have been violated. For example, this can be referred to as children being stateless as they are not aware of their rights in the country they have been trafficked to.

Some EU Member states have reported on child sensitive matters that are in relation to SECTT, but the referral rate for child protection still remains to be quite low and the court proceedings that follow with the protection of the victim remains and trying to find solutions to this existing problem is still quite sparse. There have been specific measures put into place from the EU Strategy which is confirmed and accepted by Council Conclusions. This invites EU Member States to develop and update the National Referral Mechanisms; this helps them to coordinate the actors that may be involved in the identification, assistance, protection and reintegration of trafficked child victims (European Commission: Brussels, 19.5.2016 COM(2016) 267 final, 2016, pp. 11-12). There have been other strategies put into place for transnational cooperation and include the Transnational Referral Mechanisms which have been known to be essential for child trafficked victims who have been trafficked from countries outside their own country of origin. Based on this, the Schengen Information System has been developed for data collection on cross-border issues that are in association with child victims. This kind of system lets information to be exchanged on child victims and their exploiters to other EU and non-EU countries. This database also helps to determine and

register missing persons throughout Europe. Another strategy developed by the EU is called the Future Entry Exist System which helps EU member states to "...detect and identify third country nationals who are victims of trafficking by strong data on the entry and the exist of people, both visa exempt and visa holder" (European Commission: Brussels, 19.5.2016 COM(2016) 267 final, 2016, p. 12).

For example, according to Paavilainen (2017, p.50), she explains that in Directive 2011/93/EU on point 42 that EU member states may be able to consider additional administrative measures in relation to perpetrators. This may include child sex offender registers that have been developed to generate information on EU Nationals that travel abroad for the purpose of committing sexual crimes against children. This was also developed to assist in the tackling of EU Nationals who fall into the risk of reoffending. Paavilainen (2017, p. 50), also mentions that in point 42 of the Directive that "tackling the risk of reoffending is a part of crime prevention, and considered to belong to the mandates of several state bodies – police, health care professionals or social services, amongst others" (Paavilainen, 2017, p. 50). It has been argued that there are not many EU member countries in the EU that are limited to the travel of known registered EU National child sex offenders. As information sharing between Member States has been an issue, other systems have been put into place to tackle the issue of child victims being sexually exploited to work in the sex tourism industry abroad (European Commission, 2017; European Parliament, 2017).

This system has been put in place to try and help with the protection and prevention of child victims from falling victim to trafficking. The EU has recommended that in order for things to be dealt with when it comes to child victims of trafficking, there needs to be some form of integrated approach to child protection. The reason for this is because it needs to be based on the standards of the UN Convention on the Rights of the Child, and also have the best interests of the child victim; which should then hopefully help with strengthening the

guardianship of child victims in court and non-court proceedings. They also recommend in “...creating a missing child alert in the Schengen Information System” as this is seen as crucial for early identification of child trafficked victims (European Commission: Brussels, 19.5.2016 COM(2016) 267 final, 2016, p. 12).

It has been argued that the prevention for children being trafficked needs to be addressed more, and further investigation into prosecution of exploiters and the conviction of traffickers needs to be assessed more in order to use the necessary tools to try and combat this issue further (European Parliament, 2017; European Commission: Brussels, 19.5.2016 COM(2016) 267 final, 2016, p. 13). According to European Commission (Brussels, 19.5.2016 COM(2016) 267 final, 2016, p. 13), they explain that most EU member states have reported that there has been extensive action taken on the preventative measures which have been in line with Article 18 of the anti-trafficking Directive. This has included training and awareness raising in anti-trafficking policies in human beings (this includes training in child trafficking for the sole purpose of sexual exploitation and sex tourism type services). EU member states have also reported that following on from training that has been instigated for frontline staff; an increase has been seen in the detection of cases of trafficking in human beings.

Unfortunately, little has been seen about how this kind of training has impacted victims or how this kind of action has had on the supply and demand of trafficked children, protection and prevention of trafficking in human beings (e.g. children), and also the prosecution of child sex offenders and traffickers (European Commission, 2017; European Parliament, 2017; Paavilainen, 2017).

As a result of this, the European Commission and other Member States have realised that when it comes to child prostitution, criminalisation of users paying and using sexual services with children is a major crime that needs to be dealt with. Based on the case of child prostitution, the Child Sexual Abuse Directive takes precedence in cases like these. This

Directive was developed indirectly to help with the fight against child trafficking and also help other EU Member States act accordingly with the engagement of sexual exploitation or activity with a child. This would then be considered as a choice where child prostitution would be criminalised and subjected to a “...minimum level of imprisonment penalties” (European Commission: Brussels, 19.5.2016 COM(2016) 267 final, 2016, p. 14) for both the trafficker and the perpetrator that is paying for the sexual service with the child (European Commission: Brussels, 19.5.2016 COM(2016) 267 final, 2016, p. 14).

Even though that EU Member States are aware of this, the European Commission has indicated that there is still a need to have strong safeguards to ensure that child victims of trafficking do not get penalised for being in the sex industry, but for the people who exploit these victims to be penalised instead. The European Commission also believe that unless this issue is addressed, victims such as children will still be punished and treated as criminals. This in hindsight would make the perpetrators and users profit from this inaction and use this as an excuse to traffic more children to further the supply of child victims for sexual exploitation in the sex tourism industry. By taking legal measures, this will help to ensure that the demand for child prostitutes will be reduced and anything related to trafficking such as child trafficking for sex tourism purposes will be seen as fundamental to tackle this issue further.

The European Commission amongst other EU Member States, NGOs and CSOs have found it difficult to combat this issue as they feel that they have limited resources when it comes to tackling child trafficking and child sex tourism within and outside of the EU. There have also been limited resources to deal with victim assistance and also preventative measures to tackle these issues from a national level. Unfortunately due to the Euro financial crisis in 2009, this has had a negative impact on how funds had been allocated to causes such as child trafficking and child sex tourism.

Although there has been some funding made to this issue, majority of EU Member States have not been able to provide practical assistance to child victims of trafficking and sex tourism. Furthermore, Member States do not have the proper funds to provide assistance to these victims through the state or local authorities. In this instance, NGOs and CSOs seem to be able to provide this kind of service as they have the funds from other organisations to do this. According to the European Commission (Brussels, 19.5.2016 COM(2016) 267 final, 2016, p. 14), they believe that it is important that funding would be secured for non-governmental organisations and also for EU Member States to help child victims of trafficking and sex tourism. They also believe that this will allow for them to have more of an efficient and sustainable short- and long-term assistance for child victims who have been trafficked for the sole purpose of sexual exploitation. The European Commission had decided that by the end of 2016 they would work on a coordinated and consistent response to trafficking in human beings with child victims in mind. Also they European Commission was going to publish two further reports under Article 23 of the anti-trafficking Directive which would coincide with the compliance of criminalisation and also work on the post-2016 Strategy on trafficking in human beings with a focus on child prostitutes and how that relates to child trafficking, transnational crime, and sex tourism (Brussels, 19.5.2016 COM(2016) 267 final, 2016, p. 15; European Union: Directive 2011/16/EU, 2011, p.3).

Normative Power and why Civil Society and the Role of NGOs, the EU and its Member States are important for child sex tourism and child trafficking in Southeast Asia?

Some NGOs seem to play a huge role when it comes to providing resources against child sex tourism in countries like Thailand and other parts of Southeast Asia. According to Curley (2014, p. 26), she explains that during the post-cold-war period, NGOs had come to ‘...epitomize civil society and were credited for their ability to contribute to peace building, democratization, and development’. Other academics such as Hurt (2006, p. 109) have

explained that 'Civil Society is seen by donor as both an alternative development provider to the state and a key vehicle for the process of democratization'. He further goes on to mention that "...civil society is seen as an arena that allows the development of a political culture closely aligned to the ideas of liberal pluralism. It is thought to provide invaluable functions in the operation of democracy. These include providing the opportunity for the interests of individuals and groups to be expressed, to make accountable and keep in check the level of government control, and to promote the concept of citizenship that is necessary for the nation-state interested in becoming a liberal democracy.' (Hurt, 2006, p. 110-111). From an NGO standpoint, this clearly shows how they themselves have managed to bring forward certain agendas of participation through issues like child sex tourism to the attention of major global development actors such as the European Commission, EU and its Member States.

Civil Society Organisations (CSOs) from an EU level have managed to increase in numbers from recent years. This includes organisations that represent interests from marginalised groups and social issues (i.e. child sex tourism and child trafficking) (Johansson & Lee, 2012). Johansson & Lee (2012) also go on to mention how some national and European level umbrella type organisations have prospered as an important speaker between EU institutions and also other civil society organisations. These organisations have known to be more "...actively engaging in the policy process of the EU" (Johansson & Lee, 2012, 411). Some of these CSOs have also established their own privileged relations with the European Commission and have used both their institutionalised channels and also their informal interactions, to try and draw out "...legitimacy for their advocacy and lobbying activities by claiming broad representativeness" (Johansson & Lee, 2012, p. 412).

It is said to that the relationship between NGOs, CSOs the EU and its Member States has always been an interesting one. NGOs were seen as an entity that became more coterminous with liberal ideologies for a proper civil society. NGOs were also seen as a non-profit

organisation that had become closer to populations in developing countries, and were able to provide more efficient services to local communities all the while ‘...imbued with normative traits of ‘...moral concern and solidarity.’’ (Curley, 2014, p. 9). This kind of goal setting has helped NGOs improve their role with CSOs and the EU has been led to a more contextualised view of how their mandates are seen; and also how this can have an impact on state power and decision making processes (for child sex tourism) in countries like Thailand and other parts of Southeast Asia. (Curley, 2014). Normatively speaking, how the EU is considered to be a normative influence is necessary as this helps to understand how the EU’s influence can reach third countries when it comes to developing funded projects on child sex tourism with NGOs and CSOs.

The relationship the EU has with its Member States from a CSO perspective is very self-involved. According to the European Commission (2018), they believe that CSOs are a key partner of donors that are located in developing countries. They also explain that actors of CSOs can include NGOs, professional associations, social partners, universities or media representatives. These CSOs are also very close to local communities in their own country and can also play a massive role in development cooperation which can then help the EU and its Member States develop policies on democracy, human rights, and good governance (European Commission, 2018). It has been argued that CSOs do not get the recognition that they deserve when it comes to working with the EU and its Member States on policies that would help to combat child sex tourism and child trafficking in Thailand (Lane, 2010). For example, when it comes to different CSOs and how they have a relationship with the EU and its Member States, the one CSO that fits into this scenario is Human Rights CSOs as they deal with issues that centre on the protection of child rights in developing countries (Allison, 2015; Lister & Carbone, 2006). Additionally, most Directorate-General European Community Humanitarian Officers (DGs) deal with direct partnerships with a number of

European and domestic CSOs that help deal with the protection of human rights (in this case for this thesis we will say child rights as well) (Salgado, 2014). Salgado (2014), also mentions that Domestic CSOs are also active in the social field and have always been involved through EU Member States when it comes to working on policies on child rights and also policies that deal with the prevention of child trafficking and sex tourism within the EU. Based on the international relationships with the EU and its Member States, developing a relationship with other international CSOs is crucial to help spread policies on human rights, democracy and good governance that could help tackle child sex tourism and child trafficking within and outside of the EU.

The provisions and rules that Member States can make when it comes to developing policies can actually make a difference as it would help protect child victims of sex tourism and trafficking in countries like Thailand and Southeast Asia (Salgado, 2014). Even though CSOs have helped the EU and its Member States develop policies on the protection of trafficked child victims, it has been argued that CSOs have not always had a good relationship with the EU. Reason for this is because there has been inconsistency with treatment of partners, clashes with human rights principles and also other interests that have been known to be tied to security or economics. It has also been said that there has been double standards with internal practices and also expectations from third countries which in this situation had somewhat ruined the EU's reputation (European Parliament, 2013). The EU is now trying to work harder to remedy this by providing better assistance to CSOs in third countries (European Commission, 2018).

Besides the relationship between the EU and its Member States with CSOs that deal with child rights, ASEAN Member States have also developed some form of a relationship with CSOs to help deal with the ongoing trafficking and sex tourism situation in Thailand and Southeast Asia. As human rights are considered to be a priority in Thailand and Southeast

Asia, CSOs have been working closely with ASEAN Members to develop human rights mechanisms that would help with the promotion of protecting children and women's rights. According to Linton (2008), she explains that ASEAN members are now a part of many human rights and humanitarian law conventions that were designed to help child victims of trafficking and sex tourism. Due to ASEAN members being a part of these conventions, it has left room to externally scrutinise ASEAN members and how they view child rights in the context of domestic policies and law in Asia.

On the 27 August 2015, ASEAN had written a report on 'ASEAN Regional Plan of Action on Elimination of Violence against Children (ASEAN RPA on EVAC)'. In this regional plan it talks about ASEAN Member States plan to try and tackle the issue of violence against children in Southeast Asia. The report also talks about sexual violence and its relation to child sex tourism (Violence Against Children, 2015). This report also explained the work ASEAN member states have done with CSOs and NGOs and what they plan to do to combat this issue of sexual violence in a CST setting. According to Violence Against Children (2015), the ASEAN report mentions the relationship ASEAN members have with CSOs when it comes to working on the promotion of strategies that would help combat violence against children in Southeast Asia (Thailand being one of those countries). The report stated "All AMS shall establish a coordinating and monitoring framework on violence against children for all child rights-based measures to protect children from violence in all its forms and to support a protective environment for children." (Violence Against Children, 2015, p. 14). This had included the participation of CSOs and governments in Southeast Asia to work together on the promotion of protecting children against sexual abuse in a tourism setting as well.

In November 2015, ASEAN members had adopted the South Asian Association for Regional Cooperation (SAARC) Convention and the anti-trafficking Convention which around that

time was considered positive as it was ASEAN members who were fully implementing the UN instruments at a regional level. These instruments were also developed to help with child victims being trafficked into countries for the purpose of sexual and labour exploitation. Since then, ASEAN members have been working closely with the EU, EU Member states and also CSOs to develop better human rights mechanisms that will hopefully help combat child trafficking and sex tourism in Southeast Asia (ASEAN, 2016). The next section of this chapter will explain in more detail about the relationship between EU, ASEAN member and CSOs on their interpretation of child sex tourism and what strategies they are using to combat this.

EU, ASEAN members, and Civil Societies interpretation of child sex tourism

For years, the EU, ASEAN members and Civil Society Organisations (CSOs) have had their own views on child sex tourism. As child sex tourism and child trafficking has been increasing, so too has the need for more policies and laws to be developed. It is believed that if these policies and laws are developed, it will help to tackle this issue further. There has been a call out for the EU, ASEAN members and CSOs to collaborate and work together on gathering resources to help child victims who have been exposed to this kind of industry (in Thailand and Southeast Asia). There has also been a development in where CSOs are asking for other government bodies such as the European Commission and the EU to develop better prosecution policies within the EU Member States. There has also been another call out to individual EU Member States to develop better National Laws that include policies from the European Commission Directive 2011/93/EU to tackle the situation of prosecution of convicted child sex offenders (i.e. EU Nationals). Unfortunately, even though the EU and ASEAN members have generated some good basic policies and laws that help child victim's deal with court proceedings and also protecting them from being exploited to the sex tourism

industry, CSOs have developed their own practices to ensure the realisation of child rights and the protection and prevention for these victims have been met (ECPAT, 2012, p. 8).

Authors such as Bersick (2006, p. 187) have explained that the relationship between EU-Asia relations on civil society has not always been a positive one as they have not always seen eye to eye on child rights policies. In order to make this happen, an organisation called ASEM (Asia Europe Meeting) had been created from Singapore and other ASEAN countries which had responded from the New Strategy Paper called 'Towards a New Asia Strategy'. This paper was created by the European Commission in 1994 and later on had been '...reaffirmed and strengthened in another communication in 2001' by the European Commission. He goes on to mention that it is important that modernising the relationship between the EU and Asia can impact how it reflects on the perceptions of political, economic, and cultural differences. In this instance, this has been incorporated more into how NGOs are seen through other mediums such as the EU, UN and other government and non-government agencies. CSOs have been known to play a huge role with ASEM meetings but as CSOs, they are sometimes looked down on because some organisations think that they do not have much to contribute to when it comes to political and social matters (i.e. child rights policies) (Bersick, 2006, p. 190). After the European Commission had proposed a strategic framework for EU-Asia relations in 2001, one of the main points that was stressed in this proposal was 'strengthening the EU's political and economic presence across the region, and raising this to a level commensurate with the growing weight of an enlarged EU' (Weissmann, 2013, p. 5). It has been argued that even though the EU recognises the importance of Southeast Asia growing as a region, more needs to be done when it comes to human rights and child rights policies on child sex tourism and child trafficking in Thailand. It has also been argued that there has been a lack of 'a unified strategic vision for the region, and due to internal policy divisions

and institutional squabbles, the EU has failed to become a strong cohesive, actor' (Weissmann, 2013, p. 5).

How legislation with EU Member States and the EU is used to tackle child sex tourism domestically and internationally?

Since December 1996, the European Parliament has been lending its resources to back an EU tourism measure that was approved as the first multiannual 'Philoxenia' programme that ran from 1997-2000. This programme was designed to combat child sex tourism. Later on this programme was abandoned as the Council had failed to reach a unanimous vote to keep the programme going (European Parliament, 2018, p. 4). Later on resolutions on 30 March 2000 had come into play as the development of measures to try and combat child sex tourism had come into fruition through this (COM(1999) 262 final). The European Parliament had "...called on Member States to introduce universally binding extraterritorial laws which would make it possible to investigate, bring legal proceedings against and punish people who, whilst abroad, commit illegal acts involving the sexual exploitation of children." (European Parliament, 2018, p. 4). On the 27 October 2011, a new legislation was adopted in the form of a legislative resolution (P7 TA(2011)0468) which was a proposal for a directive that was designed to help combat the sexual abuse and sexual exploitation of children in travel and tourism in third countries (European Parliament, 2018, p. 4; European Parliament, 2017). Under the terms of Directive 2011/93/EU of 13 December 2011 it had been set out to provide EU Member States with the necessary tools to deal with law enforcement, authorities and also prosecution to investigate child sexual abuse offences; and also identify child victims that had been exposed to the trafficking and sex tourism industry within the EU and also in third countries (European Parliament, 2017). The Directive also mentioned that child sex tourism was now a criminal offence throughout the EU. Article 21 of this Directive had also mentioned that EU Member States need to make provisions to combat national measures to

help prevent or prohibit organisations that are involved with travel for the purpose of committing sexual crimes against children abroad (European Parliament, 2018, p. 4). The Directive did not mention which countries they deal with outside of the EU, but they did mention in general what strategies they would use to help child victims who were not from the EU itself. The Report from the European Parliament further explains that due to member states not using their resources properly, it has made it very difficult to identify which Member States has jurisdiction when it comes to prosecuting perpetrators, and also which legislation will be applied to the collection of evidence presented in court proceedings. Based on this, it is very vital if both EU Member States and International organisations (e.g. NGOs and CSOs) work together to tackle the issue of child sex tourism and child trafficking (European Parliament, 2017).

