Disrupting Harm

Evidence from 13 countries on the context, threats, and children’s perspectives of online child sexual exploitation and abuse.

Detailed Analysis of Interviews with Government Duty Bearers

Thailand

Last Updated – 27/04/21
This report is a summary of preliminary data collected for this research project. The perspectives contained herein represent the individuals interviewed and surveyed. Support from the Fund to End Violence Against Children does not constitute endorsement.
Introduction

Disrupting Harm: evidence to understand online child sexual exploitation and abuse (OCSEA), is a unique and collaborative research partnership between ECPAT International, INTERPOL, and UNICEF Office of Research – Innocenti. Leveraging their specific expertise, each partner sheds light on separate but interconnected areas: context, threats and children’s perspectives on online child sexual exploitation.

- Context by ECPAT International through portraying laws & policies in action;
- Threat by INTERPOL through the collection of crime and other data;
- Children’s voices by UNICEF Office of Research - Innocenti through surveys with children and their caregivers.

The countries of focus in Southern and Eastern Africa region are Ethiopia, Kenya, Mozambique, Namibia, South Africa, Tanzania and Uganda. The countries of focus in the Southeast Asian region are: Cambodia, Indonesia, Malaysia, Philippines, Thailand and Vietnam.

Research took place between 2019 and 2021. Up to nine separate research activities were undertaken in each country by the three project partners. Preliminary analysis for each activity was first conducted before the results across all the nine activities were consolidated into each national country report. These can be found here.

This report is the preliminary analysis conducted by ECPAT International of interviews conducted with an identified sample of government duty bearers whose mandates include addressing online child sexual exploitation and abuse at a national level. The aim of interviews was to identify emerging issues and trends, recent progress and upcoming plans and priorities in Thailand’s current legislative and policy environment.

A non-probability, purposive sample of 10-12 senior government duty-bearers who hold specific responsibilities for responding to the risks of OCSEA at a national level were invited to participate in the Government Interviews. In Thailand, 10 interviews with a total of 16 participants were conducted from March 2020 to July 2020.

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<th>ID Number</th>
<th>Ministry/Government Agency</th>
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<td>RA1-TH-01-A</td>
<td>Department of Juvenile Observation and Protection</td>
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<td>RA1-TH-02-A</td>
<td>Thailand Internet Crimes Against Children</td>
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In Thailand, the Interviews were conducted utilising a semi-structured interview schedule that allowed for exploration of emerging issues. Due to the COVID-19 pandemic, interviews were conducted both in-person and virtually. More information on the methodology and data analysis for this research activity can be found here.
Public awareness

The 10 high-level experts from government agencies unanimously reported that online child sexual exploitation and abuse (OCSEA) was a fast-growing problem in Thailand and that - despite some progress – the national response was not keeping up with the pace with which the problem is growing. In fact, the majority of duty bearers said they felt that a big injection of funds and political attention is needed just to keep pace.

Interviews took place during the early stages of the 2020 COVID-19 pandemic, where movement restrictions were in place in Thailand, and four participants noted that lockdown policies were likely exacerbating risks to children. A participant from Child Online Protection Action Thailand stated that “Currently, we are facing the COVID-19 pandemic, while usually children will go to school or handle everyday activities, during the pandemic, children must be at home and do not have anything to do, so they play on mobile phones and use online media. When children cannot meet others, they tend to use more online media. However, family members can only take care of children when others are not allowed to visit them during the pandemic—the statistical data of children using online media increased during COVID-19” (RA1-TH-10-A, Director, Child Online Protection Thailand) The participants from the Attorney General similarly mentioned that “I spoke in the TIJ seminar that during the COVID-19 pandemic when children must be at home, the situation of online sexual exploitation and abuses is supposed to be escalated when children access to online and electronic equipment is higher than average” (RA1-TH-04-A, Public Prosecutor). The amount of time Thai’s spend on the Internet is relatively high, spending on average 9 hours 11 minutes per day online, which is a significant increase from 3 hours and 41 minutes in 2017 and more than the global average – 6 hours 42 minutes. Using mobile Internet, Thai’s spent an estimated 5 hours and 13 minutes (more than those in any other country) and on social media alone, spend on average 3 hours 11 minutes every day (placed in top 10 countries in the world).

More time online does not immediately mean more abuse, especially if children good knowledge of Internet safety and strong protective mechanisms are in place to identify risks. However, the risk of OCSEA does increase as it creates more opportunities for offenders to access children. The Ministry of Education advised schools to conduct online courses to serve students who must be at home during the pandemic. While offenders might take advantage of the pandemic to sexually exploit and abuse children using an online communication platform, even without COVID-19, the situation of OCSEA in Thailand is worsening, as one interviewee stated: “The National Center for Missing and Exploited Children regularly shares their report with us. In the beginning, about 70,000 tips were reported annually by The National Center for Missing and Exploited Children. Last year (2019), 120,000 tips were published, while this year (2020), about 40,000 tips were reported in January and February alone. Therefore, I assume that the OCSEA

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2 We are Social & Hootsuite. (2019). Digital 2019. Essential insights into how people around the world use the Internet, Mobile devices, Social Media and E-commerce.
3 Ibid.
related cases in this year should increase” (RA1-TH-02-A, Commander - Thailand Internet Crimes Against Children).

Both girls and boys can be victims of OCSEA, and the number of known cases of boys who are victims seems to be rising. As the participant from the Attorney General stated “I found that in the past, several girls were sexually exploited and abused [online]. Presently, I notice that the number of boys experiencing sexual exploitation and abuse has been rising” (RA1-TH-04-A, Public Prosecutor). Additionally, the police colonel also mentioned that “Currently, the forms of child exploitation and abuse are different from the past. Now, the exploitation and abuse can be through online media, not direct physical exploitation, as occurred in the past. For example, a man may create a fake Facebook account as a pretty girl, use that account to persuade boys to masturbate, and then secretly capture the screen to blackmail the boys” (RA1-TH-05-A, Police Colonel, Anti-Trafficking in Persons Division).

Contrasting some popular beliefs, all children are vulnerable to OCSEA, not only the poorest in society. Many recent OCSEA cases in Thailand involved victims from middle-class families. This raises issues related to status, which can cause further problems connected to shame and risks to a family's reputation, which prevents some parents from reporting crimes or, in some cases, wanting to pursue justice. The participant from the Ministry of Social Development and Human Security elaborated that “We found that victims of OCSEA cases are mainly from middle-class families who do not want to expose their situation and submit the application to call for the Fund [as part of compensation to OCSEA victims provided by the government], as it is a complicated process for them...” (RA1-TH-06-A, Director of Protection and Advocacy Division, Ministry of Social Development and Human Security).

Parents generally struggle to prevent children from OCSEA which can be attributed to children and youth not regularly sharing what they are doing online with their parents. As highlighted by one of the interviewees, “parents' knowledge of communication technology is less than their children's. A lot of mobile applications are available now...Children generally are not willing to talk about this issue with their parents” (RA1-TH-02-A, Commander - Thailand Internet Crimes Against Children). Therefore, when OCSEA offenders victimise children, their parents and teachers are often the last people to know. Known OCSEA cases are usually exposed by legal enforcement units such as the Department of Special Investigation and Thailand Internet Crimes Against Children, rather than disclosed by children or parents. This was confirmed by the interview from Department of Special Investigation that “actually, 100% of OCSEA cases came from Department of Special Investigation, not parents or teachers of children. On the other hand, Department of Special Investigation informed parents that OCSEA offenders victimised their children” (RA1-TH-03-A). This finding highlights the need for prevention approaches that seek to encourage conversations and openness between children and parents about risks and help-seeking, which currently are not happening.

There is no distinction in OCSEA cases based on a victim or perpetrators location. A few interviewees shared experiences of OCSEA cases happening in rural areas where it would not be expected that people
are skilled at using the Internet. The Thailand Internet Crimes Against Children commander stated that “I used to arrest the suspect owning child sexual abuse material. He was living in the isolated field – the suspect was a child as well; it is incredible” (RA1-TH-02-A, Commander - Thailand Internet Crimes Against Children).

Interviewees stated that there is a wide range of laws and policies to address the public’s concerns of the threat of OCSEA in different dimensions – for example, the Child Protection Act B.E. 2546 (2003), 4 section 287, 282, and 283 of the Thai Criminal Code, 5 Section 20(3) of the Computer-Related Crime Act B.E. 2560 (2017) 6 and the Anti-Trafficking in Persons Act B.E. 2551 (2008) all cover OCSEA related crimes. 7 As government officials and law enforcement, the interviewees intend to utilise these laws to support their work in relation to OCSEA cases. Yet while there is a good legal framework, it was noted from the interviews that police and prosecutors tend to fall back on only the criminal code as a result of a lack of awareness of the Computer Crimes Act. While laws may be in existence, there is a significant gap when it comes to understanding them among key personnel working in this area, who simply don't know enough about these laws and how to enforce them. “The majority of social workers do not have the legal knowledge and need to work with lawyers; sometimes, we do not understand what lawyers are talking about; they use legal terms. The legal-related knowledge social workers have is basic. We have to learn more about specific laws or policies when we work with the cases. Some social workers study law due to their interest” (RA1-TH-07-A, Director of Protection and Advocacy Division, Department of Children and Youth & RA1-TH-07-B, Director of Children and Family Shelter Coordination Group, Department of Children and Youth).

In addition, as described below, these regulations do not specifically mention OCSEA, which causes difficulties for implementing partners in applying what is stated in the relevant laws in the OCSEA cases they handle, particularly if they do not have a strong background in OCSEA and digital evidence. The Child Protection Act 2003, for example, is relatively old and some provisions are outdated and cannot effectively cope with the current situation. Similarly, the Thai Penal Code was amended in 2015, however, the Code does not cover all aspects of OCSEA. Further, although many OCSEA cases are related to the Anti-Trafficking in Persons Act, not all OCSEA cases are. Implementing partners must therefore have clear definitions to differentiate between human trafficking cases and OCSEA – which will require an increase in OCSEA-related knowledge and skill/education. The Computer-Related Crime Act can be utilised by the implementing partners, however, it still needs collaboration with private sector actors like Internet Service Providers for effective use. Reflections delivered from a few interviewees confirmed that requesting the information from private sector actors is time-consuming and on a voluntary basis.

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In Thailand, offences relating to OCSEA are mainly addressed through the Thai Penal Code. The Thai Penal Code defines child sexual abuse material\(^8\) as objects or things that show children below 18 years of age engaged in sexual acts through images, stories or in a manner that can be considered pornographic/obscene, whether in the form of documents, drawings, illustrations, printed matter, colouring, publications, pictures, advertisement images, marks, photos, movies, audio and video recordings, or any other formats and shall also include the aforementioned objects or things stored in a computer system or other electronic devices that can show understandable results.\(^9\) The definition covers visual as well as audio and written material. The use of the words "drawings" and "illustrations" can be used to cover cases of virtual child sexual abuse material (digitally generated child sexual abuse material), including realistic images of non-existent children.

While this definition fails to explicitly cover materials that depict a person appearing to be a child engaged in sexually explicit conduct unless such material is covered under virtual child sexual abuse material, it is largely in line with international standards as enshrined in the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. The Thai Penal Code also criminalises certain acts associated with child sexual abuse material such as possession of child sexual abuse material by anyone either for the sexual benefit of oneself or another person\(^10\) and forwarding child sexual abuse material to another person.\(^11\) Further, the Code criminalises producing, importing, exporting, selling, possessing, or circulating in any way child sexual abuse material for commercial purposes or trade, distribution, or public display.\(^12\)

Furthermore, the provisions of the Thai Penal Code relating to child sexual abuse material cover the acts carried out in the online environment or through information and communication technologies.\(^13\) Additionally, the Child Protection Act criminalises the acts of forcing, threatening, inducing, instigating, encouraging, or allowing a child to perform or act in a pornographic manner, irrespective of the intention behind these acts.\(^14\) However, the Act does not criminalise knowingly attending pornographic performances involving children. The justice process mainly relies on the Child Protection Act as a comprehensive guideline for implementing partners to work properly with child victims. According to

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\(^9\) Government of Thailand. (1956). *Thai Penal Code, 1956 (as amended by the Amendment to the Criminal Law No. 24 of 2015)*, Section 1(17).

\(^10\) Government of Thailand. (1956). *Thai Penal Code, 1956 (as amended by the Amendment to the Criminal Law No. 24 of 2015)*, Section 287/1.

\(^11\) Ibid.

\(^12\) Government of Thailand. (1956). *Thai Penal Code, 1956 (as amended by the Amendment to the Criminal Law No. 24 of 2015)*, Section 287/2.

\(^13\) Government of Thailand. (1956). *Thai Penal Code, 1956 (as amended by the Amendment to the Criminal Law No. 24 of 2015)*, Section 1(17).

interviews with some justice actors, the court will usually utilise the law with the strongest penalties, generally either the Thai Penal Code or Anti-Trafficking in Persons Act, to criminalise offenders.

Other laws that partially cover child sexual abuse material are the Anti-Trafficking in Persons Act and the Computer-Related Crime Act. Under the Anti-Trafficking in Persons Act, the term "exploitation" means, *inter alia*, seeking benefits from the production or distribution of pornographic materials. The Act criminalises the acts of "procuring, buying, selling, vending, bringing from or sending to, detaining or confining, harbouring, or receipt of a child for sexual exploitation."

Further, the Computer-Related Crime Act criminalises the importation of any data of pornographic nature to a computer system that is publicly accessible. However, the Act does not define what constitutes data of a pornographic nature. National legislation does not criminalise conduct associated with child sexual abuse material in a comprehensive manner, for example, knowingly obtaining access to child sexual abuse material has not been criminalised. To maintain pace with recent advancements in information and communication technologies, many countries with well-developed information and communication technologies-infrastructures have identified access to child sexual abuse material as being of significant importance. However, Thailand has failed to take note of the recent developments in information and communication technologies, such as cloud storage. It is unclear if 'cloud storage' would be included in 'any electronic device' under the definition of child sexual abuse material under the Thai Penal Code.

Presently, neither the Thai Penal Code nor any other law explicitly criminalises other OCSEA offences such as 'live streaming of child sexual abuse', 'sexting', 'online sexual grooming', 'sexual extortion', or 'cyberbullying'. Going by the definition of child sexual abuse material provided by the Thai Penal Code, live streaming of child sexual abuse would not be covered as such abuse is not stored on the computer of the receiver. The omission to cover for the above mentioned criminal acts creates a legal vacuum in Thailand, which can be taken advantage of by perpetrators of OCSEA. At the time of writing, a draft bill covering OCSEA-related crimes is being drafted by the Legal Expert Group under the Department of Children and Youth.

Furthermore, the Thai Penal Code does not criminalise specific offences of OCSEA differently, instead criminalising all offences in the same way. It is unclear what acts constitute an ‘attempt’. This creates a legal lacuna which could make it difficult to prosecute persons for acts that fall short of definitions under the Thai Penal Code. The ignorance of the age of the victim as an excuse to be pleaded by the offender in excuse of his/her conduct is not explicitly provided for under Thai legislation. It is also noteworthy that

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18 Government of Thailand. (1956). *Thai Penal Code, 1956 (as amended by the Amendment to the Criminal Law No. 24 of 2015)*, Sections 80-82.
the abovementioned provisions cover boys and girls alike and cover all children below 18 years, without providing for any sub-categories or age groups.

Thai law does not contain any explicit provisions imposing legal duties on Internet Service Providers to filter and/or block and/or take down child sexual abuse material. They do not have any obligation to report companies and/or individuals disseminating, trading, or distributing such material. Nevertheless, the Computer-Related Crime Act does punish service providers\(^{19}\) that intentionally support or consent to an offence under the Act to be committed on a computer system under their control.\(^{20}\) Accordingly, both Internet Service Providers and cybercafé owners are responsible if an offence relating to the 'importation' of pornographic data, including child sexual abuse material, is committed using a computer system under their control. Surprisingly, the recently passed Cybersecurity Act does not contain any provisions relating specifically to OCSEA.\(^{21}\)

In terms of formal compensation for victims, the interviewee from the Ministry of Social Development and Human Security mentioned “now, the subsidies provided to victims of human trafficking cases are from two sources; 1) Human Trafficking Prevention Fund granted by the government, and 2) compensation that victims will ask from offenders...If they are victims experiencing sexual exploitation – they can access compensation for the injured in criminal cases from the Rights and Liberties Protection Department (RLPD). There will be a committee specifically considering the compensation as well” (RA1-TH-06-A, Director of Protection and Advocacy Division, Ministry of Social Development and Human Security). Several interviewees referred to human trafficking as an issue when they talked about OCSEA, with the interviewee from Thailand Internet Crimes Against Children clarifying that “Additionally, we have to consider whether OCSEA cases are also human trafficking. For example, if the children met the suspects via the Internet and conducted sexting through a video call. However, the suspects secretly recorded the video or did screen capture and sold the videos or photos online – is this a human trafficking case? I asked a prosecutor about four years ago, and the prosecutor said that it 'could' be a human trafficking case. For me, what I want is the evidence confirming the online payment, especially for the videos or photos showing the face of a specific child victim. If the videos show the face of other children, we cannot arrest the suspect because we cannot confirm whether the suspects produce those videos by themselves or are downloaded from other webpages on the Internet. When we and the prosecutors have the same opinion, it can help us to work on the case in the beginning.” The implication from the Thailand Internet Crimes Against Children commander is that implementing partners in criminal justice currently struggle with different legal definitions and evidentiary requirements for OCSEA and human trafficking. This may be due to the unclear explanation of OCSEA in relevant regulations, as stated above. Principally, judges will make a decision based on evidence, hence the more comprehensive the evidence submitted, the more

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\(^{19}\) Government of Thailand. (2007). *Computer-Related Crime Act of 2007*, Section 3: “Service Provider” shall mean: (1) A person who provides service to the public with respect to access to the Internet or other mutual communication via a computer system, whether on their own behalf, or in the name of, or for the benefit of, another person. (2) A person who provides services with respect to the storage of data for the benefit of the other person.”


proportional and proper order given to offenders. Further prosecutorial work, test cases and training on these topics will result in improved use of different legislation in addressing OCSEA cases.

The perspectives given by interviewees from Ministry of Social Development and Human Security and Thailand Internet Crimes Against Children were in line with the government of Thailand, stating that “Child victims of OCSEA can seek compensation through the Anti-trafficking Fund established under the Anti-Trafficking in Persons Act.” For several OCSEA related cases in Thailand, child victims have received compensation from this Fund if the court ruled that particular case as trafficking” as confirmed by the interviewee from the Ministry of Social Development and Human Security (RA1-TH-06-A). In addition, OCSEA child victims can also access the Child Protection Fund, as stated in the 2003 Child Protection Act, "the child victims of OCSEA have the possibility of seeking fund through various country-managed funds. The Child Protection Act provides for the creation of a Child Protection Fund to be used for providing assistance and welfare protection for children." “Tortured children” (which include victims of sexual abuse, and therefore includes victims of OCSEA offences), are eligible to receive assistance through the Child Protection Fund.” However, the interviewees referred to the Anti-trafficking Fund more than the Child Protection Fund. The participants from Department of Children and Youth expressed concerns about some loopholes in the compensation system, commenting “we can support victims to access the compensation and return to be with their families. But nothing can guarantee that they will not be involved in OCSEA either as victims or offenders again in the future, even though they may intend to be victims since they will finally get money...I found someone was repeatedly a victim since they were young, 13 years old, but then, we met them again two years later or even every two years” (RA1-TH-07-A, Director of Protection and Advocacy Division, Department of Children and Youth & RA1-TH-07-B, Director of Children and Family Shelter Coordination Group, Department of Children and Youth). Hence, the compensation system covers only the justice process in the court but does not include the wellbeing of victims after the litigation. The victims then return to be in the same dangerous environment, leaving them vulnerable to becoming victims of OCSEA again. The interviewees from Department of Children and Youth also implied that the compensation system, especially the out-of-court agreements for the perpetrator to pay the victims’ family, may be a persuasive factor convincing children to be OCSEA victims in the future.