Other authors like the EEAS: EU-Thailand Senior Officials' Meeting (2017) and Le Thu (2014) have mentioned that the EU has been trying to work closely with other organisations to try and combat issues like human trafficking and expand human rights policies. In an article called 'Evaluating the cultural cooperation: the role of the Asia-Europe Foundation (ASEF) in the Asia-Europe Meeting (ASEM) process' which was written by Huong Le Thu explained that in a "Human Rights Seminar—Established in 1998, the Informal ASEM Seminar on Human Rights is organized and managed by the ASEF Intellectual Exchange Department. These seminars bring together government officials, academics and civil society representatives from ASEM member countries for dialogues on ASEM priorities. The rule of the meetings is to have equal representation from governments and NGOs at the table, while the European Commission and ASEAN Secretariat are also involved." (Le Thu, 2014, p. 403).

Based on this Human Rights Seminar, other meetings like the EU-Thailand Senior Officials' Meeting on the 9 June, 2017 was held in Brussels which 'held an open and friendly exchange

on a broad range of issues of mutual interest with regard to the development of their relations' (EEAS: EU-Thailand Senior Officials' Meeting (SOM), 2017). The point of this meeting was to discuss different political, security, economic, trade, development cooperation, environmental as well as human rights in Thailand and their relation to the EU, which together have also tried to form regional and international policies that centre on these issues. The article goes on to mention that the meeting discussed the ongoing issue with labour issues and how they could try and prevent human trafficking in Thailand. The article did state that due to the legislative preparations being made for Thailand's general election in 2017, if all processes are being met in accordance with SOM and under this constitution, change in human rights policies could be seen by the end of 2018. Based on the background between the EU and Thailand, the current cooperation and prospects for closer ties on issues such as human rights and human trafficking needs to be assessed more. It also mentioned that the EU and Thailand are on their way to potentially developing closer cooperation with one another (EEAS: EU-Thailand Senior Officials' Meeting (SOM), 2017).

How child sex tourism is dealt with as an internal issue in the EU / member states (at the source of the tourism)?

In order for child sex tourism to be dealt with internally, the EU and its Member States have taken actions (i.e. through legislation) to prosecute EU Nationals who travel abroad for the purpose of paid sexual services with children. Based on extraterritorial legislations in Europe, many European Member States have managed to enact these legislations to reflect prosecution laws from their own country if the perpetrator is an EU National and has committed a criminal act abroad (ECPAT, 2016). Based on prosecutions and convictions of travelling sex offenders who come from EU Member States and travel to countries like Thailand and Southeast Asia, it is still quite difficult to apply extraterritorial laws as putting these laws into practice would be quite complex (ECPAT, 2016). According to Eurojust

(2011), they explain that with EU member states extraterritorial laws is very important.

Sometimes a case might come up and it might either result in positive or negative conflicts of jurisdiction which might result in information not being shared between EU Member States, governments, and other international actors (i.e CSOs and NGOs). If the latter does occur, then this would only happen if authorities on these sorts of cases do not give priority to the prosecution of these crimes. When there is more than one Member State involved with these sorts of cases, trust between these EU Member States is paramount as this sort of trust can either break or make a case. They also go into more detail and state that around 2011; extraterritorial jurisdiction over child sexual abuse offences had been reported from 29 EU Member State countries. A number of Member States as well as Norway and the USA had also reported in having these kinds of jurisdictions on their own turf; this was also in respect to their own citizens as well as the residents of their own territory (Eurojust, 2011). This had helped prosecute some EU Nationals that had been involved in committing sexual acts on children abroad.

For a while, the European Commission has been taking measures to try and deal with child sex tourism and criminalising EU Nationals that travel abroad to commit sexual crimes against children. They have put preventative measures in place to tackle advertising abuse opportunities and child sex tourism within the EU itself. According to Article 21 of the European Commission 'Report from the European Commission to the European Parliament and the Council assessing the extent to which the Member States have taken the necessary measures in order to comply with Directive 2011/93/EU of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography' (2011, p. 17), it explains that Article 21(a) is concerned with "...the prohibition/prevention of the dissemination of material advertising the opportunity to commit child sexual offences". Some EU Member States have put in place a criminal offence which penalises the advertising that

was specified in Article 21(a) of the Report. Some other EU Member States have managed to transpose this provision of the Directive through criminal offences of the public's incitement. The Article goes into more detail and explains how the European Commission and other EU Member States have had to tackle the exploitation of children working in the sex tourism industry and how they have managed to deal with it internally based on a prohibition/preventative basis. Article 21(b) of the Directive also explains "concerns the prohibition/prevention of the organisation for others of travel arrangements with the purpose of offending." (European Commission: 2011/93/EU, 2011, p. 18).

Most EU Member States have managed to take a variety of measures to transpose this provision. So for example, some Member States have criminalised this conduct by going through these provisions and have set them up for aiders/abettors all the while using practical measures to combat this issue. While other Member States have used this conduct and solely penalised this provision by making it applicable to participants, even though the main crime was not committed (abetting or aiding in the crime of organising travel arrangements with the purpose of offending – by using this as a paying service to sexual exploit a child while on vacation) (European Commission: 2011/93/EU, 2011, p. 18).

In Article 23 of the Directive (European Commission: 2011/93/EU, 2011, p. 18), some EU Member States have also been involved in taking the appropriate measures to try and prevent sexual abuse and sexual exploitation of children. Article 23 also explains that some EU Member States have taken it in their stride to use educational and training resources to staff and train them on the dangers of sexual abuse and sexual exploitation of children, while other Member States have used other measures such as national action plans/strategies to help tackle this issue further. Some other EU Member States have used general legislative measures in combination with campaigns and projects to seek out more awareness on the prevention of sexual abuse and sexual exploitation of children. Article 23(2) in the Directive

also explains the EU Member States relationship with CSOs and how they have developed information and awareness campaigns on the prevention of sexual abuse and sexual exploitation of children in SECTT. The Article does state that all EU Member States have transposed this provision and taken it in their stride to better the strategies put into place for this particular issue (for example, this has been done through educational programmes). And lastly from Article 23(3), it explains that there have been concerns for regular training to be made of officials who are more than likely to come in contact with children who were victims of sexual abuse and sexual exploitation. In this case, most EU Member States have agreed to conduct training by taking measures to transpose this provision. The European Commission has also developed programmes that centre on the intervention on a voluntary basis in the course of or after criminal proceedings (this is explained more in Article 24 of the Directive) (European Commission: 2011/93/EU, 2011, p. 18).

Even though the EU and its Member States have been involved with trying to protect and prevent children from becoming victims of trafficking, and also being sexually exploited into working in the sex tourism industry; Ian Manners (2009, p. 239) mentions that the Treaty of Lisbon emphasises that based on its internal and external objectives, the EU has been committed in working towards "...combating social exclusion and discrimination and emphasizes the protection of the rights of the child...". This is also based on the internal and external relations of how these objectives would work with the wider world, where the EU would uphold their policies on promoting the rights of the child in these kinds of dire situations (i.e. SECTT). According to Stalford (2012), she explains that the phenomena of human trafficking and how it relates to child sex tourism has been on the EU's radar for quite some time. She also states that the EU has taken deeper actions and has been involved in some legal investigations that centre on trafficking victims and perpetrators. The EU has also

been involved in taking appropriate measures to address child protection and prevention laws and integrate them into their policies, strategies, reports and Directives.

Some authors (Eurojust, 2011; Lister & Carbone, 2006; Savirimuthu, 2012) have argued that some improvements need to be made when it comes to prosecuting EU nationals in their own country or in the country that they had committed the crime in. Eurojust (2011) Lister & Carbone (2006) and Savirimuthu (2012) all explain that more training, resources and funding for this need to be provided by the EU, EU Member States and other international actors to better develop the protection and prevention of children being victims of trafficking and SECTT; and also having better resources to prosecute convicted child sex offenders from the EU. According to Eurojust (2011), they explain that there is still room for improvement in the areas of: "...training police officers, parallel proceedings, cooperation with third State in which the action may not be considered a crime, and allocation of financial resources to local investigations." (Eurojust, 2011, p. 17). This means that if a country does not have jurisdiction, then they should be able to send proper information to an involved country, even though the offence had taken precedence in a third State or developing country.

When child protection laws are looked at, they are seen as laws that can be used to protect and prevent child victims becoming sexually exploited in the sex tourism industry. The EU's take on this internally has more of a significant substance when it comes to acknowledging its accountability for facilitating cross-border child exploitation and its relation to child trafficking and sex tourism. This kind of ideology and how it reflects with child sex tourism has been a concern for the EU and its member states for quite some time. The way the EU views this issue is quite interesting due to its "...unique and economic resources to formulate a supra-national response to what are typically trans-national phenomena" (Stalford, 2012, p. 135). Unlike other entities, the EU and its Member States have provided funding to NGOs and CSOs to help combat child trafficking and child sex tourism from a transnational angle.

Both the EU and its Member States have been trying to deal with EU Nationals travelling abroad by using economic resources to formulate better transnational laws.

Since 2012, the EU has been working very closely to tackle the issue of EU Nationals travelling abroad to commit sexual crimes against children by generating better information systems to facilitate information of convicted child sex offenders to national law enforcement authorities (European Parliament, 2017; Paavilainen, 2017). The European Commission (2017) does argue that EU Member States do need to use the information sharing tool of convicted offenders to its full potential as not enough information to convict EU Nationals has been used between EU Member States. According to the European Parliament (2017), they state that when it comes to registering convictions and storing information of convicted child sex offenders, convicting a criminal in the EU requires EU Member States to register the nationality or nationalities of the criminal that is being convicted. Then the country the EU National comes from needs to be notified by providing information of the conviction, which would also include information on “The convicted person; the nature and content of the conviction; and the offence that led to the conviction.” (European Parliament, 2017).

Besides convicting offenders that commit sexual crimes against children, EU Member States have been working with other international actors to help protect child victims by using their resources to attempt to prevent them from being trafficked to work in the sex tourism industry. When looking at Directive 2011/93/EU it talks about how EU Member States needs to take a further stand when it comes to developing a comprehensive approach towards child sexual exploitation and its association with children involved in CST. The Directive also mentions that in order for criminal offences such as sexual exploitation of children to be tackled, a comprehensive approach needs to be made in order for these approaches to be ‘covering the prosecution of offenders, the protection of child victims, and prevention of the phenomenon.’ (European Parliament, 2011, p. 3). The Directive further on explains that the

best interest of the child in situations where the child needs assistance is important as providing them with the best care possible is also important. This should be done through the Fundamental Rights of the European Union and the United Nations Convention on the Rights of the Child Framework Decision 2004/68/JHA; the Directive also mentions that in order for a child to get the best care possible, there needs to be better legal frameworks generated by EU Member States to help accomplish this. Unfortunately, it has been criticised that many EU Member States did not comply with the European Commission's changes to the new Directive. The EU and its Member States have also been also criticised for not providing enough resources to help child victims who are not a part of the EU as this was not mentioned in the Directive (European Parliament, 2016).

Conclusion

The relationship between the EU, its Member States, NGOs like ECPAT and CSOs has always been a constant battle as all five entities have tried to find new ways to resolve the increasing issue of child sex tourism and child trafficking within and outside of the EU. Developing projects that target the promotion of protecting and preventing child victims from being trafficked and then later on work in the sex tourism industry in Thailand and Southeast Asia has been ongoing. In the past, ECPAT International has worked on projects with EU Member States while receiving co-funding from the EU to raise awareness on the dangers of child sex tourism in Thailand and also Southeast Asia. Also, the EU and NGOs like ECPAT International have worked on projects that had later on developed into policies that would assist in the development of producing child rights policies and initiatives to help children who have been exposed to the sex tourism industry (ECPAT, 2018; The Code, 2012).

In the past, the European Commission, the EU and its Member States had been involved with the fight against child sex tourism in Thailand and Southeast Asia. The EU had also provided

assistance and funding to generate funded projects with NGOs like ECPAT to try and tackle this issue. Member States had also become more involved with NGOs and CSOs as they too saw this growing phenomenon to be a problem (ECPAT, 2015). Even though that happened for quite some time, in recent years the interest to combat child sex tourism outside of the EU had declined and the European Commission, the EU and its Member States had been criticised for it (European Parliament, 2017). It has been argued that the EU and its Member States have not been pulling their weight in when it comes to developing projects, policies and initiatives with NGOs and CSOs to combat child sex tourism in Thailand and Southeast Asia (Paavilainen, 2017; European Parliament, 2017). The EU in this scenario has not been doing enough to deal with policies that revolve around children who have been sexually exploited to work in the sex tourism industry. Even though EU Member States have been working with NGOs like ECPAT International to try and combat child sex tourism, some Member States have also been criticised for not doing enough. According to European Parliament (2017), they argued that EU Member States have not been enforcing policies created by the European Commission for children who have been sexually exploited. These Member States have not also enforced child protection and prevention policies and incorporated them into their National Laws. The European Parliament has been stressing for the EU and Member States to be more active when it comes to enforcing these policies into their laws. As child trafficking and sex tourism within and outside the EU remains to be a big issue, the European Parliament feels that more work still needs to be done in order for this industry to be clamped (European Parliament, 2017; Paavilainen, 2017).

Even though there are some policies that help with the assistance of child victims working the sex tourism industry within the EU, a lot of these policies have not been mandated by a lot of the EU Member States. A lot of these Member States have only followed the basic policy structure from the EU and incorporated it into their laws. As the EUs Directives are only

guidelines and cannot be forced onto EU National Law, it has been very hard to get EU Member States to incorporate them into their National Law. This has posed as an issue as it is seen that some EU Member States are not taking this issue quite seriously. The same could be said on prosecution laws for child sex offenders who are EU Nationals that travel abroad for the purpose of performing sexual criminal acts against children. Even though the EU and its Member States have incorporated some governance practice into EU National Law, not all Member States follow prosecution policies set out by the European Commission's latest Directive 2011/93/EU which has Articles in there that are meant to be designed to help with the prosecution of EU Nationals that decide to travel abroad to perform sexual acts with children. The Directive, however, does mention that there have been systems put into place to help with tracking down EU Nationals who are registered child sex offenders. It has been argued that even though this kind of system had been created, EU Member States are not communicating with one another to help with the capture and prosecution of these convicted child sex offenders.

As the EU and its Member States pride themselves on being advocates for human rights and protecting all things related to children, NGOs and CSOs have argued that the EU and its Member States have not done to develop proper relationships with them. The EU also prides themselves as a government body that delivers peace and good governance to all.

Normatively speaking, the EU has developed a self-identity where they see themselves as a normative actor that develops good policies on child rights. How this affects the foundation of trying to cause change in the world is a different story. Authors like Uçarer (2014), explain that NGO actors have found it very difficult to try and enter policies with the EU. He goes on to mention that the NGO interface with the EU and the Advocates For Social Justice (AFSJ) in recent years has not been very strong. Based on this, there has been an increase in the nature of issues that have been captured by other institutions such as NGOs and how they

cater for other policies such as child victims of sex tourism in countries like Thailand and Southeast Asia. He goes on to argue that based on the identity of the EU and how they label themselves as advocates for rule of law, and respects human rights can sometimes become a target from other international actors (NGOs for example). If we base this theory from an EU perspective, having access to NGOs is not usually institutionalised, which can normally complicate things if you are trying to build a mutual relationship between both entities. Based on this, when you incorporate factors that link to NGOs, which in this case could be changing the institutional dynamics for helping child victims of sex tourism in countries like Thailand; the dynamics of the EU needs to be looked at more as it becomes very pivotal in building relationships with NGO and CSO advocacies as well as other International actors like the UN and government agencies (Uçarer, 2014).

Besides the EU and its Member States trying to develop relationships with NGOs and CSOs, they have also been trying to develop one with ASEAN Members on trying to put a clamp on child sex tourism and trafficking in Thailand and Southeast Asia. Unfortunately, both government bodies have their own views when it comes to implementing policies to combat this issue further. It has been said that ASEAN Members have developed their own human rights mechanism to try and combat this but have only used the basic fundamentals of the EUs policies to do this. It has been critiqued that there needs to be more of a stronger relationship between the EU, its Member States, ASEAN and CSOs to deal with child sex tourism and trafficking in Thailand. Even though there has been some development to tackle this issue, more work needs to be done by ASEAN to fully develop their own policies and actions in order for this to be dealt with (Allison, 2015; ECPAT, 2012).

Overall, more work needs to be done in order for this industry to be eradicated. More government bodies like the European Commission, EU and its Member States need to pay more attention to NGOs and CSOs in order for progress to be made. Directives need to be

updated to reflect the increase of children being forced to work in the sex tourism industry. Also EU Member States need to work harder in communicating with other Member States when it comes to enforcing prosecution laws on EU Nationals who are registered convicted child sex offenders. There needs to be tougher National Laws when it comes to dealing with children that have been subjected to work in the sex tourism industry. International Law needs to be looked at as well as sharing information between the EU and other countries like Thailand could help in the process of finding these offenders and prosecuting them within and outside of the EU.

Chapter 4

Case Study: ECPAT

Introduction

Child Sex Tourism in Thailand is an existing phenomenon that has been known in the tourism industry for quite a long time. Child prostitution can be seen as children being commercially exploited sexually and also are seen as children that are being forced to work in the industry. Government bodies such as the EU, individual EU Member States and NGOs like End Child Prostitution and Trafficking (ECPAT) have been working together to try and combat child sexual and labour exploitation (European Commission, 2018; ECPAT, 2016). ECPAT has been one of the major NGOs who have been working to combat child sex tourism in Thailand, Southeast Asia and other parts of the world for quite some time.