In addition, the interviewees often mentioned OCSEA-related training and capacity building activities provided by the standard law enforcement units at the national level, such as Thailand Internet Crimes Against Children and Department of Special Investigation, and on the international level including INTERPOL, with the objective to build capacity of authorised officials to better handle OCSEA cases. Some trainings identified during the interviews included the training organised by INTERPOL, with the participant from the Attorney General stating that “sometimes the representative from INTERPOL joined the activities and shared their work experience in a responsible country... shared his expertise in live streaming and discussed the legal process when the first live streaming case was reported in Thailand in

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November 2019” (RA1-TH-04-A, Public Prosecutor). At the national level, Thailand Internet Crimes Against Children played a leading role in providing training to stakeholders such as schools and NGOs working on child protection issues, as elaborated by the Thailand Internet Crimes Against Children commander “Thailand Internet Crimes Against Children is also implementing the prevention program. For example, we conduct training and lectures to prevent children from online sexual exploitation and abuse in the schools where many students are victims of child sexual abuse material or OCSEA related issues. The training aims to raise awareness and promote preventive measures among vulnerable children. After the training, some students came to Thailand Internet Crimes Against Children officials to report OCSEA cases happening to them or their friends” (RA1-TH-02-A, Commander - Thailand Internet Crimes Against Children).

In terms of legal improvements, the interviewee from the Attorney General shared with the researcher that “the substantive law on OCSEA has been drafted and added in the criminal code if the legislative assembly approves it. The draft law includes cyberbullying, cyberstalking, grooming, sextortion and cyber sexting” (RA1-TH-05-A, Public Prosecutor). At the time of writing, the draft bill was not yet publicly available. The Department of Children and Youth had worked on an OCSEA bill with an expert legal group,24 the interviews indicated that it was the Attorney General’s office who had drafted this. At the time of writing, the legislature was considering the draft bill and it was not available to be viewed by the research team.

Besides legal improvement, the interviewees usually talked about OCSEA-related training and capacity building as tools to increase the skill and awareness of government officials on the threat of OCSEA, especially those working at the local level. The participant from Thailand Internet Crimes Against Children mentioned during the interview that “we can provide the local police training and support them to work on simple OCSEA cases so that the local police can improve their skill to work on OCSEA cases” (RA1-TH-02-A, Commander - Thailand Internet Crimes Against Children). The interviewee from The Anti-Trafficking in Persons Division also stated that “Thailand Internet Crimes Against Children, in collaboration with partner organisations, organises training to build the capacity of police and officials' working on OCSEA cases. Thailand Internet Crimes Against Children used to provide training to our officials on digital forensics and other issues that the police have to know for working on the cases” (RA1-TH-05-A, Police Colonel, Anti-Trafficking in Persons Division). According to the interviewees from law enforcement units such as Thailand Internet Crimes Against Children, Department of Special Investigation, The Anti-Trafficking in Persons Division and the Attorney General, local police officers and government officials lack the capacity to handle OCSEA cases. Hence, training and capacity building activities are essential for skill and knowledge strengthening.

24 Isranews Agency. (2020). The Children’s Department welcomes comments for the second round of drafting the Child Abuse Act through online media Monitor threats Exploited for sexual exploitation while the UN prepared a meeting 20-27 April 2020 to raise the level of technological crime. [Translated from Thai].
Although the interviewees said that they were involved in the OCSEA-related training and capacity building activities as organisers or participants, they could not give detailed explanations about these activities. The participant from the Ministry of Digital Economy and Society told the researcher that he saw some officials attended the OCSEA-related training but could not provide basic information about the training “it is about OCSEA in general; the training is developed based on the OCSEA situation at the international level. I cannot remember the names of organisations, but they invited officials and those of us whose work is related to OCSEA to join the training” (RA1-TH-08-A, Acting director of the Technology and Information Crime Prevention and Suppression Division, Ministry of Digital Economy and Society). Moreover, several interviewees stated that they produced learning materials such as booklets, handouts, and/or posters educating children on the dangers of OCSEA. The interviewee from Child Online Protection Action Thailand briefly talked about posters that “Child Online Protection Action Thailand will send to shelters, relevant exhibition organisers, schools, and provincial Ministry of Social Development and Human Security offices”, however, when the researcher asked about the feedback of children after reading the information in the poster, she gave her opinion on the poster, commenting “I think the poster is gorgeous and attractive. Children reflected that it is exciting and easy-to-read” (RA1-TH-10-A, Director, Child Online Protection Thailand). While prevention activities are a necessary part of the solution, evidence of the effectiveness of these is not necessarily being sought. For example, one would expect and increase in reporting of cases or help-seeking by children who view these learning materials, however evidence of the impact of these materials does not seem to be systematically collected and presented publicly. Each organisation seems to have its own system and information about OCSEA. Researchers analysed that if relevant implementing partners established and strengthened collaboration and connection in terms of information sharing, it would have supported their advocacy materials and activities to protect children from OCSEA.

The participant from Ministry of Social Development and Human Security highlighted the collaboration with the Children and Youth Council of Thailand to conduct training on human trafficking and OCSEA as part of training given to children in rural areas “last year, we disseminated P.R. materials and invited the Children and Youth Council of Thailand members to attend the Training of Trainer trainings. Children and Youth Council of Thailand members could later train other children at the local level. Children participating in the training would receive an anti-human trafficking booklet with easy-to-understand content. We also organised the training for local leaders to know how to protect children under their authority from human trafficking” (RA1-TH-06-A, Director, Protection and Advocacy Division). The involvement of Children and Youth Council of Thailand in OCSEA-related training and activities was confirmed by the interviewees from Department of Children and Youth that “another thing is we have Children and Youth Council of Thailand to help us on educating other children to protect themselves from OCSEA. Then, we also provide training of trainers to Children and Youth Council of Thailand members. We think that Children and Youth Council of Thailand members can better engage with other children than Department of Children and Youth officials. Members of Children and Youth Council of Thailand are also children and know how to share experience and knowledge with other children” (RA1-TH-07-B, Director of Children and Family Shelter Coordination Group, Department of Children and Youth).
Although the collective approach between interviewed agencies and other relevant organisations sounds promising, the monitoring and evaluation system after the implementation of activities is unclear. The interviewees did not tell the researcher in detail about the monitoring and evaluation system, with most commenting that the attendees enjoyed the activities. Hence, no evidence indicated any achievement as a result of the activities. Among 10 interviewees, only Thailand Internet Crimes Against Children mentioned positive feedback from the target group “After the training, some students came to Thailand Internet Crimes Against Children officials to report OCSEA cases happening to them or their friends” (RA1-TH-02-A, Commander - Thailand Internet Crimes Against Children). Regarding monitoring and evaluation, research shows the governments intentions to strengthen the monitoring and evaluation process as part of the National Child Protection Strategy (2017-2021). The plan provides guidelines for agencies responsible for the protection of children, mentions proactive activities aimed at reducing violence against children and gives agencies at local and community levels more responsibility in decision making. It seeks to enhance research and establish a database as well as strengthening monitoring and evaluation processes.25

Government Ministries/Agencies

Capacity

Thailand Internet Crimes Against Children and Department of Special Investigation played a leading and essential role in using technology for forensic investigation. Thailand Internet Crimes Against Children could access digital information by collaborating with the private sector and also have an investigation team to handle OCSEA cases that require knowledge on digital forensics. As the Thailand Internet Crimes Against Children commander stated “It is due to forensic technology that new iOS programs are password-required. Thailand Internet Crimes Against Children can collaborate with Apple to get passwords. However, to access information in iCloud needs M Lab, and we do not know how long such a process will take. It is relatively complicated. Therefore, I think the forensic investigation team must frequently update their knowledge and skill” (RA1-TH-02-A, Commander - Thailand Internet Crimes Against Children). The representative from Ministry of Social Development and Human Security also mentioned that Thailand Internet Crimes Against Children was efficient at digital forensic investigation “Thailand Internet Crimes Against Children has technology for digital forensic investigation so that the evidence collection process will be more effective” (RA1-TH-06-A, Director, Protection and Advocacy Division). The participant from Department of Children and Youth also reported “I used to attend the training organised by Thailand Internet Crimes Against Children, and I then learned that Thailand Internet Crimes Against Children has very efficient technology to investigate OCSEA cases and access the target beneficiaries” (RA1-TH-07-A, Director, Protection and Advocacy Division, Department of Children and Youth). The participant from Department of Special Investigation stated that “Department of Special Investigation assigns officials to attend the training conducted in the United States, Australia and Europe on digital technology and using technology to investigate child sexual abuse material cases. Those officials will later hold the capacity building activities to train other officials based in Thailand...Last year, Department of Special Investigation collaborated with the Thai Institute of Justice and the Dutch National Police and studied the psychology of offenders in many countries” (RA1-TH-03-A). The interview from the Attorney General also referred to the action of Department of Special Investigation in relation to OCSEA cases, stating that “Department of Special Investigation officials will inform the parents that their children were victims of OCSEA offenders because pornographic photos of their children were shared and sold online” (RA1-TH-04-A, Public Prosecutor).