Since ECPAT was founded in 1990, they have been working quite extensively to combat child sex tourism in Thailand (ECPAT, 2016). ECPAT is known as a network of organisations that have offices in 90 countries with EU Member States (ECPAT, 2016). As an organisation, ECPAT works with other NGOs and CSOs to end the sexual exploitation of children in the sex tourism industry. They are also trying to prevent child trafficking as well

(ECPAT, 2008, p. 4). ECPAT International also works with Governments, regional and international bodies to ensure that sexual exploitation of children remains to be high on political agendas. They also believe that there is a 'duty of care' when it comes to sharing the responsibility of protecting children (ECPAT, 2016). With European and non-European members of ECPAT, they advocate and use their resources to effectively prevent and protect children from sexual exploitation, try to develop stronger legal frameworks, have better implementation, more investment and multi-sector collaborations with other organisations (ECPAT, 2016). As an organisation, ECPAT uses their platform to lead global discussions with UN agencies, international NGOs, and government bodies like the EU and individual EU Member States. ECPAT has also has been known to use their expertise and research to help inform policy decision makers, the public, media, CSOs, faith based organisations amongst others by aiming to create new solutions to try and eradicate sexual exploitation of children in countries like Thailand and also in Southeast Asia (ECPAT, 2016).

ECPAT as an NGO has had many dealings with the EU and also individual EU Member States who have joined ECPAT to help provide funding so child sex tourism in Thailand can be combated (ECPAT, 2016). The reason why both entities have collaborated together is because they have a strong belief that all children need to be protected and prevented from being sexually abused. Furthermore, they also believe that children should not be subjected to work in the sex tourism industry as children from Thailand and Southeast Asia for example, should be allowed to live normal and healthy lives (European Commission, 2016; ECPAT, 2016; Gujic, 2014). Due to the EU being a normative influence on democratic policies that centre on child rights, ECPAT also shares similar interests as the EU as they too believe in democratic and liberal policies on child rights. ECPAT has developed many individual EU Member States co-funded projects on child sex tourism in Thailand (ECPAT, 2016; Härkönen, 2015). These projects have been designed to research further into the dangers of

child sex tourism in Thailand and what sources have been used by individual EU Member States, NGOs and other CSOs to try and combat this issue. The EU likes to work with NGOs like ECPAT as they believe that they are “...essential actors in the social field, particularly in the fight against poverty and social exclusion” (European Commission, 2018). They also explain that they engage quite regularly with public authorities to ensure that the EU’s initiatives and policies from other EU Member State countries have been better implemented (European Commission, 2018).

Additionally, the EU and EU Member States have been known to give funding towards creating projects and initiatives that would help with the development of policies for the EU. The EU also provides financial aid to international and regional projects and also initiatives that help tackle child trafficking and also child sex tourism (Global Study on Sexual Exploitation of Children in Travel and Tourism, 2016, p. 64). For example, “The Don’t look away: Report Child Sex Tourism” and “ECPAT SERIOUS GAME!” projects were both developed by EU Members for ECPAT and also co-funded by the EU with the support of EUROPOL (Global Study on Sexual Exploitation of Children in Travel and Tourism, 2016, p. 64). There was also a project called ‘Protection of children against sexual exploitation in tourism: Capacity building and awareness raising activities in Thailand, Cambodia, Philippines, Gambia and Dominican Republic’ Project which was also funded by the Ministry of Foreign Affairs of the Netherlands for ECPAT. These projects were designed to raise awareness of child sex tourism in countries like Thailand and to hopefully develop stronger policies and initiatives out of them.

These projects had been promoted from an EU level which was also aimed to help strengthen law enforcement cooperation in Southeast Asian countries besides within the EU itself. They were also developed to help with prosecuting perpetrators who travel abroad for the sole purpose of sexual exploitation with children. These projects and campaigns were also

developed to better counteract Sexual Exploitation of Children in Travel and Tourism (SECTT) and other child sex crimes in other countries (e.g. Thailand) (Global Study on Sexual Exploitation of Children in Travel and Tourism, 2016, p. 64).

This chapter will also analysis this by developing a table that will look into which EU Member States have done collaborative projects from 2012-2015 with ECPAT that involve the EUs 3Ps on Protect, Prevent and Prosecute for child sex tourism in Thailand. Secondly, this chapter will also look into the donor-recipient relationship between the EU, ECPAT and CSOs, Normative Power Europe (NPE) and its relation to the EUs normative values of the three Ps (Protect, Prevent and Prosecute). Lastly, this chapter will also look into how these projects have had an influence on generating policies and initiatives that combat child sex tourism in Thailand.

Overview: ECPAT/EU Relations on child sex tourism in Thailand

History of ECPAT as an NGO

Who is ECPAT?

As an organisation, ECPAT has been working on the fight against child sex tourism and sexual exploitation of children in Thailand and Southeast Asia since they had started their organisation in 1990 (ECPAT, 2015). As an NGO, ECPAT has had many dealings with CSOs and international entities like the UN, and government bodies like the EU and individual EU Member States. ECPAT has collaborated on projects with the EU and also EU Member States to try and tackle the ongoing issue of child trafficking and child sex tourism in Thailand and other parts of Southeast Asia (ECPAT, 2015).

What do they do?

ECPAT is a global network of civil society organisations that deals with ending sexual exploitation of children worldwide. ECPAT acts on levels to combat sexual exploitation of

children by developing supporting shelters for survivors of sexual exploitation and trafficking to influencing Heads of States and also partnering with other multinational companies to help fight against this industry (ECPAT, 2016). As an NGO, they work on bringing national laws and policies in alignment with other international child rights conventions so these policies and laws can help assist governments globally. The first Child Rights Convention was developed in 1996 and ECPAT had assisted in the first World Congress against the Commercial Sexual Exploitation of Children in Stockholm, Sweden (ECPAT, 2016). Since ECPAT made their first appearance in this conference, they have been working very hard with other NGOs and CSOs to try and combat this issue.

Since then, ECPAT has managed to generate resources with the help of other organisations and government agencies by using cutting-edge research and advocacy to help child victims who have been trafficked to work in the sex tourism industry. They have also collaborated with global law enforcement agencies like Interpol, EUROPOL and local authorities to help improve the identification of child victims. ECPAT has also used their resources to work alongside local law enforcement to arrest and prosecute offenders (i.e. traffickers and child sex offenders). They also have partnerships with "...private sectors in key areas such as travel and tourism and information and communication technologies, are designed to keep children and youth safe both online and offline" (EPCAT, 2016). They believe that by doing this, it will help reduce the issue of child trafficking and also SECTT. ECPAT has also managed to raise awareness of the dangers of this industry by developing advocacy and campaigns to educate the public, academics, government agencies, other NGOs, CSOs and local law enforcement from countries like Thailand on the dangers of child trafficking and child sex tourism in Thailand and Southeast Asia.

Advocacy and Campaigns conducted by ECPAT

As an NGO, ECPAT has been a powerful voice for global movements, demanding comprehensive and coordinated action to end sexual exploitation of children in Thailand and other parts of Southeast Asia. They also work with governments (both regional and international) to make sure that sexual exploitation of children remains to be on political agendas, and they also lead the global discussion amongst UN agencies, EU agencies, individual EU Member States and other local NGOs and CSOs in Thailand; and also international NGOs and CSOs. ECPAT also supports achievements of targets that are in relation to the sexual exploitation of children in Sustainable Development Goals (SDGs), and also “...hold international stakeholders accountable for their commitments.” Which are designed to combat child sex tourism in Thailand and also Southeast Asia (ECPAT, 2016).

Furthermore, ECPAT also believes that there is a ‘duty of care’ when it comes to sharing the responsibility of protecting children and their rights as human beings (ECPAT, 2016). With members who have agreed to be a part of ECPAT, they all strive for effective prevention and protection systems, lead stronger legal frameworks to protect and prevent child victims beings sexually exploited, implement better projects and frameworks to conduct better policies with other international actors, generate better investment and also multi-sector collaborations to develop better policies on the protection and prevention of sexual exploitation with children globally (ECPAT, 2016).

What is ECPAT’s relationship with the EU?

ECPAT as an NGO has been very involved in working externally with other international entities such as the EU and its individual Member States. ECPAT has been playing a huge role with decisions on policies and initiatives that relate to child sex tourism in Thailand and Southeast Asia. The EU, individual EU Member States, UN, government agencies amongst

others have been working with ECPAT to try and develop better child rights policies and initiatives that centre on the protection and prevention of child trafficking and SECTT. Over the years, the relationship between ECPAT, EU and individual EU Member States has been implemented by working together to develop projects that will stop children from being trafficked to later on work in the sex tourism industry in Thailand and Southeast Asia.

They also deal with the protection and prevention of CST as they are able to input their ideas and resources on combating child sex tourism in Thailand. They have managed to do this by collaborating on some global projects with the EU and its Member States that help combat child sex tourism in Thailand. One of these projects was called ‘Don’t look away: Report Child Sex Tourism and also ‘ECPAT SERIOUS GAME!’ (European Commission, 2018; ECPAT, 2016; ECPAT, 2014). Both projects had received funding from the EU and also had the assistance from individual EU Member States. These projects were designed to educate the public, academia, government agencies, other NGOs and CSOs on the dangers of child trafficking and child sex tourism in Thailand, Southeast Asia, Brazil and Europe. Another project that was researched by ECPAT and the financial backing of the Ministry of Foreign Affairs of the Netherlands was called ‘‘Protection of children against sexual exploitation in tourism: Capacity building and awareness raising activities in Thailand, Cambodia, Philippines, Gambia and Dominican Republic’. This project was also developed to help increase the input it may have on policy decisions and initiatives that centre on the EU’s 3Ps and also how this relates to child victims of trafficking and their relation to the sex tourism industry in Thailand, Cambodia, Philippines, Gambia and the Dominican Republic (ECPAT, 2013).

However, individual EU Member States have had more of a relationship with ECPAT when it comes to implementing their resources and funding to help on individual projects to combat child sex tourism in Thailand and Southeast Asia (ECPAT, 2016). EU countries such as

Germany, Austria, Sweden, the Netherlands, France, Belgium, Denmark, Bulgaria and Poland amongst other EU countries have been heavily involved with ECPAT to try and combat child sex tourism in Thailand, Southeast Asia and Europe. EU countries that seem to have the most input when it comes to developing projects on child sex tourism with ECPAT is Austria, France, Germany, Luxembourg, Netherlands, Poland and Sweden. For example, the projects that have received assistance from these EU Member States were 'Don't Look Away: Report Child Sex Tourism' and was co-funded by the EU and had the support of EUROPOL. This project went on for three years (2014-2017) which had involved members of the ECPAT network from at least 16 European countries (ECPAT, 2014). The project aimed to promote new ways to help combat sexual exploitation of children in travel and tourism. Furthermore, this project was also created to help support government ministries as well as other public or private actors that might be involved in combating this issue; this included the tourism sector that was from the 16 European countries that were involved in this project and also Thailand.

Lastly, another project that was created by ECPAT for SECTT was an online simulation game called 'SERIOUS GAME!' The EU Member States that were involved in this project with ECPAT were Austria, Germany, Netherlands, France, Luxembourg and Poland. This project was created within the framework of the 'Don't Look Away!' project which ran from 2012-2015 (ECPAT, 2018). The project was aimed to promote new ways on how international actors and the tourism sector could combat the sexual exploitation of children in the tourism industry by providing information booklets about the dangers of the industry itself. This project was also co-funded by the European Union and supported by EUROPOL (ECPAT, 2018). This project will be analysed further in this chapter as well. In the next section of this chapter, a detailed summary will be investigated on the three projects that were mentioned previously in this chapter.

Summary of the 3 projects on child sex tourism in Thailand

Table 1: ‘Don’t Look Away: Report Child Sex Tourism’ Project

EU Member States involved	Website for project	Is it co-funded by the EU?	Funding contributed to the project	Timeframe of the project (Is it still active? Or has it ended?)
ECPAT Austria	http://www.reportchildsextourism.eu/	Yes with the support of EUROPOL.	Total Cost: €180, 201.42; EU Contracted Amount: €150,000.00	3 year project. Went from 2014-2017.
ECPAT France				
ECPAT Germany				
ECPAT Luxembourg				
ECPAT Netherlands				
ECPAT Poland				

Purpose of the project	Does the project deal with Protect?	Does the project deal with Prevent?	Does the project deal with prosecute?
“This project, which aims to promote new ways to combat the sexual exploitation of children in the context of travel and tourism” (ECPAT, 2014)	Yes	Yes	Yes

Table 1: Summary for ‘Don’t Look Away: Report Child Sex Tourism’ Project

Out of the 16 European countries that are involved in this project, the 6 most prominent EU countries that were assisting in this project were ECPAT Austria, ECPAT France, ECPAT Germany, ECPAT Luxembourg, ECPAT Netherlands and ECPAT Poland. For this project a website was created to generate interest into reporting suspicious activities that revolved around child sex tourism from abroad. There was no mention of the amount of financial aid

that had gone into the project itself on the <http://www.reportchildsectourism.eu/> website. However on the European Commission website there was mention of how much was contributed to the project (Total Cost: €180, 201.42; EU Contracted Amount: €150,000.00). The <http://reportchildsectourism.eu/> website mentioned that the EU had co-funded the project with ECPAT and EUROPOL was supporting it. Timeframe for the project was mentioned and the website had stated that it was a three year project that was going from 2014-2017. Furthermore, the project also mentioned the purpose of project which was “This project, which aims to promote new ways to combat the sexual exploitation of children in the context of travel and tourism” (ECPAT, 2014). And lastly, the analysis for table 1 had shown that the project was involved in dealing with the protection and prevention of child victims who are involved in the sex tourism industry. The analysis also showed that reporting suspicious activity of child sex tourism could lead to prosecuting perpetrators. There was not much mention of how this would be done except reporting it could lead to helping local and international law enforcement prosecute perpetrators who buy sex with children abroad and also traffickers who are involved in the child trafficking industry.

Table 2: Summary of ‘ECPAT SERIOUS GAME!’ Project

EU Member States involved	Website for project	Is it co-funded by the EU?	Funding contributed to the project	Timeframe of the project (Is it still active? Or has it ended?)
ECPAT Austria	https://ecpat-serious-game.eu/en.html	Yes	Amount Unknown	3 year project. Went from 2012-2015. .
ECPAT France				
ECPAT Germany				
ECPAT Luxembourg				
ECPAT Netherlands				
ECPAT Poland				

Purpose of the project	Does the project deal with Protect?	Does the project deal with Prevent?	Does the project deal with prosecute?
“This project, which aims to promote new ways to combat the sexual exploitation of children in the context of travel and tourism” (ECPAT, 2018)	Yes	No	No

Table 2: Summary of ‘ECPAT SERIOUS GAME!’ Project

Out of the 16 European countries that are involved in this project, six EU Member State countries were involved. These included: ECPAT Austria, ECPAT France, ECPAT Germany, ECPAT Luxembourg, ECPAT Netherlands, and ECPAT Poland. The project also had a website with an online educational simulation game. The project on the website mentioned that the game was designed to educate the general public and people who work in the tourism industry on the dangers of child sex tourism abroad. On the website it mentions that the EU had co-funded the project for ECPAT International. There was no mention on how much had been contributed financially for the project. ECPAT did mention that the project had been active for 3 years which started from 2012-2015. They also mention that the aim of the project was “...to promote new ways to combat the sexual exploitation of children in the context of travel and tourism.” (ECPAT, 2018). The website also mentioned how this online simulation game would be used to protect children in the future from becoming victims of trafficking and working in the sex tourism industry. There was no mention what measures would be taken to prevent children from becoming victims of the sex tourism industry let alone it also did not mention about prosecution with perpetrators or traffickers of the same industry.

Table 3: Summary of ‘Protection of children against sexual exploitation in tourism: Capacity building and awareness raising activities in Thailand, Cambodia, Philippines, Gambia and Dominican Republic’ Project

EU Member States involved	Website for project	Is it co-funded by the EU?	Funding contributed to the project	Timeframe of the project (Is it still active? Or has it ended?)
Netherlands	https://www.mensenhandelweb.nl/system/files/documents/12%20mei%202014/2817.pdf	No but the Ministry of Foreign Affairs of the Netherlands has funded this project for ECPAT.	Amount Unknown	3 year project. Went from 2012-2015. .

Purpose of the project	Does the project deal with Protect?	Does the project deal with Prevent?	Does the project deal with prosecute?
Investigate awareness raising in the field of child sex tourism and also how children can be protected from it (ECPAT, 2013)	Yes	Yes	Yes

Table 3: Summary of ‘Protection of children against sexual exploitation in tourism: Capacity building and awareness raising activities in Thailand, Cambodia, Philippines, Gambia and Dominican Republic’ Project

From what was investigated for table 3 in this analysis, the only EU Member State that was involved in this project was the Netherlands. There was an online link to access the project based report but it was not an actual website that had a webpage. The project was not co-

funded by the EU; however, it was funded by the Ministry of Foreign Affairs of the Netherlands for ECPAT International. There was also no mention of how much money had gone into producing the project for ECPAT. The project did mention that it was developed in 2013 but there was no mention of an end date for the project itself. Furthermore, the project also stated that the main aim for it was to “Investigate awareness raising in the field of child sex tourism and also how children can be protected from it.” (ECPAT, 2013). Lastly, the analysis for this table had shown that the project was involved in producing information on the protection and prevention of child victims being trafficked to work in the sex tourism industry in Thailand. It was also analysed that the project did mention what prosecution actions had been taken to tackle the prosecution of EU Nationals who travelled overseas for paying for sexual services with children. The results also showed that prosecution of traffickers was not as prevalent but was a work in progress.

Discussion of the three tables from Chapter 4 results

In the last decade or so, there have been a number of interagency collaborations that emerged in Thailand to assist in the fight against child sex tourism. Transnational networks such as ECPAT, individual EU Member States, the EU and other CSOs such as the UN had come together to try and develop projects that would assist in the protection and prevention of child victims being trafficked to work in the sex tourism industry.

Furthermore, some of these collaborated projects had been developed to also help with the prosecution of EU Nationals who had travelled to Thailand for the purpose of paying for sexual services with children. For the analysis of chapter 4, the three projects that had been analysed were: 'Don't Look Away: Report Child Sex Tourism', 'ECPAT SERIOUS GAME!' and 'Protection of children against sexual exploitation in tourism: Capacity building and awareness raising activities in Thailand, Cambodia, Philippines, Gambia and Dominican

Republic' projects. These projects had all been conducted by ECPAT with the collaboration of some individual EU Member States and also had been co-funding by the EU with the support of EUROPOL as well. The next section of this discussion will discuss the donor relationship between ECPAT and the EU and how using this relationship may be beneficial for developing projects to help protect and prevent children from being trafficked to work in the sex tourism industry in Thailand.

Donor-relationship between ECPAT and the EU

Donor activity in Thailand has been dealing with a consistent decline over the years as Thailand has had a very successful socio-economic development and because of this, a decreased need for external support has not been necessary (European Commission, 2013). In Thailand due to the decrease need for external support, funding for projects that centre on human rights and good governance has become quite selective. The European Commission (2013) goes on to mention that donors outside of Thailand (like NGOs and CSOs) are now focusing on providing advice on policies, technical assistance, and capacity building (Fransen & Burgoon, 2015); all the while providing financial resource transfers to help assist in other important areas. Majority of these involvements tend to focus on cooperating in areas like "...enterprise competitiveness, environmental management, higher education and research collaboration where technical assistance can still provide a real value-added." (European Commission, 2013, p. 16). Furthermore, according to the European Commission (2013), they explain in a report called 'Thailand-European Community Strategy Paper for the period 2007-2013' that they no longer see themselves as a donor of development assistance, they see themselves more as a facilitator of knowledge that can be seen as a sharer and a partner for substantive policy dialogue on key issues such as human rights and good governance (European Commission, 2013).

Besides the European Commission being an external donor for Thailand, they also provide direct donor support to recipient partner countries; this is usually done through grants, loans and equities. They have also been known to coordinate the development policy for its 28 Member States as well (Mah, 2015). The EU Member States that are the most prominent when it comes to being donors for Thailand are Germany, France and Denmark among other EU Member States that are the main source of cooperation assistance in Thailand (i.e. providing assistance for human rights) (European Commission, 2013). The EU Member State in this scenario that seems to provide the most assistance is France as they have generated cooperation programmes that centres on "...higher education, research collaboration, capacity building and human resource development in a wide range of areas." (European Commission, 2013, p. 16). The projects that had been analysed for this chapter had Denmark as an EU Member State that was involved in providing assistance for resources to develop them with ECPAT and other EU Member States. France has also had a very strong donor-recipient relationship with both ECPAT and the Thai Government when it comes to generating projects that would help in the assistance of child rights and how that relates to the protection and prevention of child victims who were trafficked to later on work in the sex tourism industry (ECPAT, 2016; European Commission, 2013).

When it comes to funding mechanisms and how that works, NGOs like ECPAT International usually get their funding so they can develop projects such as the ones mentioned in this chapter. International actors like the EU and/or independent EU Member States usually work alongside NGOs like ECPAT to give them funding to help produce these projects. Usually different government agencies (i.e. Ministry of Foreign Affairs) from countries like the Netherlands tend to work closely with NGOs and CSOs when it comes to developing projects that try to help combat child sex tourism in countries like Thailand and Southeast Asia.

According to UNDP (2012, p. 20), they further on explain that there are two main levels of

funding; one being geographic programmes and the second being thematic programmes. The Geographic programmes are a part of:

“...the overall EC strategy for the country (or region) and are governed by regional partnerships approaches. These programmes are laid down in the geographical programming document implemented by EU delegations. They are the main channels for funding to NSAs in terms of volume” (UNDP, 2012, p. 20).

Thematic programmes are usually co-financed by the European Commission (EC). A thematic programme is based on:

“...transversal programmes in areas such as protection of human rights, promotion of democracy, eradication of poverty, education, gender equality, etc. Unlike geographical programmes, they are not the result of a direct negotiation between the state and the Commission. Practically all thematic programmes are open to applications from CSOs from the EU and from programme countries. In the thematic programme European Instrument for Democracy and Human Rights, civil society organizations are seen as key players in promoting human rights and participative democracy.” (UNDP, 2012, p. 20).

For example, in 2013, the European Commission was also interested in co-operating with Thailand by pursuing thematic interventions in Democracy and Human Rights. This thematic programme was designed to provide technical assistance to NGOs in various areas and other bodies would be involved in providing assistance to monitor human rights policies in Thailand. Even though this report was not very clear on what kind of human rights they were referring to, however, it could be assumed that child rights would be involved in this scenario (European Commission, 2013; Mah, 2015). From what was mentioned above, this relates back to the analysis in chapter 4 when co-funding was looked at from the three projects, all three projects had mentioned that they got their funding from individual EU Member States,

had co-funding from the EU and also had funding from other CSOs. Furthermore, this had shown that ECPAT had followed the process of both funding mechanisms when it came to using the funds to generate these projects on the awareness raising of protection for human rights (in this case child rights); also this had shown that the funding that was contributed to these projects had helped to generate a better understanding of what prevention strategies could be used to prevent children from becoming victims of sex tourism in Thailand.

Based on the information from all three tables that were analysed for this chapter, looking into donor-relationships and how they have been incorporated with individual EU Member States is in a league of its own. According to United Nations Development Programme (UNDP) (2012), they further on explain the crucial roles of CSOs, how they fit in with NGOs, the EU and individual EU Member States when it comes to developing projects that can later on be recognised into policies for child rights. Child rights policies in this instance has been recognised as a crucial role for NGOs and CSOs who work alongside other international actors; for example, EU and individual EU Member States to help promote democracy, social justice and child rights when it comes to Commercial Sexual Exploitation of Children (CSEC). Strategically, this has also been linked to its association with child trafficking in Thailand and Southeast Asia. The EU as a whole has been known to be one of the world's largest and economic development donors when it comes to donating funds to NGOs such as ECPAT to develop projects on child rights. Furthermore, it is a very interesting and unique actor as donor-relationships between ECPAT, the EU and individual EU Member States has been influenced to a certain extent by the concept of Normative Power Europe (Blucher, 2015, p. 10).

Normative Power Europe and it's relation to the EUs 3 Ps

When discussing the different hindrances and complexities that are in association with child trafficking and how it relates to child sex tourism in Thailand, it is very important to remember that ECPAT, EU and individual EU Member States have collaborated on projects with the idea of achieving the same goal. Their goal in this instance is to combat child trafficking and child sex tourism in Thailand and Southeast Asia. How this ideology relates to child sex tourism and child trafficking in Thailand is important as developing the projects that have been analysed for chapter 4 links back to human rights, good governance and liberal democracy. This also links to Normative Power Europe (NPE) and how ECPAT uses the EUs 3 Ps to develop projects that centre on the protection and prevention of child sex tourism and child trafficking in Thailand. ECPAT has also used their resources to work with local and international law enforcement (INTERPOL and EUROPOL) to prosecute any suspected EU Nationals who travel to destinations like Thailand to pay for sexual services with children. For example, based on the literature that was mentioned previously in chapter 2 of this thesis, NPE and how it relates to projects that have been developed to help protect child victims of child sex tourism in Thailand has been somewhat limited. According to Manners (2002, p. 3), he explains that based on the desire for greater legitimacy through fundamental norms that the EU tends to represent, this has been found in projects that have been produced by NGOs such as ECPAT and also the individual EU Member States that work alongside them. This thought process has been stemmed from policies that centre on human rights and good governance (.e. child rights).

Projects that had similar ideologies and were analysed for this chapter were: 'Don't Look Away: Report Child Sex Tourism', 'ECPAT SERIOUS GAME!' and 'Protection of children against sexual exploitation in tourism: Capacity building and awareness raising activities in Thailand, Cambodia, Philippines, Gambia and Dominican Republic'. Based on what these

projects do for child victims of trafficking and child sex tourism in Thailand, both ECPAT and individual EU Member States had developed strategies to protect child victims of sexual exploitation in Thailand and Southeast Asia. Furthermore, both entities had attempted to use their resources to communicate with local law enforcement in Thailand by training them to understand what child sex tourism was and how to protect children from being trafficked to work in the sex tourism industry. These projects were also designed to help child victims to be reintegrated back into society as a lot of these children do not have the right to education or resources. Unfortunately, even though ECPAT and individual EU Member States have the resources to train local law enforcement on the protection and prevention of children falling victim to working in the sex tourism industry in Thailand, and also provide education resources for child victims, not all children are protected. According to Pink (2013, p. 167), he argues that NGOs and CSOs have a big task of creating projects that help victims of child trafficking and to get them reintegrated back into society. Furthermore, he mentions that “Groups that work directly with victims of child trafficking also refer to the critical need to provide protection for victims including protection during the repatriation and reintegration process.” (Pink, 2013, p. 167). Based on what was mentioned by Pink (2013), the results of this analysis did not really show how these projects reduced the chances of children being trafficked into Thailand to work in the sex tourism industry let alone being reintegrated back into society.

Additionally, the findings of the three projects from this analysis have been supported by Manners (2002) theory on NPE and how it coincides with liberal democracy and child rights. Manners (2002; 2008) theory on NPE also mentions that there are wider implications when it comes to generating projects that revolve around the EU’s social freedom policy on child rights. This is also considered to be more significant to the ‘protection of children’s rights’ as a foreign policy and also how it would be seen as a part of the EU’s extraterritorial legislation

on 'sex tourism' (Manners, 2008, p. 6). This in hindsight relates back to the analysis made in this section of chapter 4 as ECPAT's collaboration with individual EU Member States is very significant to liberal democracy and child rights in Thailand. How this relates back to the relationship between ECPAT, the EU and also the Thai Government is an interesting one as they all have their own views when it comes to child rights in the sex tourism industry. However, in terms of using awareness-raising projects in Thailand and Southeast Asia, a variety of approaches such as developing normative based projects that centre on child rights and democracy in this instance would be applicable here (Manners, 2008).

This in point relates back to the theory of NPE and how this theory works with NGOs like ECPAT who develop non-legally binding documents that centres on the promotion of human rights, peace, social development with children and good governance with CSOs, the EU and EU Member States. According to ECPAT (2012, p. 8), they state that from a transnational level, many child rights are not usually addressed as it is assumed that it would be attended to from a national level. This reflects back to the last project that was analysed from table 3 in chapter 4. It has been mentioned previously in this chapter that most international actors and governments (i.e. individual EU Member States and the Thai Government) would usually have the opportunity to create projects that revolved from policies and initiatives. This is believed that it would help assist the development of these projects and build a platform to raise awareness in protecting and preventing children to be trafficked to work in the sex tourism industry in Thailand. The same platform could be said was used to generate educational programmes for local and international law enforcement to help prosecute perpetrators who are EU Nationals and also traffickers of child trafficking and sex tourism in Thailand (ECPAT, 2012). Fortunately, this has reflected in the results section from tables 1-3 in this chapter as ECPAT, individual EU Member States and the EU had some success with the Thai Government in using these projects to protect and prevent children against CST.

Unfortunately, it was proven in the course of this analysis that more research and awareness needs to be made to combat child trafficking and how it relates to child sex tourism in Thailand.

When we think about how these issues towards child sex tourism in Thailand are addressed, we tend to think of policies and how these policies can better the conditions of child victims in the sex tourism industry. How this relates to the projects analysed in this chapter is a different story as two out of three projects did not discuss policy or initiatives with Thailand and only discussed how they would benefit in protecting and preventing children from working in the sex tourism industry in countries like Thailand and also Southeast Asia. Also the project named ‘ECPAT SERIOUS GAME!’ mentioned how this online simulation game would help tourists and people who work in the tourism and travel industry educate other people on the dangers of child sex tourism in popular destinations around the world. The last project ‘Protection of children against sexual exploitation in tourism: Capacity building and awareness raising activities in Thailand, Cambodia, Philippines, Gambia and Dominican Republic’, however, spoke a lot more about policy and initiative and how that might help protect and prevent children from working in the sex tourism industry in Thailand. This project also spoke about how their resources have been used to prosecute some EU Nationals and non-EU Nationals who travel to Thailand to pay for sexual services with children. For example, ECPAT and individual EU Member States have been involved with the course of using NPE so they could spread these norms and values to countries like Thailand (ECPAT, 2013; Diez, 2005).

Furthermore, individual EU Member States have deemed this ideology when dealing with NGOs on child right policies and how this could be incorporated with the protection and prevention policies for child victims of SECTT in Thailand. Diez (2005, pp. 13-14), argues that “...the concern of NGOs, that the EU seeks to impose “European Values”, is not in itself

a contradiction, but rather a confirmation, of the EU as a normative power.” This clearly shows that ECPAT and individual EU Member States have some form of power when it comes to developing projects that revolve around the protection and prevention of children being involved in the sex tourism industry in Thailand; unfortunately the same cannot really be said about prosecuting EU Nationals and traffickers that are involved in this industry as there has not been many projects developed around this area.

Even though there has not been many projects that centre on the prosecution of EU Nationals who travel abroad to procure sexual services with children, there have been systems developed by the European Commission that help to target EU Nationals who are convicted child sex offenders (Paavilainen, 2017). The European Commission (2017) has mentioned that in accordance to Directive 2011/93/EU in point 42 of the Directive EU Member States may be able to receive additional administrative measures that might be able to track down perpetrators that travel abroad (European Commission, 2017). For example, as mentioned in previously in chapter 3 of this thesis, these measures may include data collection of convicted child sex offenders. A register of this kind of information has been created to try and tackle the ongoing issues of EU Nationals travelling abroad for the sole purpose of SECTT (European Commission, 2017). This data collection of convicted child sex offenders has been developed as a register which means if you have been convicted of committing sexual crimes against children within and outside of the EU, the perpetrators details would be on this registrar system. Unfortunately in order for this information to exist, EU Member States need to implement the details in themselves. As this poses to be a slight problem, not all Member States have done this which makes information sharing between Member States quite difficult (European Parliament, 2017). As this links back to all projects of this chapter, finding solutions to target prosecution of EU Nationals that travel abroad still remains to be quite

difficult (ECPAT, 2016; European Commission, 2017; European Parliament, 2017; Paavilainen, 2017; UNODC, 2016).

Additionally, individual EU Member States use the same ideology of NPE when working with NGOs like ECPAT when it comes to developing non-legally binding documents (projects) for the protection and prevention of children being trafficked into Thailand for the sole purpose of sexual exploitation. This mentality refers back to the results of this chapter as all three projects have developed their own non-legally binding documentations that centre on what resources could be used to help with the protection and prevention of child victims of SECTT. Also, all three projects talk about using local and international law enforcement to help with the prosecution of EU and non-EU Nationals who travel to Thailand for SECTT. According to Pink (2013, p. 172), he believes that “Reform in the area of child trafficking law enforcement and education around child trafficking prevention and policy is of paramount importance to achieve progress”. He also believes that without it, nothing can be done in regards to the prevention of child trafficking and sexual exploitation of children in the tourism industry.

Normatively speaking, when crossing frontiers of normative behaviour, it does become more apparent when one of the freedoms that have been associated with liberal democracy is usually encouraged, and as tourism increases, so does projects as they are designed to potentially tackle the protection and prevention of child sex tourism in Thailand (Rao, 1999). Individual EU Member States with support from the EU have developed some projects with ECPAT on the protection and prevention of child sex tourism in Thailand (Pink, 2013). Whether or not this has been effective begs the question as some authors (Davy, 2010; Diez, 2005; Keene, 2012) have argued that normatively speaking, when it comes to the EU and its Member States developing projects with NGOs and CSOs on child sex tourism, it has been critiqued on how effective EUs norms on human rights would be in this sort of area. Bourne

& Lee (2017) and Diez (2005, p. 2), both argue that based on Manners theory of human rights and good governance, it is not always consistent as different actors in this scenario (i.e. European Commission, the EU and its Member States) besides other actors tend to pursue different norms and interests. In this case, seeing the EU as a normative power for child rights in the sex tourism and trafficking arena is different as developing a form of normative identity that most actors within the EU may be able to agree on could pose as an issue. This could lead to unnecessary change as attempting to spread particular norms could also have dire consequences on the promotion of policies for children working in the sex tourism industry if not implemented properly (Bourne & Lee, 2017; Diez, 2005). Same principle applies to NGOs and EU Member States who use these norms when they conduct projects and research on child sex tourism in Thailand.

Individual EU Member States such as Austria, France, Germany, Luxembourg, Netherlands and Poland have developed projects with ECPAT that aims to deal with the protection of child victims and the prevention of child sex tourism in Thailand (ECPAT, 2012). Even though these projects have been generated by ECPAT and individual EU Member States, these projects had not mentioned the extent to which they have had an impact on the prevention of child victims being trafficked and involved in the sex tourism industry in Thailand; also they did not mention how these projects have benefited in the prosecution of perpetrators and traffickers in Thailand as well These projects had also not mentioned the benefits of them being created to tackle the issue of child sex tourism in Thailand. The analysis of these three tables did mention, however, that they use their resources to develop projects and reports that were designed to educate local law enforcement in Thailand on the dangers of child sex tourism and how to prevent it. These projects explained that this was done through creating toolkits that mentioned a strategic step by step process on how to do this. They did not, however, mention the extent to which these projects and toolkits had

helped in the assistance of prosecuting EU Nationals and traffickers that had travelled abroad for the sole purpose of SECTT and also child trafficking. In recent literature (He, 2016; Gujic, 2014; Pink, 2013), they have all explained that ECPAT and individual EU Member States' success on protecting child victims, preventing child sex tourism in Thailand and using their resources to prosecute EU Nationals outside of the EU remains to be seen.

According to Pink (2013, p. 164), his theory is that the reason why not much has been done with the Thai Government on the protection and prevention of child trafficking and child sex tourism in Thailand is because it could be related to corruption in Thailand as that remains to be a major issue. He also goes on to mention that not many prosecution type projects could be produced because of the Thai Governments' "... "..."lack of an effective and sustainable enforcement regime..." (Pink, 2013, p. 164). ECPAT and individual EU Member States have been trying to get more polices and initiatives to be created to help tackle prosecution on EU Nationals and non-EU Nationals who travel to Thailand for the purpose of paying for sexual services with children. From a bilateral and national aspect, ECPAT and individual EU Member States have been trying to tackle this issue for quite some time (Gujic, 2014; Martin, 2003).

In the past, the EU has claimed that they have taken steps in using initiatives to prosecute EU Nationals who travel overseas for the sole purpose of child sex tourism (i.e. Thailand).

Unfortunately, these efforts of prosecution have been carried out from a National legislation and not an international one. For example, from an international level perspective, the Convention on the Rights of the Child would be seen as "hard law" as this would tackle the sexual exploitation of children in Thailand. On the other hand, "Soft Law" would be seen in the form of action programs that had been developed by UN bodies which would include the ILO, UNICEF; and individual EU Member States who are working closely with ECPAT; and lastly, the UN Commission on Human Rights (Martin, 2003, pp. 57-58). Additionally,

research from chapter 4 of this thesis has shown that the results were more based on “soft law” more so than “hard law”. All three projects mentioned in this chapter reflect on this as they all have the same common goal which is to combat child sex tourism and child trafficking in Thailand. They have used their resources and connections to try and achieve some form of good governance that links with child rights in Thailand.