Thailand Internet Crimes Against Children team members also collaborate closely with NGOs working with child victims. The task force also coordinates with international bodies such as The National Center for Missing and Exploited Children and the FBI in information sharing and capacity building. The Thailand Internet Crimes Against Children commander stated during the interview that “We [Thailand Internet Crimes Against Children] got tips from Child Protection System – database having child sexual abuse material files, whenever those files are uploaded to or downloaded from the Internet through a peer-to-peer system, the I.P. will be identified. When we identify an I.P. address, we can investigate the cases further. Another critical component is the Cyber Tips Line Report of The National Center for Missing and Exploited Children, which is an American database with Google ESP Detect technology that will report to
The National Center for Missing and Exploited Children when the child sexual abuse material was disseminated. We signed a memorandum of understanding with The National Center for Missing and Exploited Children four years ago so that we can access this database. Besides, The National Center for Missing and Exploited Children regularly shares the report with us. In the beginning, about 70,000 tips were annually reported by The National Center for Missing and Exploited Children. Last year, 120,000 tips were published while this year, about 40,000 tips were reported in January and February. Therefore, I assume that OCSEA related cases in this year should increase... International law enforcement, such as the FBI, also regularly shares information with us. The latest OCSEA case we worked on was a collaboration between Thailand Internet Crimes Against Children and the FBI” (RA1-TH-02-A, Commander - Thailand Internet Crimes Against Children). Therefore, Thailand Internet Crimes Against Children stores a reliable and updated OCSEA database which relevant government agencies can utilise while working on OCSEA.

While having enthusiastic and dedicated staff, Thailand Internet Crimes Against Children is a special task force, not a government unit that is mandated to receive government budget allocation every year. Budget constraints were exposed by the participant from Department of Special Investigation, who stated “Thailand Internet Crimes Against Children is not considered a government body, and nobody knows how long this task force will survive. As far as I know, the budget provided to Thailand Internet Crimes Against Children is year by year. So, Thailand Internet Crimes Against Children cannot create a long-term plan” (RA1-TH-03-A). It is however important to note that this issue was not directly mentioned during the interview with the commander of Thailand Internet Crimes Against Children. Unlike Thailand Internet Crimes Against Children, Department of Special Investigation is a healthy government body that does not face any financial shortcomings. The participant from Department of Special Investigation stated that “I think this is a ‘strength’ of Department of Special Investigation. I am proud to say that we never face the problem of financial shortage. Department of Special Investigation has enough budget to spend on case investigation. Department of Special Investigation can support everything; I do not need to spend money from my pocket to work on the cases” (RA1-TH-03-A). However, Department of Special Investigation encounters a different problem relating to OCSEA, in that OCSEA is not one of the crimes requiring special investigation unless related to human trafficking offenses. The researcher observed that the representative from Department of Special Investigation did not appreciate working with Thailand Internet Crimes Against Children, since having Thailand Internet Crimes Against Children as a task force creates work duplication and complications, as mentioned in his excerpt above. While almost all interviewees expressed their concern about budgets, exact budget amounts were not disclosed. According to the interviewees from Department of Children and Youth, the budget allocated to the organisation is for overall activities, not specifically OCSEA: “There will be a budget allocated from headquarters to support the Department of Children and Youth activities at the provincial level. The provincial context will customise the activities. If the provinces have some issues about OCSEA, Department of Children and Youth offices located in those provinces can spend the budget to organise the activities related to the prevention of OCSEA” (RA1-TH-07-A, Director of Protection and Advocacy Division, Department of Children and Youth).
In terms of capacity building, the interviewee from the Attorney General’s office mentioned that “the Attorney General has collaborated with the Digital Economy Protection Agency and the Ministry of Digital Economy and Society to implement awareness-raising activities focusing on different vulnerable groups, such as elderly people who are probably victimised by romance scammers... As of now, we have completed capacity building activities for two cohorts. We initially expect to implement capacity building activities in nine police divisions. However, the activities can only be done once for each group due to a lack of financial support” (RA1-TH-04-A, Public Prosecutor). However, during the interview, the representative from the Ministry of Digital Economy and Society did not refer to any capacity building activities in collaboration with the Attorney General at all.

Thailand Internet Crimes Against Children and Department of Special Investigation organise the capacity building and training of the staff of Thailand Internet Crimes Against Children, Department of Special Investigation, and other partner organisations to prepare for OCSEA investigations that require digital forensic knowledge and skill. Thailand Internet Crimes Against Children and Department of Special Investigation representatives regularly attend OCSEA-related training, meetings and activities, as participants or trainers. Hence, besides investigation and prosecution, Thailand Internet Crimes Against Children and Department of Special Investigation staff are prepared to be trainers educating children and youth on OCSEA related information and prevention. As the commander of Thailand Internet Crimes Against Children reported “We [Thailand Internet Crimes Against Children] then implement the CARE project as a prevention event to raise awareness and educate children on OCSEA related issues before it is uncontrollable. Before the CARE project starts in May 2020, Thailand Internet Crimes Against Children is working with NGOs to plan for project activities so that the training contents will be similar. For the first year, the project can be implemented in about six schools. Previously, we applied for the prevention program in schools as well. I think we received positive feedback from participating schools, and some students approached the officials to ask for advice regarding OCSEA cases. Children generally are not willing to talk about this issue with their parents. I feel pity for these children because it is not easy for them to access proper solutions” (RA1-TH-02-A, Commander – Thailand Internet Crimes Against Children).

With close and active collaboration with NGOs and stakeholders, several OCSEA cases have been identified not by the police in provincial or district police stations but from implementing partners, including NGOs and government agencies and stakeholders such as embassies. OCSEA cases can come to Thailand Internet Crimes Against Children in five different ways:

1) From Facebook messenger where victims or friends of victims can directly report cases;
2) from NGOs working with Thailand Internet Crimes Against Children from inside and outside of Thailand;
3) from embassies;
4) from other government agencies, such as Ministry of Social Development and Human Security;
5) from local police officers.
Embassies and Facebook messenger provided the most information about OCSEA cases to Thailand Internet Crimes Against Children. As of February 2020, Thailand Internet Crimes Against Children has 215 case accusations, as is highlighted in the figure below:

![TICAC Case Accusation](image)

After receiving cases, Thailand Internet Crimes Against Children and Department of Special Investigation will contact the local police stations to investigate cases further. Thailand Internet Crimes Against Children has been trying to build the capacity of local police officers to handle OCSEA cases. From 2019 to September 2020, Thailand Internet Crimes Against Children organised four capacity-building activities with about 50 police officers attending at each time. Due to budget constraints, Thailand Internet Crimes Against Children cannot organise the training throughout the country. Instead, they chose to conduct the training in four target provinces where the most OCSEA cases are reported to Thailand Internet Crimes Against Children, which are Bangkok, Krabi, Chiangmai, and Nakornratchasima. The police officers attending the training mostly work on investigation and interrogation. After attending the training, the number of OCSEA cases in the aforementioned regions increased as police officers knew how to investigate the cases. While Thailand Internet Crimes Against Children and Department of Special Investigation as units are efficient, this is not really to scale across the country. 200 police officers who have received training from these units in four provinces is not sufficient when considering the scale of the total OCSEA cases found in the 77 provinces of Thailand. In addition, since OCSEA cases can be reported using several means, such as NGOs, embassies, or direct to central units like Department of Special Investigation and Thailand Internet Crimes Against Children, the reporting system and capacity building should be expanded to other implementing partners and integrated into the existing system. The standalone taskforces do not have the capacity to deal with all OCSEA cases in Thailand.

The researcher found that Thailand Internet Crimes Against Children aims to equip stakeholders, especially police officers working at the local level, with the knowledge and necessary skills to handle
OCSEA cases. According to the commander of Thailand Internet Crimes Against Children, the local police officers lack capacity to investigate OCSEA cases “the individual offender can exploit many children covering a large area, which is difficult for the police to investigate all child victims. For example, local police may reach only one victim. In this case, the local police cannot investigate child victims living in other areas of responsibility, and we will only end up with only one child victim” (RA1-TH-02-A, Commander - Thailand Internet Crimes Against Children). This is a significant limitation, as the number of victims relates to the level of legal punishment offenders will receive. Thailand Internet Crimes Against Children also aims to encourage and empower children to be confident to tell their parents, relatives, or teachers when they are faced with situations of OCSEA. In case children do not want to tell their parents, they should know the channels open to them to access public services and welfare. Thailand Internet Crimes Against Children’s Facebook is a well-known channel for children to report OCSEA cases, as the commander of Thailand Internet Crimes Against Children stated “the only communication channel of Thailand Internet Crimes Against Children is Facebook. Initially, we aimed to use Facebook to promote preventive measures to the public. Still, later, more and more people contact us via Facebook to report and follow up on OCSEA cases” (RA1-TH-02-A, Commander - Thailand Internet Crimes Against Children).

Both Thailand Internet Crimes Against Children and Department of Special Investigation concurred that the number of OCSEA cases will increase significantly in the future. The commander of Thailand Internet Crimes Against Children stated that “the situation of OCSEA related cases will skyrocket judging by the number of Cyber Tips we have already received this year compared to 2019. In January 2020, we received about 20,000 Cyber Tips – compared to only about 16,500 in January 2019. In February 2020, we received over 18,000 Cyber Tips, almost double of what we received in February 2019. I, therefore, anticipate that the situation of OCSEA this year must be worse than last year” (RA1-TH-02-A, Commander, Thailand Internet Crimes Against Children). The following image highlights how Thailand Internet Crimes Against Children have received over a third of the number of Cyber Tips they received in 2019 in January and February 2020 alone:
Thailand Internet Crime Against Children and Department of Special Investigation staff are capable but limited in terms of numbers. As of February 2020, Thailand Internet Crimes Against Children and Department of Special Investigation have 190 staff and five staff who are supposed to handle OCSEA cases nationwide, respectively. The number of staff at Department of Special Investigation and Thailand Internet Crimes Against Children is not enough to accommodate all cases without law enforcement unit's support at the local level.