Conclusion and future recommendations

There appears to be a relationship between ECPAT, the EU and the EU’s individual Member States when it comes to collaborating together on projects that centre on child rights, combating child sex tourism and also child trafficking in Thailand. From the results of this chapter, all three tables did show that ECPAT collaborating with the EU and its Member States had proved to be quite successful. All actors were able to produce projects that were designed to tackle child sex tourism in Thailand. The projects also showed that ECPAT had taken the EU’s 3 Ps quite seriously as they had incorporated those normative values into their projects. This was developed to help combat child sex tourism and child trafficking in Thailand. Unfortunately, based on the analysis of the three tables, they did not show that how these projects had helped child victims of trafficking and also child victims of sex tourism in Thailand.

While basing this on NPE and how it has an effect on the donor-relationship between them, this then relates to how these projects are developed due to the financial assistance ECPAT receives from the EU, individual EU Member States and also other CSOs. Without this kind of funding, these projects cannot be developed and the awareness raising that ECPAT seems to thrive on cannot come into fruition. This was showcased more in the results section of this chapter as each individual table had shown that ECPAT was receiving their funding from the EU, individual EU Member States and also from other CSOs and NGOs as well. Due to the

two out of three projects not mentioning the amount of money they had received from the EU or individual EU Member States themselves, this does question the validity and legitimacy of them as international actors. As the EU thrives on being known as a legitimate actor for developing policies and initiatives that centre on child rights, it also begs the question of how they would be seen from a NPE perspective when it comes to developing projects that help assist in the decision policy and initiative process on child rights; also how creating projects will help to protect and prevent child victims from being trafficked from other Southeast Asian countries and into Thailand. Lastly, the three tables that were analysed for this chapter did not show much information on how ECPAT uses their resources and connections to prosecute EU Nationals and traffickers that are linked to the child sex tourism and child trafficking industry in Thailand.

So what might be in store for ECPAT, the EU and its Members on the fight against child sex tourism and trafficking in Thailand? More information needs to be readily available on policy actions, projects and initiatives with Thailand on child sex tourism in Thailand. Individual EU Member States, European Commission and the EU itself needs to be more involved with other NGOs such as ECPAT and CSOs to tackle child sex tourism in Thailand as well. More funding should be provided to help protect and prevent children from becoming victims of child trafficking and also falling victim in the sex tourism industry in Thailand. There also needs to be more involvement with the Thai Government and local authorities with the EU and European Commission on prosecuting EU Nationals who travel to Thailand for the sole purpose of paying for sexual services with children. Based on this, as information was quite sparse, more resources and information on this issue needs to be provided on child sex tourism in Thailand. In order for this to be done, more funding, research and involvement from individual EU Member States, European Commission, the EU and also ECPAT needs to be generated in order for the general public, academics and government agencies to be

educated more on the dangers of child sex tourism in Thailand. If these issues have been targeted, then more policy actions, projects and initiatives with Thailand can be developed to help protect and prevent children from falling victim in the sex tourism industry in Thailand. Unfortunately, the prosecution aspect of child sex tourism needs to be attended to a lot more and there needs to be more communication generated between the Thai Government with the EU, European Commission, individual EU Member States and NGOs like ECPAT to form better policy actions, projects and initiatives. Hopefully this way there will be more prosecutions made with traffickers and sex offenders who come from the EU and also outside of the EU.

The study has highlighted a number of areas that could be further pursued and researched by those who are involved in the fight against child sex tourism in Thailand. The results from the three tables that were analysed in this study prove beyond reasonable doubt that child sex tourism in Thailand has increased and the number of children who are being trafficked from other countries in Southeast Asia and also the Northern Tribes of Thailand is still quite prominent. This is caused by the Thai Government and local police in Thailand not having enough educational resources to educate them on how to deal with trafficked child victims who work in the sex tourism industry in Thailand. Therefore, there is a dire need of this issue to be addressed as more policy actions, projects and initiatives with Thailand needs to be conducted in order to address the protection and prevention of child victims who work in the sex tourism industry in Thailand.

More funding may need to be generated for ECPAT from the EU and its Member States to help produce more projects that centre on child rights policies and initiatives in Thailand. This way the Thai Government has more access to these policies and initiatives, so in the future they could use them to help child victims of trafficking and sex tourism. This should

also help assist the Thai Government to tackle traffickers and child sex offenders who come from the EU and into Thailand for the sole purpose of sexual exploitation with children.

There is also an urgent need to address this issue further by introducing a method of communication between the EU, European Commission, individual EU Member States, NGOs, CSOs and the Thai Government which would be geared to tackling this issue further.

There also needs to be a method of communication that would help ensure that data on perpetrators and traffickers be transferred between different EU countries and INTERPOL; this will hopefully help generate more information so further research into child sex tourism in Thailand can be researched more.

This research, which has the capabilities to go further, can serve as a point to have more analysis conducted in this area. Lastly, further research is needed to look at different ways to improve projects to assist in the decision making process for policies and initiatives for Thailand that centre on child sex tourism in Thailand. There needs to be more open communication between the Thai Government and other international entities such as the EU, European Commission, ECPAT, and other NGOs and CSOs so more policy actions, projects and initiatives can be incorporated with Thai Law. Hopefully this will help decrease the chances of children working in the sex tourism industry in Thailand. Moreover, further research is needed in how traffickers and child sex tourists can be prosecuted in and outside of Thailand if they are caught paying for sex with children.

Chapter 5

Thesis Conclusion

Child Sex Tourism (CST) is known to be a very complex phenomenon that has existed since the Vietnam War in 1962 when the American Military was on vocational leave. Around this time, many women and children had been used as sex slaves in Thailand to serve the male clientele. Since then, the child sex tourism industry has grown and many children are still being trafficked from other parts of Southeast Asia, across the Burma border and into one of the three red light district areas in Thailand. As child prostitution has become more popular in Thailand, so too has the demand for providing sexual services with children to local and foreign clientele. Most tourists that travel to Thailand are either from the EU, America, Canada, Australia, New Zealand, Japan, China, South Korea and so forth. A lot of these tourists may be convicted child sex offenders or even convicted paedophiles that would usually travel from EU countries or from countries outside of the EU. Because of the amount of tourists that travel to Thailand each year, there has been an increase in trafficking children that come from other Southeast Asian countries and also Northern Hill Tribes of Thailand and into Thailand for the purpose of working in the sex tourism industry. Due to this phenomenon, a lot of these children become stateless as they have entered a country they are not familiar with. This increases the chances of a child's basic human rights to be violated as they cannot fend for themselves in Thailand. As there are fewer laws and policies that centre on SECTT, it becomes very difficult for children's rights to be protected. A lot of these children that are being trafficked into Thailand do not have much power to fend for themselves which means them fear for their own lives.

Due to the major supply and demand for child prostitutes in Thailand, there has been a major driving force for Thailand's economy as a lot of these clients are travelling to Thailand to

specifically pay for sexual services with children. It was reported that as of 2015, Thailand had made approximately THB1, 037 Billion which had made at least 8.6% of Thailand's GDP (this had come from the tourist sector alone) (World Travel & Tourism Council, 2015). In 2016, there were at least 32.6 million tourists that had visited Thailand which had made up to at least US\$8.2 Billion of Thailand's travel sector (Reuters, 2017; Statista, 2016). Due to these high statistics of increased growth in tourism over the years, Thailand has seen exponential growth economically. Furthermore, Thailand has seen an increase in wealth which has taken them as a country out of the poverty line (Reuters, 2017; Statista, 2016).

Due to the increase of tourism in Thailand, this has opened a lot of doors for transnational crime to happen in Thailand. Child traffickers and exploiters in this scenario are seen as opportunistic when it comes to finding new ways to traffic and exploit children. Children that have been trafficked and exploited from countries such as the Vietnam, Cambodia, Burma, Malaysia, Lao PDR, Southern parts of China, and North Hill Tribes of Thailand are then sent over the Burma border and into the sub-region red light district areas of Bangkok, Thailand. From there they can either be sent to Pattaya, Phuket or Chiang Mai. There has been some work made in these areas to combat child sex tourism but unfortunately not enough has been made yet. ECPAT has been involved to try and reduce this issue and has been working alongside other government bodies such as the EU and its individual EU Member States to have a better understanding of this issue and how to tackle it.

The EU's response to child sex tourism in Thailand has been an interesting one as they believe that all child prostitution and child trafficking in developing and developed countries needs to be eradicated. They also believe that child sex tourism in Thailand needs to be dealt with; this has prompted the EU to work with NGOs like ECPAT to try and combat this issue. From a bilateral standpoint, individual EU Member States have also been working alongside ECPAT on projects to try and combat child sex tourism and child trafficking in Thailand. The

EU believes that combating child sex tourism in Thailand will hopefully help prevent EU Nationals travelling over to Thailand for the purpose of SECTT. Previously, the EU was a lot more active when it came to working on projects that centred on the eradication of child sex tourism in Thailand. Nowadays, individual EU Member seem to be more involved with that as they have their own resources to work with NGOs like ECPAT to tackle this issue further.

The European Commission, EU and its Member States do recognise that child sex tourism and trafficking is an issue and that it needs to be dealt with. Due to the severity of the issue as more children are being trafficked each year to work in the sex tourism industry both within and outside of the EU, the EU and its Member States have been working closely with other NGOs and CSOs to try and find efficient ways to tackle this issue head on. The EU and its Member States have taken the initiative to work closely with other international actors like Interpol and EUROPOL to try and track perpetrators who travel abroad to pay for sexual services with children (EUROPOL, 2016; European Parliament, 2017). The European Commission and the EU strongly believes that if NGOs, CSOs, government agencies and also local governments all work together to achieve the same common goal which is to eradicate child sex tourism and trafficking in its tracks, then hopefully this problem can be dealt with swiftly. There have also been strategies used to try and combat this issue in countries like Thailand and Southeast Asia. This has been done by using resources such as training tools to help educate staff of hotels and travel agents amongst others on the dangers of child sex tourism in Thailand and Southeast Asia. Even though this has been implemented, it has been criticised that the EU and its Member States are not doing enough or using enough resources to develop better training tool kits to combat this issue further (EUROPOL, 2016). This has also been linked to not having enough training tool kits to educate local law enforcement in prosecuting convicted child sex offenders or traffickers of child trafficking in Thailand and Southeast Asia.

As more EU Nationals are travelling to countries like Thailand, more children are being trafficked from other parts of Southeast Asia and into Thailand. In this scenario, the EU has had some form of an impact as they have been working with NGOs and CSOs to try and tackle this issue. It has been argued that the EU's influence on this topic has not been enough and that they need to do more. Furthermore, EU Member States also seem to be more involved with NGOs and CSOs on this issue than the EU itself. Also, the Thai Government has now been working closely with NGOs, CSOs and ministries to try and clamp down on this issue as they now realise that it has become a national and international problem. They have developed preventative measures to try and combat child sex tourism and human trafficking and have been working closely with the Royal Thai Police to do so (Jica, 2017). Even though the Thai Government has realised that this is an ongoing issue, they are still being criticised by academics and other international and domestic government agencies for not doing enough.

When we think about how this has all become apparent and how it links to Normative Power Europe (NPE), the distinction between NPE policies and how that relates to the EU's three Ps was definitely startling. Manners (2002) had his own interpretation to NPE and its link to democracy, human rights and good governance. This then links back to how these NPE values can be used to generate policies that revolve around the three Ps of Protect, Prevent and Prosecute.

How this reflects to NPE's core values is interesting as there have been some criticism towards Manners theory on NPE. Some academics (Oshri & Shenhav, 2018; Lee & Bourne, 2017) have taken it in their stride to give their own opinions on the subject matter and it how it may affect the image of the EU's identity and also how they are perceived to be seen by ASEAN members in countries like Thailand and Southeast Asia. Some Southeast Asian countries have embraced the EU's normative values on child rights and have incorporated

them into their laws, while others like Thailand have only made minor adjustments to their laws by only using the basic NPE values on child rights and its relation to the protection and prevention of child victims working in the sex tourism industry.

These norms tend to be differentiated from the EUs traditional state actors who tend to act on a realist and neo-realist framework (human rights based). ASEAN members have viewed NPE very differently as they see it not matching their values as much when it comes to child rights. According to Borzel & Risse (2011), they explain that the way the EU has approached the situation of NPE in Southeast Asia has been criticised by ASEAN members as they believe that it does not match their own domestic causes when it comes to promoting the prevention and protection of child rights in Southeast Asia; and also the prosecution of child sex offenders and traffickers in Thailand. ASEAN Members have been criticised for not doing enough as they seem more concerned in promoting the positives of tourism more so than the notion of the negatives of child trafficking and sex tourism can have on the economy in countries like Thailand (Oshri & Shenhav, 2018; Pink, 2013). When looking at the EUs presence as an external actor in countries within and outside of the EU, they are seen more as a government body that is guided by their own democratic values, the norms and principles that have been implemented by the Treaty of Lisbon and other documents (either legally binding, or policy oriented). This could also be seen as the EU's way of being recognised by other countries when it comes to being the major contender for normative policies on human rights.

This could also be seen as how this could have an effect on policies and laws that centre on this issue. Whether or not this can have a better impact on these policies and laws remains to be seen. For example, ASEAN members view this is differently as they are more than likely to view the EU as a government body that is based on a "...liberal-democratic identity" (Knapp, 2011, p. 18). This can be perceived as the EU being a global influence on normative

values and child rights. Unfortunately, as an external government body, the EU with all its normative policies on human rights, has not had much of a significant effect on the behaviour of other actors. This has deemed the EU to being inconsistent with implementing these policies and enforcing them to other EU Member States and other countries outside of the EU (EEAS, 2016). Furthermore, whether or not ASEAN members still views it this way remains to be seen. Also how this reflects with NGOs and CSOs when it comes to working alongside ASEAN members, the EU and its EU Member States on promoting the rights of the child (i.e. child sex tourism and child trafficking in Thailand) through these normative values also remains to be seen.

The EU has been known to follow the four core norms of NPE which are ‘...social solidarity, anti-discrimination, sustainable development, and good governance’ (He, 2016, 3). How this is viewed from other institutions that use these values is different compared to how ASEAN views them as other international actors besides government agencies have their own way of implementing them into domestic and international law. ASEAN members also base a lot of their dialogue on mutual understanding and trust between other members and international actors. This is done by coming together to reach some form of a compromise when it comes to delegating the right policies to tackle child sex tourism and child trafficking in Thailand and Southeast Asia.

There has been some academic debate over the years on the externalisation of EU policies and how child sex tourism and trafficking has been viewed, one could say that there seems to be more policies that centre on child trafficking then sex tourism itself (Heiduk, 2016; Lavernex and Schimmelfenning, 2009; and Bretherton & Vogler, 2006). It has also been argued that the promotion of democracy, human rights and regional integration between Europe and countries within Southeast Asia also play a massive role in how normative standards are introduced. The same principle in this scenario can be implemented through

external policy relations as they have been considered as an entity that enables security and prosperity to thrive within and outside of the EUs borders.

Based on what was mentioned above, the way the EU spreads their normative values within Southeast Asia is usually done through tools and training programs that can help deal with child rights. Also this can be interpreted as the EUs way of enforcing their values by providing their resources on how these tools and training programmes should be used to train government agencies, local law enforcement, hotel companies amongst others on child rights and how that incorporates with promoting prevention and protection of children working in the sex tourism industry in Thailand. ASEAN as a government body has taken in their stride to now follow some of the normative values as they know that the child sex tourism and human trafficking industry needs to be dealt with. It may have taken ASEAN members a long time to realise this, but they are taking the necessary steps to deal with this issue head on with the assistance of the European Commission, EU Member States, NGOs and CSOs (Ciorciai, 2010; Paavilainen, 2017). In the past, projects from NGOs like ECPAT have been developed with the financial assistance from the EU and its Member States have somewhat helped in the reduction against child sexual exploitation within Europe.

The EU, its Member States and NGOs have worked together to try and find new ways in combating child sex tourism and child trafficking. ECPAT has developed projects to promote the dangers of child sex tourism and child trafficking in countries like Thailand. Developing these projects around this issue has sometimes been a bit of a challenge for ECPAT as trying to get other international actors to contribute their resources to these projects still poses to be an issue. For example, some child rights NGOs are not able to get as much funding as they are used to from government bodies like the EU. Majority of the time they depend on funding from either EU Member States and/or other private sectors so they can keep researching and

create projects to raise awareness of the dangers of child sex tourism and child trafficking in Thailand.

However, over recent years there has been an increase in EU Member States being involved with ECPAT to combat child trafficking and sex tourism by developing these sorts of projects. Some authors (European Parliament, 2017; Paavilainen, 2017; Stalford, 2012) have argued that some NGOs, the EU and its EU Member States are not pulling their weight in as much as they used to when it comes to combating child trafficking and sex tourism in countries like Thailand. It has also been criticised that not all EU Member States are providing as much resources to combat child trafficking and its association to child sex tourism as their priorities have been shifted elsewhere (European Parliament, 2017).

However, the EU Member States that are taking initiative to help ECPAT combat this issue are Sweden, Austria, Bulgaria, Netherlands, Sweden, France, Germany and Denmark. For example, The EU and ECPAT have worked together on projects that have managed to develop policies and initiatives for child rights in the child trafficking and sex tourism industry (ECPAT, 2018; The Code, 2012). Even though the EU and its Member States have worked on projects with ECPAT to try and combat child sex tourism and child trafficking in Thailand, developing these policies from the research conducted from those projects have not helped very much. (Paavilainen, 2017; European Parliament, 2017). The development of these projects, however, have had some impact on generating awareness in countries like Thailand and Southeast Asia on combating this issue (European Commission, 2017; ECPAT, 2016).

Additionally, NGOs have been playing a huge role in providing sources to promote awareness of preventing and protecting children from the sexual exploitation and trafficking industry. Furthermore, CSOs from an EU level have also managed to increase their presence when it comes to assisting the development of child rights policies and initiatives in Thailand.

It has been said that CSOs have prospered into important speakers for the EU when it comes to voicing out normative values to government agencies within and outside of the EU. CSOs in this sense are more known to be organisations that actively engage in the policy processes of the EU. It has been argued that even though CSOs contribute quite a lot to the development of policies on child rights, they are not getting the recognition that they need when it comes to working with the EU and its Member States on issues such as child trafficking and its association to sex tourism. The European Commission still believes NGOs and CSOs play an integral part in getting the word out on issues such as child rights especially in the child trafficking and sexual exploitation cases. How this can relate back to NGOs and CSOs being considered as essential actors that help fight against child sex tourism and social exclusion is yet to be discovered (European Commission, 2018).

It was discovered in chapter four of this thesis that when it comes to collaborating projects between ECPAT, the EU and its Member States that centre on child rights, combating child sex tourism and child trafficking in Thailand, one would beg the question if these projects have any form of an effect in promoting prevention and protection strategies for trafficked children; and also prosecution strategies to help deal with the EU Nationals travelling to Thailand to pay for sexual services with children.

As ECPAT is known to be a major influencer in the field of combating child sex tourism in Thailand, they are known as an NGO that has a lot of backing when it comes to raising awareness in this field. When basing on how much funding ECPAT receives from government bodies like the EU and its Member States, the donor activity in Thailand has seen a major decline over the years. They are seen as a country that has had a very successful socio-economic development due to the increase in tourism and the money it generates to the country each year. In this situation, according to the European Commission external support for funding projects has not been necessary (European Commission, 2013). Furthermore,

funding for projects that centre on human rights and good governance has also become quite selective in Thailand. International donors who are from outside of Thailand (i.e. NGOs and CSOs) have now been focusing their resources on providing external advice on policies, technical assistance, and capacity building that will help support training programs on the prevention of child sex tourism in Thailand and also educational programmes in schools that will help educate children on the dangers of child sex tourism and trafficking in Thailand as well (Jica, 2017).

Chapter four of this thesis had analysed three projects that dealt with the promotion of prevention and protection strategies that could be used to combat child sex tourism in Thailand. It also investigated the donor-recipient relationship ECPAT has with the EU and also its Member States. This chapter also got to explore how the EU was supporting these projects by donating money to help develop them. Also EU Member States were contributing their knowledge and resources to help implement this knowledge in the projects themselves. As these projects were successful in being up and running, the one thing that was not mentioned was how effective these projects were and if they had contributed towards saving these child victims in Thailand.

As the three Ps was analysed for this chapter, it had shown that ECPAT had used these normative values into their projects. It was also quite clear that the EU has had some form of influence on ECPAT as you could see how using these values increased the chances of these projects being able to raise awareness in combating child sex tourism in Thailand. Whether or not this can be seen as values that are Eurocentric when developing these projects on combating child sex tourism by implementing the three Ps begs the question in this scenario? As NPE was a major framework that was analysed for chapter four, how it was seen to affect the donor-recipient relationship between ECPAT, the EU and its Member States was a different story. We were able to see the different fascists of how ECPAT as an NGO was able

to use the funding they had received from the EU. This was also provided with the support of EUROPOL and had resource backing from some EU Member States.

Based on the prosecution aspect of this chapter and how it was researched, determining how resources came about to prosecute EU Nationals who travelled overseas to commit sexual crimes against children was also investigated. Projects such as **‘Don’t Look Away: Report Child Sex Tourism’** and **‘ECPAT SERIOUS GAME!’** did not go into detail on how prosecuting EU Nationals who are convicted child sex offenders would occur. The only project that mentioned this was **‘Protection of children against sexual exploitation in tourism: Capacity building and awareness raising activities in Thailand, Cambodia, Philippines, Gambia and Dominican Republic’** as it had summarised this and was able to determine some successes from the project as well. If we take this back to Pink’s (2013, p. 164) theory of the reason why prosecution is not as successful in Thailand or why these projects cannot do much in regards to that is because it all comes back to the Thai Government’s “...lack of an effective and sustainable enforcement regime...” (Pink, 2013, p. 164). It could also be argued that the Thai Government needs to work closely with other international government bodies like the EU, its Member States and other international NGOs and CSOs as this might help local law enforcement and the Thai Government get a real clamp on this issue.

Future Recommendations

More research in the field of child sex tourism needs to be investigated as there is not much current information out there at the moment. Social awareness needs to be made on the child sex tourism industry in Thailand and the European Commission, EU and its Member States needs to work on this more with NGOs like ECPAT in Thailand and other international actors and CSOs. Better communication between the Thai Government and EU needs to be

established in order to find ways on protecting and preventing children from being trafficked from different parts of Southeast Asia and into Thailand to work as child prostitutes in the sex tourism industry. Also communication between the Thai Government, the EU and its Member States needs to be more apparent in order to have a better handle on policies that centre on the prosecution of EU Nationals that travel to Thailand for the purpose of sexual exploitation with children. Down below is more of a detailed summary on how NPE can be used to try and combat child sex tourism and child trafficking in Thailand.

Protect:

- Expanding awareness of child trafficking and sex tourism laws and policies in Thailand is paramount as this should help local law enforcement and other NGOs and CSOs have a better chance of increasing the protection of child victims more.
- Child rights need to be protected more in criminal proceedings.
- Law enforcement personnel and also front line agencies, local and international NGOs needs to be trained more in handling child trafficking and child sex tourism policies and laws. This should help in the assistance of being more knowledgeable on this issue and more children should hopefully be more protected.
- Also more knowledge and understanding on child trafficking penal codes and child trafficking needs to be expanded more as this will help get a handle on this issue in Thailand and Southeast Asia.

Prevent:

- Tougher sanctions on cross-bordering with trafficked children needs to be tackled more and Thailand needs to work with the Burma Government to resolve this.
- Better prevention programmes, projects and initiatives needs to be developed to help tackle the issue of child sex tourism in Southeast Asia more.

- Training in prevention laws and policies on child trafficking and sex tourism victims needs to be implemented more so local law enforcement in Thailand, the Thai Government, and other international government bodies like the EU and its Member States can have a better understanding of how to tackle this problem in Thailand further.

Prosecute:

- Reform in the laws of Thailand is important if they want child sex tourism and child trafficking combated.
- The Thai Government needs to communicate more with international actors outside of Thailand so they can clamp down on the amount of foreign clients who travel to Thailand for the purpose of procuring sexual services with children.
- Prison sentencing on traffickers and perpetrators in Thailand needs to increase as this will hopefully stop both the trafficker and the perpetrator from committing further crimes against children.
- Better communication systems needs to be enforced between EU Member States so EU Nationals that travel to Thailand can be prosecuted. This should hopefully reduce the amount of EU Nationals travelling to countries like Thailand.
- Unfortunately prosecution in both the EU and Thailand remain to be quite low even though EU Member States seem to have a bit of a better system than Thailand to prosecute registered child sex offenders.
- Lastly, as corruption still remains in Thailand, a major government initiative needs to be instigated to tackle the ongoing corruption issue between some police officers, military and commercial business sectors who profit from being involved in the SECTT industry.

Overall, even though there have been some successes between the Thai Government and them working alongside NGOs and CSOs to try and get more of a handle on child trafficking and sex tourism in Thailand, there has not been much success in working alongside the EU and its Member States. The Thai Government has also achieved some successes in ratifying some conventions and implemented the basics of those policies into their laws; unfortunately, there is no proper segregation for child protection and prevention laws for children who have trafficked from other parts of Southeast Asia and into Thailand. Secondly, there are no proper protection or prevention laws under the Thai Penal Code to help children who have been victimised into working in the sex tourism industry in Thailand. Thirdly, there are no proper prosecution sentencing laws integrated into Thai Law as sentencing perpetrators and traffickers is still very minimalistic. EU Member States also have a similar law structure when it comes to dealing with convicted child sex offenders but they are starting to improve it a bit.

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Appendix 1

1.1 EU Law

The European Union is governed by the rule of law which means that every action that is taken by the EU is created from treaties that have been accepted democratically by other EU Member States. EU laws are designed to help put the objectives of the EU treaties and policies into practice. There are two main forms of EU Law which are known as primary and secondary law (Europa, 2018). EU law starts with treaties which set out a foundation for EU Law; this is also known as primary law. The laws that set out the principles and aims of the treaties are known as Secondary Law; these include: regulations, directives, decisions, recommendations and opinions (Europa, 2018).

In the course of my research, it has shown that the EU seems to have more normative influence when it comes to Child Trafficking (within EU member states) than Child Sex Tourism (Manners, 2009). It also appears that the EU has some influence on child sex tourism but not as much as child trafficking in Europe and developing countries (European Commission, 2016).

1.1 Table 1. EU Law, Directives, Policy and Report Documents on Child Sex Tourism

The table below listed in chronological order with the most recent first is of EU law, Directives, Policy and Report Documents that relate to Child Sex Tourism in Europe and developing countries. These documents will also help to explain the laws and policies in regards to the 3Ps (Protect, Prevent and Prosecute) and how they relate to child sex tourism.

The EU defines child sex tourism ‘...as the sexual exploitation of children by a person or persons who travel from their usual environment to a destination abroad where they have sexual contact with children.’ (European Union, Directive 2011/92/EU, p. 4 (Article 29)).

EU Law, Directives, Policy and Report documents on Child Sex Tourism	Child Sex Tourism
<p>Brussels, 16.12.2016 COM(2016) 871 final: REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL assessing the extent to which the Member States have taken the necessary measures in order to comply with Directive 2011/93/EU of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography</p>	<p>Article 21: Measures against advertising abuse opportunities and child sex tourism Article 21(b): <i>“Article 21(b) concerns the prohibition/prevention of the organisation for others of travel arrangements with the purpose of offending. Most Member States have taken a variety of measures to transpose this provision. For example, AT, BG and FI criminalize this conduct through provisions applicable to aiders/abettors and practical measures, while in CZ, LT and SK such conduct is solely penalised via the provision applicable to participants, even if the main crime was not committed. CY, EL, IT and MT have adopted a specific offence which sanctions the organisation of travels for third parties with the aim to commit child offences”</i> (European Commission, 2016, pp. 17-18).</p>
<p>DIRECTORATE-GENERAL FOR INTERNAL POLICIES POLICY DEPARTMENT CITIZENS’ RIGHTS AND CONSTITUTIONAL AFFAIRS: Combating child sexual abuse online: Study for the LIBE Committee (Year: 2015)</p>	<p>References: EU Legislative instruments and other legal acts <i>“Resolution of the European Parliament of 30 March 2000 on the Commission Communication on the implementation of measures to combat child sex tourism”.</i> (European Parliament, 2015, p. 51). EU policy documents <i>“Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on the implementation of measures to combat child sex tourism (COM(99) 262 final); Communication from the Commission on combating child sex tourism (COM(96) 547 final).”</i> (European Parliament, 2015, p. 51). <i>“Report from the Commission based on Article 12 of the Council Framework Decision of 22 December 2003 on combating the sexual exploitation of children and child pornography Brussels, 16.11.2007 COM(2007) 716 final.”</i> (European Parliament, 2015, p. 51). <i>“Traveling child sex offenders” Final Report</i></p>

September 2011.” (European Parliament, 2015, p. 52).

EU Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on combating child abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA

(29) *“Rules on jurisdiction should be amended to ensure that sexual abusers or sexual exploiters of children from the Union face prosecution even if they commit their crimes outside the Union, in particular via so-called sex tourism. Child sex tourism should be understood as the sexual exploitation of children by a person or persons who travel from their usual environment to a destination abroad where they have sexual contact with children. Where child sex tourism takes place outside the Union, Member States are encouraged to seek to increase, through the available national and international instruments including bilateral or multilateral treaties on extradition, mutual assistance or a transfer of the proceedings, cooperation with third countries and international organisations with a view to combating sex tourism. Member States should foster open dialogue and communication with countries outside the Union in order to be able to prosecute perpetrators, under the relevant national legislation, who travel outside the Union borders for the purposes of child sex tourism”.* (European Union Law, 2011, p. 4).

(33) *“Member States should undertake action to prevent or prohibit acts related to the promotion of sexual abuse of children and child sex tourism. Different preventative measures could be considered, such as the drawing up and reinforcement of a code of conduct and self-regulatory mechanisms in the tourism industry, the setting-up of a code of ethics or ‘quality labels’ for tourist organisations combating child sex tourism, or establishing an explicit policy to tackle child sex tourism.”* (European Union Law, 2011, p. 4).

Article 21: Measures against advertising abuse opportunities and child sex tourism

Member States shall take appropriate measures to prevent or prohibit:

Article 21(a): *“...the dissemination of material advertising the opportunity to commit any of the offences referred to in Articles 3 to 6; and”,*

Article 21(b): *“...the organisation for others, whether or not for commercial purposes, of travel arrangements with the purpose of committing any of the offences referred to in Articles 3 to 5.”* (European Union Law, 2011, p.

Report from the Commission to the European Parliament and the Council assessing the extent to which the Member States have taken the necessary measures in order to comply with Directive 2011/93/EU of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography

Articles 17(1) to (3): *“Jurisdiction for cases perpetrated by offenders who are nationals of the investigating country, so that they can also be prosecuted in their country for crimes they commit in other Member States or third countries.”* (European Commission, 2016, p.3).

Articles 17(4) and 17(5): *“Removal of conditions of dual criminality and reporting in the place where the offence was committed when prosecuting crimes committed in other Member States or third countries.”* (European Commission, 2016, p. 3).

Article 21: Measures against advertising abuse opportunities and child sex tourism

Article 21(a): *“concerns the prohibition/prevention of the dissemination of material advertising the opportunity to commit child sexual offences. Whereas AT, BE, CY, EE, EL, IT, LV, MT and SK have in place a criminal offence penalising the advertising specified in Article 21(a), DE, FI, FR, LV, PL, PT and RO have transposed this provision of the Directive through the criminal offence of public incitement.”* (European Commission, 2016, p. 17)

Article 21(b): *“concerns the prohibition/prevention of the organisation for others of travel arrangements with the purpose of offending. Most Member States have taken a variety of measures to transpose this provision. For example, AT, BG and FI criminalize this conduct through provisions applicable to aiders/abettors and practical measures, while in CZ, LT and SK such conduct is solely penalised via the provision applicable to participants, even if the main crime was not committed. CY, EL, IT and MT have adopted a specific offence which sanctions the organisation of travels for third parties with the aim to commit child offences.”* (European Commission, 2016, p. 17).

Combating sexual abuse of children Directive 2011/93/EU European Implementation Assessment

“...The directive also aims at adopting measures against advertising abuse opportunities and child sex tourism (Article 21).” (European Parliament, 2017, p. 30).

“...Most Member States have, moreover, taken a variety of measures to transpose the provision that concerns prohibition and prevention of the organisation for others of travel arrangements with the purpose of offending. Where offenders are travelling abroad to commit abuse, one

should note that various initiatives have been put in place by the relevant industries, often in cooperation with international organisations (IOs) and NGOs, such as The Code.” (European Parliament, 2017, p. 31).

4.2 Sex offender registries

“In Recital 43, the Child Sexual Abuse Directive provides that ‘Member States may consider adopting additional administrative measures in relation to perpetrators, such as the registration in sex offender registers of persons convicted of offences referred to in this directive. Access to those registers should be subject to limitation in accordance with national constitutional principles and applicable data protection standards, for instance by limiting access to the judiciary and/or law enforcement authorities’. The main function of such a register is to monitor the reintegration into society of convicted sex offenders once they have served their sentence. Convicted sex offenders are required to notify the relevant authority of personal information, such as their name, address and date of birth, and to immediately inform this authority if their personal circumstances change.” (European Parliament, 2017, p. 45).

“The debate around an EU-wide obligation to set up registers for child sex offenders is therefore far from being settled. A consensus is unlikely to be found on this issue, and agreement on the idea of a single Europe-wide sex offenders register is even more unlikely. On this issue, the European Commission, but also the Council of Europe, are more in favour of improving exchange of information at EU and international level, rather than establishing a centralised register.” (European Parliament, 2017, p. 46).

Preventive intervention programmes or measures (Article 22)

“Article 22 requires Member States to ensure that persons who fear that they might offend may have access to effective intervention programmes or measures designed to evaluate and prevent the risk of such offences being committed. AT, BG, DE, FI, NL, SK and UK (England/Wales, Northern Ireland and Scotland) have put in place measures to transpose this provision, whereas the information provided by the other Member States was not conclusive.” (European Commission, 2016, p. 18).

Prevention (Article 23)

Article 23 of the EU Directive requires EU Member States to take appropriate action to prevent future sexual exploitation and sexual abuse of children.

Article 23(1): “concerns education and training measures. While CY, EL, ES, and LT transposed this Article through specific legislative provisions, BG, CZ and PT used other measures such as national action plans/strategies. NL, PL, RO, SE and UK (England/Wales, Northern Ireland and Scotland), used general legislative measures in combination with campaigns and projects.” (European Commission, 2016, p. 18).

Article 23(2): “concerns information and awareness campaigns, possibly in cooperation with civil society organisations. All Member States transposed this provision, for example through education programmes (AT, BE, CY, FR, LU, LV, MT, PT, SK and UK (England/Wales and Northern Ireland)).” (European Commission, 2016, p. 18).

Article 23(3): “concerns regular training of officials likely to come in contact with child victims. Most Member States have taken measures to transpose this provision. The information from EL, HU, IE, IT and UK (Scotland) was not conclusive.” (European Commission, 2016, p. 18).

1.2 Table 2. EU Law, Directives, Policy and Report documents on Child Trafficking

The table below listed in chronological order with the most recent first is of EU law, Directives, Policy and Report Documents that relate to Child Trafficking in Europe and developing countries. These documents will also help to explain the laws and policies in regards to the 3Ps (Protect, Prevent and Prosecute) and how they relate to Child Trafficking.

According to EU Directive 2011/36/EU (2011), they define child trafficking as “The recruitment, transportation, transfer, harbouring or receipt of persons, including exchange or transfer of control over that person, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of

vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation." They also explain that child trafficking is based on "A position of vulnerability occurs when the person has no real or acceptable alternative but to submit to the abuse involved."[...]Exploitation shall include, as a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, including begging, slavery or practices similar to slavery, servitude, or the exploitation of criminal activities or the removal of organs.?" (EU Directive 2011/36/EU, 2011).