Besides Thailand Internet Crimes Against Children and Department of Special Investigation, the interviewed public prosecutor at the Attorney General actively amends and improves the regulatory framework. Although Thailand has several regulations related to OCSEA offenses, those regulations are outdated, resulting in light punishments to some OCSEA related offenses. The commander of Thailand Internet Crimes Against Children stated that “child sexual abuse material, which we can even refer to the Child Protection Act, the penalty is low fine payment. The punishment should be determined appropriately to fit the crime. The light penalty is ineffective. The law is undoubtedly essential; however, I think the interpretation of law enforcers and drafters is more critical. For example, the suspects owning 10 and 10,000 pornography photos should not be similarly penalised...” (RA1-TH-02-A). However, it is essential to note that OCSEA cases are relatively new for Thai legal experts. Many of them cannot clearly understand and differentiate types of cybercrimes concerning OCSEA, such as sexting. Moreover, one of the interviewees stated that judges usually reject the invitation to participate in OCSEA training and capacity building. It has become the informal principle for judges in Thailand to not attend any activities organised by other organisations. Judges usually assign the public attorney to participate in regular activities and then report to them, meaning judges then do not completely understand OCSEA cases and need support from attorneys, police and prosecutors to gather evidence and testimonies.

Interviewees rarely reflected on measures or policies to reduce the threat of OCSEA that were not instigated by their respective legal enforcement unit. In their perspective, OCSEA is a new issue, and none of the policies are designed to individually support children and youth who are victims of OCSEA. One of the interviewees from the digital-related division stated that the division he represents is new and unable to actively address OCSEA cases, even though it has been established for a decade (RA1-TH-08-A). Another interviewee who is working directly on child protection from cybercrimes expressed the exclusion, confusion and lack of information on OCSEA (RA1-TH-10-A). The focal points are limited to cyberbullying and game addiction among children and how they later lead to mental health issues. Interviewees from social development and human security units shared their personal opinions towards OCSEA, not the policies or measures. OCSEA victims are treated the same as other child victims, despite the different circumstances specific to this kind of crime. Interviewees from social welfare agencies reflected during the interview about the workload blocking them from working actively for OCSEA victims. Besides Thailand Internet Crimes Against Children and Department of Special Investigation, one of the interviewees also mentioned few legal enforcement units working on OCSEA, “First, we [The Anti-Trafficking in Persons Division] have the Technology Crime Suppression Division, second is the Anti
Trafficking in Persons Division, and third is the Royal Thai Police. We also coordinate with Thailand Internet Crimes Against Children to monitor online information that the FBI will pass to Thailand Internet Crimes Against Children. Hence, Thailand Internet Crimes Against Children will check if there is any information related to OCSEA, such as child pornography, and coordinate with the local police or relevant agencies such as the Technology Crime Suppression Division to investigate the case” (RA1-TH-05-A, Police Colonel, Anti-Trafficking in Persons Division).

Budget

Except for Thailand Internet Crimes Against Children, none of the interviewees stated that they received any budget allocation to work on OCSEA-related issues. Generally, OCSEA issues are covered under child protection, cybercrime, trafficking, or other child protection related topics. The interviewee from The Anti-Trafficking in Persons Division mentioned that the budget is allocated for anti-human trafficking activities which strategically includes OCSEA as part of its ‘activities’ “when we get the information, such as the school that OCSEA child victims are studying, we will contact the school to conduct activities, but we will not expose that students studying in that school are OCSEA victims. By attending the activities, participants will know how offenders create fake Facebook accounts and use it to intimidate children. Students will be more aware when they talk to someone via social media” (RA1-TH-05-A, Police Colonel, Anti-Trafficking in Persons Division); “Our division does not explicitly allocate the budget for OCSEA cases but overall protection. The budget mostly covers everything that children need. We can request the budget from Human Trafficking Protection Fund if our budget is not enough for human trafficking victims. Besides, we can request financial support from other sources to spend on child protection activities. Every year, we receive a budget from the government and request additional support if necessary. Overall, the budget allocation will not be separated between children and adults, but every human-trafficking victim” (RA1-TH-06-A, Director of Protection and Advocacy Division, Ministry of Social Development and Human Security); “The primary mission of Ministry of Social Development and Human Security is not about media production, so the ministry does not allocate the budget for such purpose. Ministry of Social Development and Human Security has a budget for vulnerable and underprivileged people” (RA1-TH-10-A, Director, Child Online Protection Thailand).

Principally, the head of the division will decide in terms of budget spending, as highlighted by the commander of Thailand Internet Crimes Against Children “requesting for the budget takes time, especially when the unit’s leader is changing because we have to spend time explaining why financial support is necessary. I think it would be good if we could have more budget” (RA1-TH-02-A, Commander - Thailand Internet Crimes Against Children). Thailand Internet Crimes Against Children is under the supervision of the Center for the Protection of Children, Women, Families, and the Prevention of Human Trafficking, Royal Thai Police, of which the head is frequently changed. According to the commander of Thailand Internet Crimes Against Children, not all police understand the importance of child protection, so Thailand Internet Crimes Against Children is facing some challenges in justifying to the headquarters why allocating budget to OCSEA is important. Participants from Department of Children and Youth highlighted that different provinces will spend their budget on different issues, stating “there will be a budget allocated
from the headquarters to support the Department of Children and Youth activities at the provincial level. The provincial context will customise the activities. If the provinces have some issues about OCSEA, Department of Children and Youth offices located in those provinces can spend the budget to organise the activities related to the prevention of OCSEA” (RA1-TH-07-A, Director of Protection and Advocacy Division, Department of Children and Youth). Financial shortages were often underlined by interviewees, stating that some activities cannot be implemented at the national level. The commander of Thailand Internet Crimes Against Children shared with the researcher that trainings were organised in provinces with the highest number of OCSEA cases reported, such as Chiangmai (north), Krabi (south), Bangkok and Nakornratchasima (northeast), but participant numbers were limited due to budget constraints.

The Department of Special Investigation does not encounter problems of financial limitations. However, OCSEA is not one of the exceptional cases covered by their budget according to the Special Case Investigation Act. Department of Special Investigation cannot request money to investigate OCSEA cases unless related to human trafficking offences, which is one of the crimes stated in the Special Case Investigation Act. Once the cases are approved to receive a particular investigation, Department of Special Investigation will also provide financial support to organisations working in collaboration with the division. The interviewee from Department of Special Investigation stated that “I think this is ‘strength’ of Department of Special Investigation. I am proud to say that we never face the problem of financial shortage. Department of Special Investigation has enough budget to spend on case investigation. Department of Special Investigation can support everything; I do not need to spend money from my pocket to work on the cases. Every expense can be reimbursed. Also, according to section 22/1 of the Special Case Investigation Act of Department of Special Investigation, organisations working in partnership with Department of Special Investigation will receive financial support as well” (RA1-TH-03-A).

Besides the budget allocated to prosecution and investigation in law enforcement units, as the participant from Department of Special Investigation mentioned above, money is generally allocated per request when OCSEA cases are reported to the agencies. The commander of Thailand Internet Crimes Against Children stated that the budget will be allocated to devices used during the investigation and travel expenses of Thailand Internet Crimes Against Children officials, so the interviewees couldn’t provide specific information about the standard budget allocated to a case as it varied case by case. The 10 high-level experts from government agencies stated that some budget is allocated for organising activities related to OCSEA. The stated activities can be divided into two groups; firstly, capacity building for relevant officials and secondly, activities to raise public awareness on OCSEA. The concept of media literacy was raised during interviews with some government officials; however, activities could not be actively implemented due to budget constraints. For example, the Director of Child Online Protection Action Thailand stated that “In terms of OCSEA, Child Online Protection Action Thailand develops the body of knowledge and implementation guidelines of media literacy, publishes and disseminates OCSEA-related media and publications and organises seminars targeted at enhancing media literacy and digital skills among children and youth...I think media literacy is essential. Children should know the positive and negative aspects of online media use. They should recognise that online media can provide them
knowledge if they use it wisely and appropriately” (RA1-TH-10-A, Director, Child Online Protection Thailand). The psychiatrist from the Institute of Child and Adolescent Mental Health also elaborated that the institute is working with the Ministry of Education to develop the curriculum to monitor and evaluate the media literacy of children who are primary students who are older than ten years old. OCSEA will be part of that curriculum. Secondly, a few interviewees talked about distributing posters and materials to target children to protect them from becoming victims of OCSEA.

Good practices

Youth-targeted activities on OCSEA: Several interviewees talked about activities to educate young people and children to protect themselves from OCSEA. The participant from The Anti-Trafficking in Persons Division stated that “In the past two years, we launched the project called '18 Says No' to educate children and youth about online media. We found that recently, many children are victimised by OCSEA. When we get the information, such as the school of victims, we will contact the school to conduct activities, but we will not expose that students studying in that school are OCSEA victims. By attending the activities, participants will know how offenders create fake Facebook accounts and use it to intimidate children. So, participants will be more aware when they talk to someone via social media” (RA1-TH-05-A, Police Colonel, Anti-Trafficking in Persons Division). The interviewee from the Institute of Child and Adolescent Mental Health also elaborated on the collaboration with Ministry of Education to develop the curriculum on media literacy that OCSEA will be part of it.

International collaboration to combat OCSEA: The interviewees from Department of Special Investigation and the Attorney General also mentioned training organised by government agencies with the support of international bodies, such as INTERPOL, to train government officers and implementing partners to investigate OCSEA cases. The international experts were invited to share their experiences with Thai practitioners. Knowledge and skill were then passed on to implementing partners, especially police officers, as stated by the interviewee from the Attorney General “we [the Attorney General] conduct capacity building activities for law enforcers and high-level police to be aware of OCSEA situations taking place in their responsible areas. As of now, we have done the capacity building activities for two cohorts. We initially expect to implement capacity building activities in nine police divisions. However, the activities can only be done once for each group due to a lack of financial support. Police receiving the capacity building activities will be called 'Hen Teacher' who are expected to deliver what they obtained from the events to other police working with them. The Royal Thai Police selected 100 officers to attend the first cohort and 410 police to attend the second cohort” (RA1-TH-04-A, Public Prosecutor).

Support to non-governmental organisations: UNICEF plays an important role in collaboration with government bodies and stakeholders to develop and deliver capacity-building activities to NGOs working with children and youth. Research shows that in 2017, the Department of Children and Youth together with UNICEF and the Center for the Protection of Children’s Rights Foundation developed a ‘train the trainers’ curriculum and modules on child protection for shelter staff in 77 provinces “to strengthen the capacity of sub-district administration organisations and volunteer networks for child protection case
detection and referral." The program has three modules: 1) for the general public; 2) for child caregivers and 3) for child protection professionals. The course contents include the situation of violence against children, its forms and its impact on children, child development, the child protection system in Thailand, communication with parents and children, laws related to child abuse, exploitation and child protection, how to investigate and interview with children and how to fill in forms. The course talks about violence against children and its magnitude in Thailand in general but does not specifically mention OCSEA.26

Policies and laws

Assessment

Although the Child Protection Act identifies penalties in Chapter 9, the non-legal practitioners, including participants from Ministry of Social Development and Human Security, Department of Children and Youth, Child Online Protection Action Thailand and the Department of Juvenile Observation and Protection often referred to the Act when they had to provide services and treatment to child victims.

The Thai Criminal/Penal Code is also a key regulation detailing penalties OCSEA offenders will receive. However, different manifestations of OCSEA are not specifically defined in the Code, but can be found in the relevant sections such as section 277, 279, 283, 287, 287/1, 287/2 etc. The Department of Corrections has compiled the number of prisoners in cases involving various types of OCSEA from 2010- May 2020, categorised by offense according to various sections of the Thai Criminal Code, as presented in the following table;\(^{27}\)

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According to the table above, OCSEA cases relate to several sections in the Thai Penal Code. OCSEA is manifested in several types of sexual exploitation and abuse through various online communication and media platforms. Therefore, many welfare providers or justice actors may not be aware on how to classify these crimes. The representative from the Attorney General elaborated on the complexity of OCSEA, stating that “after sexting, offenders may ask children to take off their clothes. Some offenders persuade children to play games and ask children to take off their clothes after playing games or set the condition that if children take off their clothes, they will get the awards such as golden or silver coins. So, you can see that sexting connects to grooming and finally, sexual exploitation and rape… we have to think about the definition of ‘unlawful manner’. For example, is that illegal if I have sex chat with you, or if someone

\(^{27}\) The Department of Corrections denied our request to have a face-to-face or virtual interview but shared a document answering the research questions.
posts pornographic photos on Facebook when some of his or her friend lists are kids, is that considered ‘sexting’?" (RA1-TH-04-A, Public Prosecutor).

In many cases, the Anti-Human Trafficking Act is also used to prosecute offenders. However, the researcher found that practitioners are likely to confuse OCSEA cases and human trafficking cases. Moreover, law enforcement also need to know how to interpret, differentiate and identify OCSEA cases, especially cases that are related to human trafficking. Challenges and limitations are identified in the following section.

Challenges and limitations

The interviews with high-level experts from government agencies highlight that the Child Protection Act, the Anti-human trafficking Act and the Thai Penal Code were the laws that were most commonly used to address OCSEA cases. However, several interviewees from different agencies stated difficulties as a result of loopholes in these regulations, as discussed below.

The Child Protection Act
The Department of Juvenile Observation and Protection: the interviewees from The Department of Juvenile Observation and Protection mentioned that “When children face problems, we [The Department of Juvenile Observation and Protection] would like them to access services and treatments given following the Child Protection Act. However, children under the care of The Department of Juvenile Observation and Protection cannot access the services stated in the Child Protection Act... the Act does not authorise us or any agencies to take a leading role. Hence, what The Department of Juvenile Observation and Protection can do is to ask for voluntary cooperation from other agencies. Nowhere in the Act stated that the agencies must give the information to us as requested.” The substantive regulation of The Department of Juvenile Observation and Protection is the Juvenile and Family Court and Juvenile and Family Case Procedure Act, BE 2553 (2010), however, this is intended for ‘children in conflict with the law’ rather than victims. As the interviewees from The Department of Juvenile Observation and Protection stated, children under the care of The Department of Juvenile Observation and Protection are considered wrongdoers and they are entitled to access services and treatment as stipulated in the Juvenile and Family Court and Juvenile and Family Case Procedure Act, BE 2553 (2010), which provides fewer services than the Child Protection Act. Additionally, the Department of Juvenile Observation and Protection officials also observed that the Child Protection Act only allows for the identification of high-risk children “…No preventive measure has been identified [in the Child Protection Act]. So, it is unclear what organisation should take care of high-risk children: schools, local administrative offices or Bangkok Municipality? Moreover, the integration of child protection work does not take place. We are unclear about what we should do to take care of children. Although we can identify high-risk children, we do not know how to work for them... Hence, the Child Protection Act does not authorise any organisations to take a leading role in caring for high-risk children” (RA1-TH-01-A-F, Department of Juvenile Observation and Protection officials).
Thailand Internet Crimes Against Children: the commander of Thailand Internet Crimes Against Children highlighted the disproportionate penalty applied to OCSEA offenders identified in the Child Protection Act, “Thailand has not had any regulations on grooming yet, although we are trying to push it. So, offences against grooming will be penalised under the Child Protection Act, which is considered small and unimportant cases. The court usually orders the offenders to pay a few thousand THB fine… what I found is the police cannot prosecute the offenders against some issues. For example, child sexual abuse material, which we can even refer to the Child Protection Act, the penalty is only the payment of a small fine” (RA1-TH-02-A, Commander - Thailand Internet Crimes Against Children).

Currently, Child Online Protection Action Thailand, led by Dr. Srida Tanthaatipanich is working on amending the Child Protection Act while the draft bill has not been exposed to the public yet.

The Anti-Human Trafficking Act

Principally, the Thai Criminal Code or Thai Penal Code is supposed to address OCSEA. However, presently, neither the Thai Penal Code nor any other law explicitly criminalises specific manifestations of OCSEA offences, such as ‘live streaming of child sexual abuse’, ‘sexting’, ‘online sexual grooming’, ‘sexual extortion’ or ‘cyberbullying.’ Furthermore, the Thai Penal Code criminalises attempts generally and not specifically in the context of OCSEA offences. The amendment process indicated that at the time of writing, a draft bill covering OCSEA-related crimes was being drafted by the Legal Expert Group under the Department of Children and Youth. Since OCSEA is not included in the Thai Penal Code, the investigation relies on the interpretation, professionalism, knowledge and skill of individuals working on OCSEA cases. Several interviewees from law enforcement units such as Thailand Internet Crimes Against Children and The Anti-Trafficking in Persons Division said that they utilised the Anti-human trafficking Act to aid the prosecution of OCSEA cases. However, the researcher found that each interviewee interpreted the Anti-human trafficking Act differently.

The interviewee from The Anti-Trafficking in Persons Division stated that “In the past, human trafficking would be something like a person who took children to be sex workers or deceived them into taking pornographic photos and then sold it to other people. But today, human trafficking can be done through online media...” (RA1-TH-05-A, Police Colonel, Anti-Trafficking in Persons Division). As this statement shows, OCSEA can be understood as a human trafficking issue. On the other hand, the Thailand Internet Crimes Against Children commander provided a different interpretation “…human trafficking still focuses on physical evidence, which is not fully applicable to child sexual abuse material that is usually conducted in cyberspace. According to the definition mentioned in the human trafficking law, victims must meet the suspects and the suspects must take the victims to sell in another place. After a lengthy discussion with the prosecutor, I found that online activities 'could' be a kind of human trafficking offence…” (RA1-TH-02-A, Commander - Thailand Internet Crimes Against Children). Hence, the possession of pornographic photos or child sexual abuse material could be understood as an offence under the Anti-Human Trafficking

28 Government of Thailand. (1956). Thai Penal Code, 1956 (as amended by the Amendment to the Criminal Law No. 24 of 2015), Sections 80-82.
Act, following the interpretation of both the Anti-Trafficking in Persons Division’s representative and the Thailand Internet Crimes Against Children commander.

Different interpretations of laws among different stakeholders can lead to victims of OCSEA not accessing necessary services, treatments, or compensation. For example, the interviewee from Ministry of Social Development and Human Security stated that “the Anti-Human Trafficking Act will focus on compensation and remedies that should be given to child victims with the expectation to encourage children to get out of the exploitative and abusive circle. The Anti-Trafficking Act also provides the Fund supporting children to access to the service they want, such as vocational training... Victims have to handle some expenses during the judicial process, and money from the Human Trafficking Prevention Fund can relieve their burden on that matter. All victims of human trafficking cases can access the Fund, and do not need to be child victims under the care of Ministry of Social Development and Human Security, nor be supported by Ministry of Social Development and Human Security. Some of them could be at home if we believe that parents are capable to take care of their children. Victims staying at home or emergency homes organised by Ministry of Social Development and Human Security can also access the Fund” (RA1-TH-06-A, Director of Protection and Advocacy Division, Ministry of Social Development and Human Security). The interviewee from Department of Children and Youth also elaborated that once the child was identified as a human trafficking victim, “all expenses regarding the interpretation, such as transportation and fee, will be covered by the Human Trafficking Protection Fund” (RA1-TH-07-B, Director of Children and Family Shelter Coordination Group, Department of Children and Youth).

In addition, some interviewees stated that OCSEA is viewed as a new issue for Thailand. Practitioners therefore are not well equipped to properly address the issue. The participant from Department of Children and Youth stated that “this topic is new, and some practitioners may not have enough skills to cope with it” (RA1-TH-07-A, Director of Protection and Advocacy Division, Department of Children and Youth). However, the participants from The Department of Juvenile Observation and Protection understood that the threat of online media is not new, commenting that “children have been facing such issues for a long time. We [The Department of Juvenile Observation and Protection] do not know it since we are not in their society” (RA1-TH-01-A-F, Department of Juvenile Observation and Protection officials).