EU Law, Directives, Policy Documents and Reports on Child Trafficking	Child Trafficking
<p>Brussels, 16.12.2016 COM(2016) 871 final: REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL assessing the extent to which the Member States have taken the necessary measures in order to comply with Directive 2011/93/EU of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography</p>	<p>Offences concerning sexual exploitation (Article 4) :</p> <p>Article 4(5): "Under Article 4(5), Member States shall punish causing or recruiting a child to participate in child prostitution, or profiting from or otherwise exploiting a child for such purposes. BE, BG, CY, CZ, DE, EL, ES, FR, HR, IT, LT, LU, MT, NL, PT, RO, SE, SI, SK and UK have in place legislation that transposes this provision of the Directive." (European Union, 2016, p. 8).</p> <p>Article 4(6): "Article 4(6) punishes coercing or forcing a child into child prostitution, or threatening a child for such purposes. AT, BG, CY, CZ, DE, EE, EL, ES, FR, HR, IT, LT, LU, MT, NL, PT, RO, SI, SK and UK (Scotland) have in place legislation that transposes this provision of the Directive. The information from the other Member States was not conclusive." (European Union, 2016, pp. 8-9).</p> <p>Article 4(7): "Article 4(7) penalises engaging in sexual activities with a child where recourse is made to child prostitution. Most Member States have in place legislation that transposes this provision. For HU, IE, LV, PL, PT, RO and SE the information was not conclusive". (European Union, 2016, p. 9).</p> <p>Article 18(1): "...child victims shall be provided with assistance, support and protection taking into account the best interests of the child. Most Member States have in place legislation that transposes this provision. The information provided by BE, DE, LV and SI was not</p>

conclusive” (European Union, 2016, p. 14).

Article 18(2): “...obliges Member States to take the necessary measures to ensure that a child is provided with assistance and support as soon as the competent authorities have a reasonable-grounds indication that the child might be a victim. About half of the Member States have in place measures that transpose this provision.” (European Union, 2016, p.14).

Article 21

Article 21(a): “Article 21(a) concerns the prohibition/prevention of the dissemination of material advertising the opportunity to commit child sexual offences. Whereas AT, BE, CY, EE, EL, IT, LV, MT and SK have in place a criminal offence penalising the advertising specified in Article 21(a), DE, FI, FR, LV, PL, PT and RO have transposed this provision of the Directive through the criminal offence of public incitement” European Commission, 2016, p. 17).

Article 79 (ex Article 63, points 3 and 4, TEC)

“1. The Union shall develop a common immigration policy aimed at ensuring, at all stages, the efficient management of migration flows, fair treatment of third-country nationals residing legally in Member States, and the prevention of, and enhanced measures to combat, illegal immigration and trafficking in human beings.” (European Union, 2016, p. 77).

“2. For the purposes of paragraph 1, the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall adopt measures in the following areas:”...” (d) combating trafficking in persons, in particular women and children.” (European Union, 2016, p. 77).

Article 83 (ex Article 31 TEU)

“1. The European Parliament and the Council may, by means of directives adopted in accordance with the ordinary legislative procedure, establish minimum rules concerning the definition of criminal offences and sanctions in the areas of particularly serious crime with a cross-border dimension resulting from the nature or impact of such offences or from a special need to combat them on a common basis. These areas of crime are the following: terrorism, trafficking in human beings and sexual exploitation of women and children, illicit drug trafficking, illicit arms trafficking, money laundering, corruption, counterfeiting of means

CHARTER OF FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION
(2012/C 326/02)EN 26.10.2012 Official Journal of the European Union C 326/391
Article 5 Prohibition of slavery and forced labour

Brussels, 19.6.2012 COM(2012) 286 final: COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS The EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016

of payment, computer crime and organised crime.” (European Union, 2016, p. 80).

Article 5 Prohibition of slavery and forced labour

Article 5(1): “No one shall be held in slavery or servitude.” (EUR-Lex, 2012, p. 396).

Article 5(2): “No one shall be required to perform forced or compulsory labour.” (EUR-Lex, 2012, p. 396).

Article 5(3): “Trafficking in human beings is prohibited.” (EUR-Lex, 2012, p. 396).

Priority A: Identifying, protecting and assisting victims of trafficking

Action 3: Protection of Child Victims of Trafficking

“Member States should strengthen child protection systems for trafficking situations and ensure where return is deemed to be the child’s best interest, the safe and sustainable return of children to the country of origin, in and outside the EU, and prevent them from being re-trafficked.” (European Commission, 2012, p. 7).

“In addition, with respect to child trafficking, there is at present no uniform definition of a guardian and/or representative across the Member States and their roles, qualifications and understanding of competences vary from one Member State to another. In 2014, together with the European Union Agency for Fundamental Rights, the Commission intends to develop a best practice model on the role of guardians and/or representatives of child victims of trafficking.” (European Commission, 2012, p. 7).

Priority B: Stepping up the prevention of trafficking in human beings

“A coherent approach to prevention must encompass prosecution and protection and address all areas of trafficking in human beings. Prevention needs to be stepped up in the light of the root causes which make people vulnerable to trafficking and addressing these causes should be a key aspect of prevention in the EU and in third countries.” (European Commission, 2012, p. 8).

Action 1: Understanding and Reducing Demand

“To increase understanding on the reduction of demand, in 2013, under the Seventh Framework Programme, the Commission will fund research on reducing the demand for and supply of

services and goods by victims of trafficking in human beings, including victims trafficked for the purpose of sexual exploitation and specific categories of victims such as children. The research will provide material for the Commission's 2016 report on the legal measures that some Member States have taken to criminalise the use of services of victims of trafficking in human beings." (European Commission, 2012, p. 8).

Action 2: Promote the establishment of a Private Sector Platform

"A European Business Coalition against trafficking in human beings will be established in 2014. The coalition should improve cooperation with businesses and other stakeholders, respond to emerging challenges and discuss measures to prevent trafficking in human beings, in particular in high-risk areas. In 2016, the Commission intends to work together with the Coalition to develop models and guidelines on reducing the demand for services provided by victims of trafficking in human beings, in particular in high-risk areas, including the sex industry, agriculture, construction and tourism." (European Commission, 2012, p. 8).

Action 3: EU-wide Awareness Raising Activities and Prevention Programmes

"Numerous anti-trafficking prevention programmes, in particular awareness-raising campaigns, have been implemented locally, nationally, internationally and in third countries. However, little has been done to systematically evaluate the impact of such prevention programmes in terms of their achieving their objectives, such as changes in behaviour and attitudes, thus reducing the likelihood of trafficking in human beings. Little is also known about the added value, coherence and consistency (where appropriate) of such initiatives and the links between them." (European Commission, 2012, p. 9).

"In 2013, under the home affairs funding programme, the Commission will thoroughly analyse prevention initiatives already in place to target trafficking in human beings carried out by various actors. The Commission will then develop EU-wide guidance on future prevention measures and gender-sensitive information campaigns with the Member States. Based on the analysis of prevention activities already in

place, links to existing awareness raising campaigns will be established in 2015.” (European Commission, 2012, p. 9).

“In 2014 the Commission will launch EU-wide awareness-raising activities targeting specific vulnerable groups, such as women and children at risk, domestic workers, Roma communities, undocumented workers and situations such as major sporting events, using the home affairs funding programme. The internet and social networks will be used as a means of effectively raising awareness in a targeted manner.” (European Commission, 2012, p. 9).

EU Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on combating child abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA

(7) “This Directive should be fully complementary with Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (1), as some victims of human trafficking have also been child victims of sexual abuse or sexual exploitation.” (European Union Law, 2011, p. 2).

Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating Trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA

Article 1(2): “This Directive is part of global action against trafficking in human beings, which includes action involving third countries as stated in the ‘Action-oriented Paper on strengthening the Union external dimension on action against trafficking in human beings; Towards global EU action against trafficking in human beings’ approved by the Council on 30 November 2009. In this context, action should be pursued in third countries of origin and transfer of victims, with a view to raising awareness, reducing vulnerability, supporting and assisting victims, fighting the root causes of trafficking and supporting those third countries in developing appropriate anti-trafficking legislation.” (European Union, 2011, p. 1).

Article 1(6): “Member States should encourage and work closely with civil society organisations, including recognised and active non-governmental organisations in this field working with trafficked persons, in particular in policy-making initiatives, information and awareness-raising campaigns, research and education programmes and in training, as well as in monitoring and evaluating the impact of anti-trafficking measures.” (European Union, 2011, p. 2).

Article 1(7): “This Directive adopts an integrated,

holistic, and human rights approach to the fight against trafficking in human beings and when implementing it, Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities (2) and Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals (3) should be taken into consideration. More rigorous prevention, prosecution and protection of victims' rights, are major objectives of this Directive. This Directive also adopts contextual understandings of the different forms of trafficking and aims at ensuring that each form is tackled by means of the most efficient measures." (European Union, 2011, p. 2).

Article 1(8): "Children are more vulnerable than adults and therefore at greater risk of becoming victims of trafficking in human beings. In the application of this Directive, the child's best interests must be a primary consideration, in accordance with the Charter of Fundamental Rights of the European Union and the 1989 United Nations Convention on the Rights of the Child." (European Union, 2011, p. 2).

Article 1(19): "...Legal counselling and, in accordance with the role of victims in the relevant justice systems, legal representation should be provided free of charge, at least when the victim does not have sufficient financial resources, in a manner consistent with the internal procedures of Member States. As child victims in particular are unlikely to have such resources, legal counselling and legal representation would in practice be free of charge for them. Furthermore, on the basis of an individual risk assessment carried out in accordance with national procedures, victims should be protected from retaliation, from intimidation, and from the risk of being re-trafficked." (European Union, 2011, p. 4).

Article 1(22): "In addition to measures available to all victims of trafficking in human beings, Member States should ensure that specific assistance, support and protective measures are available to child victims. Those measures should

be provided in the best interests of the child and in accordance with the 1989 United Nations Convention on the Rights of the Child. Where the age of a person subject to trafficking is uncertain, and there are reasons to believe it is less than 18 years, that person should be presumed to be a child and receive immediate assistance, support and protection. Assistance and support measures for child victims should focus on their physical and psycho-social recovery and on a durable solution for the person in question. Access to education would help children to be reintegrated into society. Given that child victims of trafficking are particularly vulnerable, additional protective measures should be available to protect them during interviews forming part of criminal investigations and proceedings.” (European Union, 2011, p. 4).

Article 1(23): “Particular attention should be paid to unaccompanied child victims of trafficking in human beings, as they need specific assistance and support due to their situation of particular vulnerability. From the moment an unaccompanied child victim of trafficking in human beings is identified and until a durable solution is found, Member States should apply reception measures appropriate to the needs of the child and should ensure that relevant procedural safeguards apply. The necessary measures should be taken to ensure that, where appropriate, a guardian and/or a representative are appointed in order to safeguard the minor’s best interests. A decision on the future of each unaccompanied child victim should be taken within the shortest possible period of time with a view to finding durable solutions based on an individual assessment of the best interests of the child, which should be a primary consideration. A durable solution could be return and reintegration into the country of origin or the country of return, integration into the host society, granting of international protection status or granting of other status in accordance with national law of the Member States.” (European Union, 2011, pp. 4-5).

Article 1(26): “Directive 2009/52/EC provides for sanctions for employers of illegally staying third-country nationals who, while not having been charged with or convicted of trafficking in human beings, use work or services exacted from a

person with the knowledge that that person is a victim of such trafficking. In addition, Member States should take into consideration the possibility of imposing sanctions on the users of any service exacted from a victim, with the knowledge that the person has been trafficked. Such further criminalisation could cover the behaviour of employers of legally staying third-country nationals and Union citizens, as well as buyers of sexual services from any trafficked person, irrespective of their nationality” (European Union, 2011, p. 5).

Article 1(33): “This Directive respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union and notably human dignity, the prohibition of slavery, forced labour and trafficking in human beings, the prohibition of torture and inhuman or degrading treatment or punishment, the rights of the child, the right to liberty and security, freedom of expression and information, the protection of personal data, the right to an effective remedy and to a fair trial and the principles of the legality and proportionality of criminal offences and penalties. In particular, this Directive seeks to ensure full respect for those rights and principles and must be implemented accordingly.” (European Union, 2011, p. 6).

Article 2: Offences concerning trafficking in human beings

Article 2 (Paragraph 1): “Member States shall take the necessary measures to ensure that the following intentional acts are punishable: The recruitment, transportation, transfer, harbouring or reception of persons, including the exchange or transfer of control over those persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.” (European Union, 2011, p. 6).

Article 2(5): “When the conduct referred to in paragraph 1 involves a child, it shall be a punishable offence of trafficking in human beings even if none of the means set forth in paragraph 1 has been used.” (European Union, 2011, p. 6).

Article 2(6): “For the purpose of this Directive, ‘child’ shall mean any person below 18 years of age.” (European Union, 2011, p. 6).

Article 4: Penalties

Article 4(1): “Member States shall take the necessary measures to ensure that an offence referred to in Article 2 is punishable by a maximum penalty of at least five years of imprisonment.” (European Union, 2011, p. 6).

Article 4(2): “Member States shall take the necessary measures to ensure that an offence referred to in Article 2 is punishable by a maximum penalty of at least 10 years of imprisonment where that offence.” (European Union, 2011, p. 6).

Article 4(2(a)): “was committed against a victim who was particularly vulnerable, which, in the context of this Directive, shall include at least child victims;” (European Union, 2011, p. 6).

Article 13: General provisions on assistance, support and protection measures for child victims of trafficking in human beings

Article 13(1): “Child victims of trafficking in human beings shall be provided with assistance, support and protection. In the application of this Directive the child’s best interests shall be a primary consideration.” (European Union, 2011, p. 9).

Article 13(2): “Member States shall ensure that, where the age of a person subject to trafficking in human beings is uncertain and there are reasons to believe that the person is a child, that person is presumed to be a child in order to receive immediate access to assistance, support and protection in accordance with Articles 14 and 15.” (European Union, 2011, p. 9).

Article 14: Assistance and support to child victims

Article 14(1): “Member States shall take the necessary measures to ensure that the specific actions to assist and support child victims of trafficking in human beings, in the short and long term, in their physical and psycho-social recovery, are undertaken following an individual assessment of the special circumstances of each particular child victim, taking due account of the child’s views, needs and concerns with a view to finding a durable solution for the child. Within a reasonable time, Member States shall provide access to education for child victims and the children of victims who are given assistance and

support in accordance with Article 11, in accordance with their national law.” (European Union, 2011, p. 9).

Article 14(2): “Members States shall appoint a guardian or a representative for a child victim of trafficking in human beings from the moment the child is identified by the authorities where, by national law, the holders of parental responsibility are, as a result of a conflict of interest between them and the child victim, precluded from ensuring the child’s best interest and/or from representing the child.” (European Union, 2011, p. 9).

Article 14(3): “Member States shall take measures, where appropriate and possible, to provide assistance and support to the family of a child victim of trafficking in human beings when the family is in the territory of the Member States. In particular, Member States shall, where appropriate and possible, apply Article 4 of Framework Decision 2001/220/JHA to the family.” (European Union, 2011, p. 9).

Article 15: Protection of child victims of trafficking in human beings in criminal investigations and proceedings

Article 15(1): “Member States shall take the necessary measures to ensure that in criminal investigations and proceedings, in accordance with the role of victims in the relevant justice system, competent authorities appoint a representative for a child victim of trafficking in human beings where, by national law, the holders of parental responsibility are precluded from representing the child as a result of a conflict of interest between them and the child victim.” (European Union, 2011, p. 9).

Article 15(2): “Member States shall, in accordance with the role of victims in the relevant justice system, ensure that child victims have access without delay to free legal counselling and to free legal representation, including for the purpose of claiming compensation, unless they have sufficient financial resources.” (European Union, 2011, p. 9).

Article 15(3): “Without prejudice to the rights of the defence, Member States shall take the necessary measures to ensure that in criminal investigations and proceedings in respect of any of the offences referred to in Articles 2 and 3:...” (European Union, 2011, p. 9).

Article 15(3(a)): “interviews with the child victim take place without unjustified delay after the facts have been reported to the competent authorities;” (European Union, 2011, p. 9).

Article 15(3(b)): “interviews with the child victim take place, where necessary, in premises designed or adapted for that purpose;” (European Union, 2011, p. 9).

Article 15(3(c)): “interviews with the child victim are carried out, where necessary, by or through professionals trained for that purpose;” (European Union, 2011, p. 10).

Article 15(3(d)): “the same persons, if possible and where appropriate, conduct all the interviews with the child victim;” (European Union, 2011, p. 10).

Article 15(3(e)): “the number of interviews is as limited as possible and interviews are carried out only where strictly necessary for the purposes of criminal investigations and proceedings;” (European Union, 2011, p. 10).

Article 15(3(f)): “the child victim may be accompanied by a representative or, where appropriate, an adult of the child’s choice, unless a reasoned decision has been made to the contrary in respect of that person.” (European Union, 2011, p. 10).

Article 18: Prevention

Article 18(1): “Member States shall take appropriate measures, such as education and training, to discourage and reduce the demand that fosters all forms of exploitation related to trafficking in human beings.” (European Union, 2011, p. 10).

Article 18(2): “Member States shall take appropriate action, including through the Internet, such as information and awareness-raising campaigns, research and education programmes, where appropriate in cooperation with relevant civil society organisations and other stakeholders, aimed at raising awareness and reducing the risk of people, especially children, becoming victims of trafficking in human beings.” (European Union, 2011, p. 10).

Article 18(3): “Member States shall promote regular training for officials likely to come into contact with victims or potential victims of trafficking in human beings, including front-line police officers, aimed at enabling them to identify and deal with victims and potential victims of trafficking in human beings.”

(European Union, 2011, p. 10).

Article 18(4): “In order to make the preventing and combating of trafficking in human beings more effective by discouraging demand, Member States shall consider taking measures to establish as a criminal offence the use of services which are the objects of exploitation as referred to in Article 2, with the knowledge that the person is a victim of an offence referred to in Article 2.” (European Union, 2011, p. 10).

Article 20: Coordination of the Union strategy against trafficking in human beings

“In order to contribute to a coordinated and consolidated Union strategy against trafficking in human beings, Member States shall facilitate the tasks of an anti-trafficking coordinator (ATC). In particular, Member States shall transmit to the ATC the information referred to in Article 19, on the basis of which the ATC shall contribute to reporting carried out by the Commission every two years on the progress made in the fight against trafficking in human beings.” (European Union, 2011, p. 11).

Article 22: Transposition

Article 22(1): “Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 6 April 2013.” (European Union, 2011, p. 11).

Article 22(2): “Member States shall transmit to the Commission the text of the provisions transposing into their national law the obligations imposed on them under this Directive.” (European Union, 2011, p. 11).

Article 22(3): “When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by the Member States.” (European Union, 2011, p. 11).

TREATY OF LISBON: AMENDING THE TREATY ON EUROPEAN UNION AND THE TREATY ESTABLISHING THE EUROPEAN COMMUNITY (2007/CC 306/01)

General Provisions

Article 2(3): “...It shall combat social exclusion and discrimination, and shall promote social justice and protection, equality between women and men, solidarity between generations and protection of the rights of the child.” (European Union, 2007, p.13).