**Future developments**

The draft bill on OCSEA and the Child Protection Act are currently in development, as noted by the participant from the Attorney General on page six and the interviewee from Child Online Protection Action Thailand on page 18.
Law enforcement

Law enforcement mechanisms

All interviews with the 10 high-level experts from government agencies identified challenging factors that circumvent law enforcement mechanisms for addressing OCSEA. These included (1) Clarity of policy and coverage; (2) Capabilities of Implementing Agencies; (3) Front-line implementers; (4) Support from the local authorities, the private sector and the stakeholders; (5) Policy Resources and (6) Political Support. These will be elaborated on further in the following section. The researcher identified that all these factors are interrelated, as identified in the following diagram (items in bold are described in section (b)-challenges and limitations;

Challenges and limitations
The challenges and limitations on law enforcement mechanisms raised during the interviews stem from the six interrelated factors highlighted above. These factors are also identified in the Ph.D. thesis on “The Implementation of Internet Policy for Child Online Protection in Thailand” of Pol. Col. Apichart Apichanont. The details of each of these factors is explained as follows.

**Policy clarity and coverage related to law enforcement responses to OCSEA.** In Thailand, no regulation is specifically about OCSEA. In OCSEA cases, law enforcement and relevant implementation partners need to review several regulations to prosecute OCSEA offenders. The well-known regulations mentioned by the participants include the Child Protection Act B.E. 2546 (2003), the Thai Criminal Code, the Computer Crime Act B.E. 2560 (2017) and the Anti-Human Trafficking in Persons Act. The interviewees from the Attorney General highlighted the challenges regarding this issue, commenting that “the law in Thailand does not criminalise OCSEA…Hence, government officials just focus on applicable written regulations. Whatever is not formally written in the law, the government officials, including lawyers, will not take it into account…If we limit our scope of work to written regulations, many cases will be unsolved” (RA1-TH-04-A, Public Prosecutor). Without any OCSEA regulations, law enforcement must know how to appropriately apply applicable regulations to each OCSEA case. Key respondents in Thailand argued it would be better for justice actors to have a clear singular regulation to refer to rather than have to teach people to refer to multiple different regulations. The interviewees from Thailand Internet Crimes Against Children, Department of Special Investigation and the Attorney General, therefore, said that capacity building activities for police officers working at the local level is important because they are where the cases should be reported from. However currently, they are often unable to start investigations by themselves after cases are reported to them. In addition, some regulations such as the Cybersecurity Act do not mention who is classified as ‘authorised persons.’ This leads to hesitation among the police and/or social workers in asking communication companies to provide evidence that can be used for prosecuting OSCEA offenders. The authorised officials must be identified in the law; otherwise, the company may reject the request for the information due to confidentiality concerns. (RA1-TH-04-A, Public Prosecutor)

**Capabilities of implementing agencies.** No agency works solely on OCSEA. Child Online Protection Action Thailand was established on 20 December 2017 to be a coordinating unit for working with organisations, including a network that works to promote and protect children and youth from using online media. Child Online Protection Action Thailand is one of the authorised units under the supervision of the Director-General of the Department of Children and Youth. Child Online Protection Action Thailand ‘s scope of work covers 10 online media threats, of which OCSEA is not included. However, OCSEA could be addressed under the threat of ‘children being tempted to meet strangers by using online media’, which is one of the 10 threats Child Online Protection Action Thailand does cover. For Child Online Protection Action Thailand , game addiction and e-sport are the most significant issues they cover as they are ranked as the first items

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29 Apichanont, A. The Implementation of Internet Policy for Child Online Protection in Thailand, thesis for Doctor of Philosophy (Social Development Administration), School of Social and Environmental Development, National Institute of Development Administration.

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Funded by: [End Violence Against Children] [Implemented by: ECPAT] [INTERPOL] [Office of Research-Innocenti] [UNICEF]
of online media threats. According to interviews with participants from the The Department of Juvenile Observation and Protection, Ministry of Digital Economy and Society and Department of Children and Youth, the researcher noticed that interviewees could not clearly and confidently talk about policies on OCSEA – or confirm that victims of OCSEA or offenders would be treated the same as other child victims and offenders.

Front-line implementers. The interviewee from the Attorney General noted a number of significant challenges in regards to the lack of knowledge and skill of local police officers as front-line implementers; “local police asked parents to bring their children who were victims of OCSEA to the Technology Crime Suppression Division (TCSD) located in Bangkok because local police do not know how to implement digital forensic investigations...the local police may also feel that OCSEA or technology crime cases are less critical than others, such as homicide or rape cases” (RA1-TH-04, public prosecutor). The interviewee from the Attorney General also identified the lack of knowledge and skill of implementers to investigate OCSEA cases, noting that many of them do not understand the concept of digital infidelity, DNA of pornography photos. (RA1-TH-04-A, Public Prosecutor) Additionally, the participants from The Department of Juvenile Observation and Protection talked about the age of implementers, that “30-40-year-old practitioners are supposed to understand and catch up with the views and opinions of children. This new generation of workers must think about what will happen in the future” (RA1-TH-01-A-F, Department of Juvenile Observation and Protection officials). According to Department of Juvenile Observation and Protection officials, some children are not concerned about being victims of OCSEA as they simply desire the payment that comes from providing sexual images or services. They also believed that it was the responsibility of lower ranked front-line implementers to help children have a better understanding of OCSEA. More importantly, one of the interviewees reflected that judges usually avoid participating in capacity building or activities related to social issues, including OCSEA. In Thailand, the role of a judge remains an untouchable role. In the justice process, judges rarely have a direct communication with victims or implementing partners and prefer to communicate through prosecutors.

Support from the local authorities, the private sector and stakeholders. The researcher observed that addressing OCSEA requires support from multiple stakeholders. In particular, the Department of Provincial Administration, NGOs working with children and Internet and communication companies. However, what the researcher noticed during the interviews is that each interviewee intended to collaborate with different stakeholders, which would later cause work duplication or leave significant gaps. For example, Thailand Internet Crimes Against Children focused predominantly on working with a limited number of implementing partners such as police divisions and some NGOs. For an effective response to OCSEA cases, it is important that responses incorporate several implementing partners.

Further problems on collaboration with private sector companies, particularly transnational communication companies were expressed by the Thailand Internet Crimes Against Children commander

30 Document introducing Child Online Protection Action Thailand shared by the interviewee from Child Online Protection Action Thailand.
who stated “Thailand does not have any regulations enhancing police capacity to ask for information from Line Company…I asked for the data from the company but never received information as requested… the Thai government does not regulate the laws to control foreign businesses investing in Thailand, especially ones that are popular among Thai people” (RA1-TH-02-A, Commander - Thailand Internet Crimes Against Children). The most popular social media platforms in Thailand include: Facebook (93%), YouTube (91%), Line (84%), Facebook Messenger (72%), Instagram (65%) and Twitter (52%). The participants from Department of Children and Youth also mentioned that the network structure in each area is different in each local context, for example “The nature of each province is also an issue. You can see the difference between Pattaya and Pang-Nga. Pattaya is an urban area, while Pang-Nga is the countryside where social solidarity is high. So, the network structure of those areas will be different” (RA1-TH-07-A, Director of Protection and Advocacy Division, Department of Children and Youth). Hence, the implementers need to work with different networks located in different areas, which may potentially limit their capacity to address OCSEA at a national level.

Policy resources. A few participants referred to different resources related to OCSEA policies while others expressed that they were not certain about policy resources. Participants from legal enforcement units such as Thailand Internet Crimes Against Children, Department of Special Investigation, and The Anti-Trafficking in Persons Division stated several regulations utilised to develop the policy, for example, the Child Protection Act, the Anti Human Trafficking Act, the Cybersecurity Act, the Computer-Related Crime Act, and the Thai Criminal Code. In general, every interviewee indicated the Child Protection Act and the Anti Human Trafficking Act as the core regulations for improving policies used in the agencies. Some participants also referred to regulations specifically used in the organisation, for example, Special Case Investigation Act (Department of Special Investigation) and Juvenile and Family Court and Juvenile and Family Case Procedure Act (Department of Juvenile Observation and Protection). The researcher observed that using different regulations can lead to inconsistent policy development across implementing partners in terms of collaboration and duration. Thailand Internet Crimes Against Children mentioned above the difficulty they face when requesting information from transnational communication companies. However, the interviewee from Ministry of Digital Economy and Society provided a contrasting opinion, stating “...we ask the companies to delete information if it applies to the companies' community standard, and this will not take a long time. I believe that child exploitation is an international standard, so everyone should be aware of it” (RA1-TH-08-A, Acting Director of the Technology and Information Crime Prevention and Suppression Division, Ministry of Digital Economy and Society). Anecdotal evidence given in interviews by Ministry of Digital Economy and Society and Thailand Internet Crimes Against Children demonstrated that private communication companies aim to collaborate with Ministry of Digital Economy and Society rather than Thailand Internet Crimes Against Children. Hence, the companies agree to share confidential information with Ministry of Digital Economy and Society but avoid giving the same information to Thailand Internet Crimes Against Children.

31 We are Social & Hootsuite. (2019). Digital 2019 THAILAND. All the Data and Trends you need to understand Internet, Social Media, Mobile and E-commerce Behaviors in 2019.
Implications of privacy protection. The Department of Juvenile Observation and Protection officials highlighted the difficulty they were facing due to the amendment of the Juvenile and Family Court and Juvenile and Family Case Procedure Act, BE 2553 (2010). The previous version of this regulation authorised them to access information related to child victims or child offenders, however, the amended version that was promulgated in 2010 revoked that authority, meaning Department of Juvenile Observation and Protection officials are unable to directly request information from communication companies or the private sector. The Department of Juvenile Observation and Protection has to ask the police to search for information for them, however the police are not obligated to fulfil their requests. “When I try to look for information about children, I face challenges accessing information related to online technology. I do not know when the children log in to any platform, what account they use, and so on. So, we cannot do much even though we have their phone numbers. We cannot order the phone company to check the children for us. We used to do that in the past... the law drafting committee has informed us that it overlapped with the authority of interrogators who must collect evidence related to the case, so we did not need to take such a similar role again. However, I think the committee does not understand our work. Although we do not work directly on the litigation, we need to get some evidence to support our work. The evidence is also necessary for us, not only the police” (RA1-TH-01-A-F, Department of Juvenile Observation and Protection officials).