Article 2(5): “In its relations with the wider world, the Union shall uphold and promote its values and interests and contribute to the

protection of its citizens. It shall contribute to peace, security, the sustainable development of the Earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights, in particular the rights of the child, as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter.” (European Union, 2007, p. 13).

Chapter 4: Judicial Cooperation in Criminal Matters

Article 69 B(1): “The European Parliament and the Council may, by means of directives adopted in accordance with the ordinary legislative procedure, establish minimum rules concerning the definition of criminal offences and sanctions in the areas of particularly serious crime with a cross-border dimension resulting from the nature or impact of such offences or from a special need to combat them on a common basis.” and “These areas of crime are the following: terrorism, trafficking in human beings and sexual exploitation of women and children, illicit drug trafficking, illicit arms trafficking, money laundering, corruption, counterfeiting of means of payment, computer crime and organised crime.” (European Union, 2007, p. 67).

2. Thai Law

2.1 Table 3. Thailand Law (Title IX of the Thai Criminal Code) and Government Acts that centre on the protection, prevention, and prosecution of child sex tourism in Thailand

The table below listed in chronological order with the most recent first is of different Thai Laws (Sections and Acts) that centre on child victims of prostitution and sex tourism in Thailand.

Thailand Law (Title IX of the Thai Criminal Code) and Government Acts that centre on the protection, prevention, and prosecution of child sex tourism in Thailand.	Sections and Acts on child sex tourism and child trafficking in Thailand
Labour Protection Act B.E 2551 (2008)	<p>Section 12: The provisions of this Act from sections 50 and 51 of the Labour Protection Act, B.E. 2541 will be repealed and substituted by the following areas:</p> <p>Section 50 An Employer shall be prohibited to require an Employee who is a youth under eighteen years of age to work in any of the following places:</p> <ol style="list-style-type: none">(1) A slaughterhouse;(2) A gambling house;(3) A recreation place in accordance with the law governing recreation places;(4) Any other place as prescribed in the Ministerial Regulations. <p>Section 51 <i>“An Employer shall be prohibited from demanding or receiving a security deposit for any purpose from a young employee. The Employer shall be prohibited to pay wages of the young employee to any other person. Where the Employer pays money and any other benefits to the young employee, the parent or guardian of the young employee or other persons before employment, at the commencement of the employment, or before the due time of wage payment in each period, that the payment shall not be deemed as the payment or receipt of wages for the young employee. The Employer shall be prohibited to deduct such money or such benefit from the wages to be paid to the young employee in the specified time.”</i> (Thai Laws,</p>

Chapter 1: General Provision

Section 6: *“Whoever, for the purpose of exploitation, does any of the following acts: (1) procuring, buying, selling, vending, bringing from or sending to, detaining or confining, harboring, or receiving any person, by means of the threat or use of force, abduction, fraud, deception, abuse of power, or of the giving money or benefits to achieve the consent of a person having control over another person in allowing the offender to exploit the person under his control; or (2) procuring, buying, selling, vending, bringing from or sending to, detaining or confining, harboring, or receiving a child; is guilty of trafficking in persons.”* (Refworld, 2008, pp. 2-3).

Section 7: *“Whoever commits any of the following acts, shall be punished likewise as the offender of an offence of trafficking in persons:*

- (1) Supporting the commission of an offence of trafficking in persons;*
- (2) Aiding by contributing property, procuring a meeting place or lodge, for the offender of trafficking in persons;*
- (3) Assisting by any means so that the offender of trafficking in persons may not be arrested;*
- (4) Demanding, accepting, or agreeing to accept a property or any other benefit in order to help the offender of trafficking in persons not to be punished;*
- (5) Inducing, suggesting or contacting a person to become a member of the organised criminal group, for the purpose of committing an offence of trafficking in persons.”* (Refworld, 2008, p. 3).

Chapter 4: Provisions of Assistance and Protection of Safety to the Trafficked Person of Trafficking in Persons

Section 33: *“The Ministry of Social Development and Human Security shall consider to provide assistance as appropriate to a trafficked person on food, shelter, medical treatment, physical and mental rehabilitation, education, training, legal aid, the return to the country of origin or domicile, the legal proceedings to claim compensation according to the regulations prescribed by the Minister, providing that human dignity and the difference in sex, age, nationality, race, and culture of the trafficked person shall be*

taken into account. The right to receive protection, whether it be prior to, during and after the assistance providing, including the timeframe in delivering assistance of each stage, shall be informed the trafficked person. In this connection, the opinion of trafficked person is to be sought. The competent official, in providing assistance under paragraph one, may place the trafficked person in the care of a primary shelter provided by the law on prevention and suppression of prostitution, or a primary shelter provided by the law on child protection, or other government or private welfare centers.” (Refworld, 2008, p. 13).

Section 37: *“For the purpose of taking proceedings against the offender under this Act, or providing medical treatment, rehabilitation for the trafficked person, or claiming for compensation of the trafficked person, the competent official may assist the trafficked person to get a permission to stay in the Kingdom temporarily and be temporarily allowed to work accordance with the law. In so doing, the humanitarian reason shall be taken into account.”* (Refworld, 2008, p. 14).

Chapter 6: Penalties

Section 52: *“Whoever commits an offence of trafficking in persons shall be liable to the punishment of an imprisonment from four years to ten years and a fine from eighty thousand Baht to two hundred thousand Baht. If the offence under paragraph one is committed against a child whose age exceeds fifteen years but not yet reaching eighteen years, the offender shall be liable to the punishment of an imprisonment from six years to twelve years and a fine from one hundred twenty thousand Baht to two hundred forty thousand Baht. If the offence under paragraph one is committed against a child not over fifteen years of age, the offender shall be liable to the punishment of an imprisonment from eight years to fifteen years and a fine from one hundred sixty thousand Baht to three hundred thousand Baht.”* (Refworld, 2008, p. 18).

Child Protection Act (2003)

Article 25: Guardians of the child are forbidden under this act to do as follows:
2) Neglect a child at any place without arranging for appropriate safety protection or care;
3) Deliberately or neglectfully withhold from a child things that are necessary for sustaining the

child's life or health, to an extent which seems likely to cause physical or mental harm to the child;

4) Treat a child in ways or manners which hinder his or her growth or development;

5) Treat a child in ways or manners which constitute unlawful caring;

Article 26: Under the provisions of other laws, regardless of child's consent, a person is forbidden to act as follows:

" 1) Commit or omit acts which result in torturing a child's body or mind;

2) Intentionally or neglectfully withhold things that are necessary for sustaining the life or health of a child under guardianship, to the extent which would be likely to cause physical or mental harm to the child;

1) Force, threaten, induce, encourage or allow a child to adopt behaviour and manners which are inappropriate or likely to be the cause of wrongdoing;

2) Force, threaten, induce, encourage, consent to, or act in any other way that results

3) in a child becoming a beggar, living on the street, or use a child as an instrument for begging or committing crimes, or act in any way that results in the exploitation of a child;

4) Use, employ or ask a child to work or act in such a way that might be physically or mentally harmful to the child, affect the child's growth or hinder the child's development;

5) Use or allow a child to gamble in any form or enter into a gambling place, brothel, or other place where children are not allowed;

6) 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;

If the offences under paragraph one of this section of the Act intend to carry out heavier penalties under other law, then the penalties under such law will be imposed to the perpetrator." (Constitution of the Kingdom of Thailand, 2003, pp. 9-10).

Article 28: *"In those cases where a child's guardian is not in a state to take care, raise, discipline and develop the child, regardless of the reason, or a child's guardian acts in a manner which is likely to be harmful to the child's safety or obstructive to his or her growth or*

development, or provides unlawful care; or for any other compelling reason for the benefit of assisting or protecting the child against harm, a competent official must undertake to provide assistance and protection to the child according to this Act.” (Constitution of the Kingdom of Thailand, p. 10).

Article 29: “Upon finding a child in circumstances which warrant welfare assistance or safety protection as stipulated under Chapters 3 and 4, a person shall provide basic assistance and notify a competent official, administrative official or police officer or person having the duty to protect a child's safety according to Article 24 without delay.

A physician, nurse, psychologist or public health official admitting a child for treatment; teacher, instructor or employer having the duty to take care of a child who is his or her student or employee, shall report immediately to a competent official or person having duty to protect a child's safety according to Article 24, or administrative official or police officer if it is apparent or suspected that the child has been tortured or is sick due to unlawful care. Persons notifying or reporting in good faith under this Article shall receive appropriate protection and shall not be held liable for any civil, criminal or administrative action arising therefrom.” (Constitution of the Kingdom of Thailand, 2003, pp. 10-11).

Chapter 3: Social Welfare

Article 32: Children who warrant from getting assistance from the government are as follows:

- “1) Street children or orphans;
- 2) Abandoned or lost children;
- 5) Children who have been unlawfully brought up, exploited, abused, or subjected to any other conditions which are likely to cause them to behave in an immoral manner or suffer physical or mental harm;
- 7) Children in difficult circumstances;
- 8) Children in situations warranting welfare assistance as stipulated in the ministerial regulations.” (Constitution of the Kingdom of Thailand, 2003, p. 12).

Chapter 4: Safety Protection

Article 40: Children who warrant safety and protection are explained as follows:

- 1) Tortured children;
- 2) Children who are vulnerable to

wrongdoing;

3) And children in the state who are in need of safety protection in accordance with the ministerial regulations in Thailand.

Article 41: *“Upon having witnessed or come to know of conduct which leads a person to believe that an act of torture has been committed against a child, such person shall promptly notify or report to a competent official, administration official or a person having the duty to protect a child’s safety according to Article 24.”*

(Constitution of the Kingdom of Thailand, 2003, pp. 15-16).

Article 43: *“In the case where a child’s guardian or relative in the one committing an act of torture, in criminal proceedings are instituted against the perpetrator and there is reason to believe that the accused will repeat the act of torture, the court which considers such case shall have the power to determine conditions for controlling the behaviour of the accused, to forbid the accused from entering a specified area or to come closer to the child than the distance specified by the court, in order to prevent any repetition of such act, and may place the accused under a bond of performance in accordance with the procedures stipulated under Article 46 and 47 of the Penal Code.”* (Constitution of the Kingdom of Thailand, 2003, p. 16).

CRIMINAL CODE B.E. 2499 (amended up to 2003)

Section 276: Whoever decides to sexual intercourse with a woman and his or her own wife, by using acts of violence, or by taking advantage of a woman that is unable to defend for themselves or causes a woman to mistake the perpetrator for another person will be punished with being sent to prison for 4-20 years and be fined 8,000 to 40,000 Baht. (Thailand Law Online, 2003).

Section 277: Whoever decided to have sexual intercourse with a girl that is not over the age of 15 years and able to be someone’s wife, whether a girl will consent to his advances or not, will be punished with being sent to prison from 4-20 years and fined 8,000 to 40,000 Baht. But if the commission of the committed offence which resides from the first paragraph is committed against the girls will and is not over the age of 13 years, then the offender will be punished with a prison sentence of 7-20 years and fined 14,000 to 40,000 Baht, or some in cases given a life sentence in prison. (Thailand Law Online, 2003).

Section 282: Whoever, in order to indulge in a sexual desire with another person, acquires, seduces or takes away for indecent acts from either a man or a woman with his or her consent, will be punished of 1-15 years in prison and fined of 6,000 to 30,000 Baht.

If the commission of the offence according to the first paragraph has happened to the person who is over 15 years of age but is not over the age of 18 years, then the offender in question will be punished with being sent to prison for 3-15 years and fined for 6,000 to 30,000 Baht.

But if the commission of the offence has happened (mentioned in the first paragraph of Section 282) and the child is not over 15 years of age, then the offender will be punished and sentenced to 5-20 years in prison and fined 10,000 to 40,000 Baht. But in order to fulfil the sexual desire for another person, and manages to obtain the person who has been procured, seduced or even taken away according to the first, second, or third paragraph, or even supports this kind of crime, will be held responsible to the punishment as provided from the first, second, or third paragraph as the situation may be (Thailand Law Online, 2003).

Section 283: Whoever, in order to please the sexual desire for another person, procures, seduces, or decides to be taken away to conduct indecent acts from a man or woman who decides to do this by deceitful means, threat, performs an act of violence to the victim, uses unjust influence or mode of coercion by other means, will be punished and sent to prison for 5-20 years and fined 14,000 to 40,000 Baht, or in some cases given a life sentence in prison.

But if the commission of the crime committed according to paragraph one has happened and the child is not yet over the age of 15 years, then the offender will be punished and sent to prison for 10-20 years and fined 20,000 to 40,000 Baht, or in some cases given a life sentence or ordered the death penalty.

But whoever is in order for gratification of sexual desire to another person, manages to get the person who has been acquired, or taken away according to the first, second, or third paragraph, or even supports this kind of offence, then the offender shall be held liable to the punishment given as has been given from paragraphs 1-3 of this section, depending on the

case itself (Thailand Law Online, 2003).

Section 283 bis: If the offender takes away the person who is over 15 years of age but is not over the age of 18 years to perform indecent acts with consent from the other person, then they will be held responsible and punished with a sentence of not greater than 5 years or fined not higher than 10,000 Baht, or both.

But if the commission of the criminal offence being committed from paragraph one of this section has happened and the child is not over the age of 15 years, then the offender in question will be punished and sentenced without it exceeding more than 7 years or fined with it not increasing to more than 14,000 Baht or in some case can be sentenced to both.

If the concealment of the person who has been taken away according to the first and second paragraph becomes apparent, then the offender is held responsible and will be punished as provided from the first and second paragraph, depending on the situation itself.

And lastly, if the offence is from the first and third paragraph and have been specially occurred in the case of committing to the person who is over 15 years of age, then this would be considered as a compoundable crime (Thailand Law Online, 2003).

Section 286: Whoever is over the age of 16 years (whether they are male or female), and might get some part of the earnings from the prostitute themselves, will be held liable for imprisonment of 7-20 years and fined 14,000 to 40,000 Baht, or sentenced to life in prison (Thailand Law Online, 2003).

Anti-Money Laundering Act, B.E. 2542 (1999)

Section 3: In this Act, "*Predicate offense*" means "*2) Offenses relating to sexuality under the Penal Code, in particular to sexual offenses pertaining to procuring, seducing, or taking or enticing for indecent act on women or children in order to gratify the sexual desire of another person, and offenses relating to the trafficking in children or minors, or offenses under the Measures to Prevent and Suppress Trading Women and Children Act. In particular related to offenses of procuring, seducing, enticing or kidnapping a person for the purpose of prostitution trade, or offenses relating to being an owner of a prostitution business, or an operator, or a manager of a place of prostitution business, or supervising persons who commit prostitution for*

trade in a prostitution business;” (Thai Law, 1999, p. 1).

Chapter 1: General Provision

Section 5: Whoever the person that decides to:
“(1) transfers, receives the transfer, or changes the form of an asset involved in the commission of an offense, for the purpose of concealing or disguising the origin or source of that asset, or for the purpose in assisting another person either before, during, or after the commission of an offense to enable the offender to avoid the penalty or receive a lesser penalty for the predicate offense; or
(2) Acts by any manner which is designed to conceal or disguise the true nature, location, sale, transfer, or rights of ownership, of an asset involved in the commission of an offense shall be deemed to have committed a money laundering offense.” (Thai Law, 1999, p. 3).

The Criminal Procedure Code Amendment Act (No. 20), B.E. 2542 (1999)

Section 3:

“These provisions shall be added to be Section 133 bis and Section 172 ter of the Criminal Procedure Code.” (Thai Laws, 1999, p. 1).

“Section 133 bis

If a child not over fifteen years of age is needed to give a statement as a witness, the inquiry official shall take the statement of the child in a room specifically arranged for this purpose. The inquiry shall be done in secrecy and separate from other adults. A psychologist, social worker, or another person whom the child requests to be present at the inquiry, shall participate in the inquiry. Such inquiry shall be recorded on video and audio tape to be use as evidence. If the prosecutor believes that it is appropriate, the prosecutor may participate in the process of statement taking of such child.” (Thai Laws, 1999, p. 1).

“Section 172 ter

If the witness in a case is a child not over fifteen years of age, and the judge thinks it is appropriate, the judge may arrange for the witness to sit in another apart from the trial room. The judge and all parties in the case may examine, cross-examine, or re-examine the child witness through a psychologist or social worker. The sight and sound of the examination and testimony of the witness shall be televised to the trial room through a video link.” (Thai Laws, 1999, p. 1).

Prevention and Suppression

Under **Section 5** of this Act it mentions that “Any

of Prostitution Act, B.E. 2539 (1996)

person who, for the purpose of prostitution, solicits, induces, introduces herself or himself to, follows or importunes a person in a street, public place or any other place, which is committed openly and shamelessly or causes nuisance to the public, shall be liable to a fine not exceeding one thousand Baht” (NATLEX, n.d, p. 2).

Section 8: *“Any person who, in order to gratify the sexual desire of oneself or another person, has sexual intercourse with or acts otherwise against a person over fifteen but not over eighteen years of age in a prostitution establishment, with or without his or her consent, shall be liable to imprisonment for a term of one to three years and to a fine of twenty thousand to sixty thousand Baht.” (NATLEX, n.d, p. 3).*

Section 11: *“Any person who is the owner, supervisor or manager of a prostitution business or a prostitution establishment, or the controller of prostitutes in a prostitution establishment shall be liable to imprisonment for a term of three to fifteen years and to a fine of sixty thousand to three hundred thousand Baht.” (NATLEX, n.d, p. 4).*

“If the prostitution business or establishment under paragraph one has, for prostitution, a person over fifteen but not over eighteen years of age, the offender shall be liable to imprisonment for a term of five to fifteen years and to a fine of one hundred thousand to three hundred thousand Baht.” (NATLEX, n.d, p. 4).

“If the prostitution business or establishment under paragraph one has, for prostitution, a child not over fifteen years of age, the offender shall be liable to imprisonment for a term of ten to twenty years and to a fine of two hundred thousand to four hundred thousand Baht.” (NATLEX, n.d, p. 4).

Immigration Act, B.E. 2522 (1979)

Chapter 2: Entering and Departing the Kingdom

Section 12: *“Aliens which fall into any of the following categories are excluded from entering into the Kingdom:*

Part 8. *Reasons to believe that entrance into the Kingdom was for the purpose of being involved in prostitution, the trading of women or children, drug smuggling, or other types of smuggling which are contrary to the public morality.” (Immigration Department Thailand, n.d, p. 3).*