Unclear mandates. Policymakers’ misunderstanding of OCSEA creates difficulties and dilemmas for implementers, as the interviewee from Department of Special Investigation stated “another problem precisely for Department of Special Investigation is the appendices of the Special Case Investigation Act that does not include OCSEA. Human trafficking is one of the appendices of the Special Case Investigation Act, while OCSEA is not. The government orders ministries, including the Ministry of Justice, to emphasise OCSEA. The Ministry of Justice then assigns Department of Special Investigation to focus on OCSEA, but this issue is not part of Department of Special Investigation law’s appendices... this is a challenge for Department of Special Investigation, especially when we have to work with other organisations. Without a written statement, Department of Special Investigation does not have the power to operate a particular investigation. To request cases beyond what is written in the Department of Special Investigation law’s appendices in exceptional cases needs the approval of a committee led by the Prime Minister and Dr. Wissanu Krea-ngam.32 Nobody knows when the committee will decide on the request. Also, the approval process takes time” (RA1-TH-03-A).

32 Legal advisor of the cabinet – March 2020
Successes

According to interviews, Thailand is developing both legal and non-legal mechanisms to support implementing partners handling OCSEA cases. The researcher found several successes that should be mentioned despite there being room for improvement.

1) **Intention and effort of implementing partners to develop a legal framework including OCSEA.** The interviewees from the Attorney General mentioned that currently, the draft bill on OCSEA is in development and should be able to support implementing partners to work more effectively on OCSEA cases. None of the interviewed participants have seen the draft bill in detail, but the public hearing is expected to be soon. Once the draft bill has been approved to be promulgated as a regulation, it will be useful for implementing partners.

2) **Integration of OCSEA into the educational curriculum as a prevention measure to protect children and youth.** Besides legal tools, stakeholders such as the Ministry of Education, Ministry of Social Development and Human Security, and the Ministry of Public Health are considering developing a curriculum with the aim to educate and inform young people, with relevant and helpful information, on how to protect themselves from cybercrimes. It’s important that this information is evidence-based and addresses issues such as consent, pornography and respectful relationships. As noted in this analysis, the general ‘awareness raising’ without monitoring for impact or effectiveness is not sufficient. The curriculum is expected to be distributed to elementary and secondary schools throughout the country in 2021. Since a number of OCSEA cases start in schools, the curriculum can guide not only students but also teachers on how to deal with OCSEA.

3) **Capacity building organised concerning OCSEA.** As stated by almost all interviewees, capacity building plays a leading role in protecting children and youth as well as reducing the number of OCSEA cases. The interviewees demonstrated good intentions on how to educate children and stakeholders to better protect themselves from OCSEA and handle OCSEA cases, respectively. However, the researcher found that each organisation seems to implement activities separately which leads to duplication and increased unnecessary budget expenditure. If stakeholders collaborated more effectively, they would have been able to scale up activities at a lower cost. Furthermore, some activities are perhaps based on unrealistic expectations (parents monitoring children who are online 5+ hours a day rather than encouraging awareness, open discussion and trust between parents and children to facilitate knowledge and help seeking) and are not being measured for impact.

4) **Increased public awareness of OCSEA.** Many interviewees stated that public awareness of OCSEA is increasing. Both the public and implementing partners understand that children and youth are at risk of being sexually exploited or abused online. This issue cannot be solved by prohibiting children from using the Internet or communication technology but by educating them on how to
wisely and properly utilise online media and communication technology. Parental guidance should, therefore, be developed to educate parents and teachers on how to deal with OCSEA properly. Currently, children avoid telling their parents or teachers when they encounter problems such as OCSEA, so this guidance must include ways to facilitate supportive and open dialogues about these topics. This may involve real attitudinal and cultural change as these topics are felt to be taboo by older generations.
Challenges

Challenges mentioned by interviewees vary based on the nature and responsibility of organisations they represent. A lack of collaboration across authorised agencies was the most common challenge reflected by all interviewees, including Thailand Internet Crimes Against Children and Department of Special Investigation representatives. Limited information-sharing causes delays and ineffectiveness of case prosecution and investigation. For example, Thailand Internet Crimes Against Children and Department of Special Investigation, the most active players in OCSEA, refer to different sources of data relating to OCSEA. Department of Special Investigation is not under the supervision of the Royal Thai Police, so Department of Special Investigation cannot access The National Center for Missing and Exploited Children while Thailand Internet Crimes Against Children, that is a task force under the Royal Thai Police, can.

Department of Special Investigation then accesses information from other database or partners, as elaborated by the representative from Department of Special Investigation “Department of Special Investigation cannot access the updated information from The National Center for Missing and Exploited Children because the Royal Thai Police is the only organisation in Thailand that has signed an memorandum of understanding with The National Center for Missing and Exploited Children. Hence, Department of Special Investigation cannot directly request information from The National Center for Missing and Exploited Children but must pass the request through the Royal Thai Police. In the past, Department of Special Investigation has had direct communication with the U.S. Embassy. At that time, the embassy directly collaborated with Department of Special Investigation when OCSEA cases were reported. Now, there is no more extended communication and collaboration between Department of Special Investigation and the embassy...we [Department of Special Investigation] do not know the exact number of OCSEA victims in Thailand. The National Center for Missing and Exploited Children has statistical information about OCSEA cases, but the number of victims is not confirmed. Department of Special Investigation has a record on the number of OCSEA victims, but it is merely the cases handled by Department of Special Investigation. We cannot access the OCSEA database managed by other organisations” (RA1-TH-03-A).

The interviewees from social welfare management organisations, such as Ministry of Social Development and Human Security, Department of Children and Youth and Child Online Protection Action Thailand do not work closely with the legal enforcement agencies so cannot benefit from/feed into the global collaboration tools. Without accurate and adequate information, policies regarding OCSEA cannot be adequately developed. Generally, the statistical data of OCSEA offenders is stored in the Ministry of Justice, as mentioned by the Department of Correction; however, the data is not searchable and tagged in the database of criminal cases. The Ministry of Social Development and Human Security is supposed to store the information on OCSEA victims, but information is not organised based on what crime a child has been a victim of. The representative from Ministry of Social Development and Human Security stated “our division mainly takes care of child victims in human trafficking cases. Our division focuses more on protection than prevention. In a case where a child is victimised by online sexual exploitation or abuse, we will work with them on the protection process” (RA1-TH-06-A, Director of Protection and Advocacy Division, Ministry of Social Development and Human Security).
Time limitation is another challenge highlighted by interviewees from the law enforcement unit. According to Thai law, the police are allowed to sentence and withhold the accused or offenders for investigation and evidence gathering for no longer than two weeks. After two weeks, the police must either submit the prosecutor’s evidence to proceed with the prosecution or release the culprits if the evidence is not strong enough to proceed in a court case. However, despite Thailand Internet Crimes Against Children’s ability to investigate using technology, to investigate and gather the digital evidence requires skillful practitioners and highly developed technology. There is a serious need for substantial investment in human and systemic resources in this area in the Thai context. According to the interviewees, the police must submit some evidence they have found to the prosecutor multiple times. Finally, the court verdict given to the offenders is lighter than the crime they committed overall.

Besides time limitations, most interviewees stated that they have extremely heavy workloads and therefore cannot allocate time to work specifically on OCSEA cases. For example, the Department of Children and Youth has to look after many vulnerable children throughout Thailand, meaning staff cannot find time to provide outstanding care to meet each child’s needs. The interviewees at Department of Children and Youth reflected that the policies and laws related to OCSEA are many, and they are not easy to understand. As stated by one of interviewees from Department of Children and Youth “the majority of social workers do not have the legal knowledge and need to work with lawyers; sometimes, we do not understand what lawyers are talking about; they use legal terms. The legal-related knowledge social workers have is basic. We have to learn more about specific laws or policies when we work with the cases. Some social workers study law due to their interest” (RA1-TH-07-B, Director of Children and Family Shelter Coordination Group, Department of Children and Youth). Principally, government officials are not supposed to work beyond the duties as assigned by the government. At the same time, OCSEA victims need long-term and comprehensive support broader than the scope of work of said government officials. The interviewee from the Institute of Child and Adolescent Mental Health highlighted this issue while discussing the budget allocation for OCSEA child victims “If you ask me whether the budget that Ministry of Public Health allocates to us is enough, I will say that it is enough to pay for medical expenses. However, if parents have to handle the medical expense themselves, they may not be able to afford it... I think the agencies working on social protection and welfare, such as Ministry of Social Development and Human Security, should take the lead on this... The budget allocated for proactive activities, such as home visits and school visits, to check if children can adjust to their family and school, should be increased” (RA1-TH-09-A).

As a result of concerns such as these, the Thai government established government bodies to handle OCSEA and other computer-crime violence against children. However, the interviewees working in those organisations did not express an in-depth understanding of OCSEA and even confused it with other issues, including addiction to online games and gambling. For example, the director of Child Online Protection Action Thailand talked about the collaboration with the mental health institute to prevent children from becoming addicted to playing online games.
One of the other significant challenges that half of the interviewees mentioned is budget constraints. Generally, the bulk of the budget is allocated to other issues, such as anti-human trafficking and cyberbullying, but not specifically to OCSEA. One interviewee stated that “a huge budget is required when we want to work long-term on child rehabilitation. The budget should be allocated to accommodate year-long activities, not only a few months...As far as I know, there is no budget allocated to work with the families of victimised children” (RA1-TH-09-A). In addition, some interviewees mentioned the stability of budget allocation. The budget allocated to some agencies is annual, and the agencies need to look for other financial support or donors themselves. This financial instability risks affecting the continuity of organisation’s activities.