

PROSTITUTION PREVENTION AND SUPPRESSION ACT¹

B.E. 2539 (1996)²

BHUMIBOL ADULYADEJ, REX.

Given on the 14 th. October, B.E. 2539 (1996)

Being the fifty first year of the present Reign

His majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to revise the law on prostitution suppression.

Be it, therefore, enacted an Act by the King, by and with the advice and consent of the Parliament, as follows:

Section 1 This Act shall be called “Prostitution Prevention and Suppression Act B.E. 2539”.

Section 2 This Act shall come into force after sixty days from the date of its publication in the Royal Gazette.

Section 3 The Prostitution Suppression Act B.E. 2503 (1960) shall be repealed.

Section 4 In this Act:

“Prostitution” means the acceptance of sexual intercourse, the acceptance of any other act, or the commission of any other act for sexual gratification of another person in a promiscuous manner for remuneration or any other benefit, irrespective of whether the person who accepts such act and the person who commits such act are of the same or opposite sex;

“Prostitution Establishment” means the place or premises arranged for prostitution or allowed for prostitution, and shall include the place used for making contact or procuring another person for prostitution;

“Primary Shelter” means a place provided by the Government, or a place established by a foundation, association, or any other institute, under this Act, for the temporary admission of persons receiving protection and vocational development in order to consider appropriate measures for the protection and vocational development for each one;

“Protection and Vocational Development Place” means a place provided by the Government, or a place established by a foundation, association, or any other institute for

¹ This Act was translated by Wanchai Roujanavong, Senior Expert State Attorney, International Affairs Department, Office of the Attorney General; and Chairperson of FACE (the Coalition to Fight Against Child Exploitation).

² This Act was published in the Royal Gazette, Volume 113 Chapter 54 A (Kor), dated 22 October 1996 and was effective on 21 December 1996 (sixty days from the date of publication).

welfare protection and vocational development of the person who receives protection and vocational development under this Act;

“Protection and Vocational Development” means mental rehabilitation, medical treatment, vocational skill training and development, including development of the quality of life;

“Member” means the member of the Protection and Vocational Development Committee or the Provincial Committee for the Protection and Vocational Development, as the case may be;

“Official” means a person appointed by the Minister for the execution of this Act;

“Director General” means the Director General of the Department of Public Welfare;

“Minister” means the Minister in charge of controlling the execution of this Act.

Section 5 Whoever, for the purpose of prostitution, offers, solicits, introduces oneself to, follows, or importunes another person on a street, in a public place, or any other place and such act is overtly and shamelessly committed or causes nuisance to the public, shall be punished with a fine not exceeding one thousand baht.

Section 6 Whoever congregates with another person in a prostitution establishment for the benefit of prostitution of that person or of another person shall be punished with imprisonment not exceeding one month, or a fine not exceeding one thousand baht, or both.

If the offence under the first paragraph is committed because of being forced or under an influence unable to avoid or resist, the offender is not guilty.

Section 7 Whoever advertises or agrees to advertise, induces, or introduces with documents or printed material, or acts by any other means to distribute information to the public in an obvious manner of solicitation or communication for prostitution of that person or of any other person, shall be punished with imprisonment of six months to two years, or a fine of ten thousand to forty thousand baht, or both.

Section 8 Whoever, for sexual gratification of that person or of another person, commits sexual intercourse or any other act against a person over fifteen years but not over eighteen years of age, with or without his or her consent, in a prostitution establishment, shall be punished with imprisonment of one to three years and a fine of twenty thousand to sixty thousand baht.

If the offence under the first paragraph is committed against a child not over fifteen years of age, the offender shall be punished with imprisonment of two to six years and a fine of forty thousand to one hundred and twenty thousand baht.

If the offence under the first paragraph is committed against the spouse of the offender, and is not for sexual gratification of another person, the offender is not guilty.

Section 9 Whoever procures, seduces, or takes away another person to commit the act of prostitution, even with consent of such person, irrespective of whether the various acts which constitute the offence are committed inside or outside the Kingdom, shall be punished with imprisonment of one to ten years and a fine of twenty thousand to two hundred thousand baht.

If the offence under the first paragraph is committed against a person over fifteen years but not over eighteen years of age, the offender shall be punished with imprisonment of five to fifteen years and a fine of one hundred thousand to three hundred thousand baht.

If the offence under the first paragraph is committed against a child not over fifteen years of age, the offender shall be punished with imprisonment of ten to twenty years and a fine of two hundred thousand to four hundred thousand baht.

If the offence under the first, second, or third paragraph is committed by using deceitful means, threat, physical assault, immoral influence, or by any other means for mental coercion, the offender shall be punished with punishment one-third heavier than the punishment as provided in the first, second, or third paragraph.

Whoever, in order to provide prostitution, accepts a person with the knowledge that such person was procured, deceived, or brought away under the first, second, third, or fourth paragraph, or abets the commission of such offence, shall be punished with the punishment provided in the first, second, third, or fourth paragraph, as the case may be.

Section 10 Whoever, being the father, mother, or guardian of a person not over eighteen years of age, knows that there is an offence as specified in the second, third, or fourth paragraph of Section 9 being committed against the person under his or her guardianship, and connives in the commission of such offence, shall be punished with imprisonment of four to twenty years, and a fine of eighty thousand to four hundred thousand baht.

Section 11 Whoever is the owner of a prostitution business, supervisor, or manager of a prostitution business or prostitution establishment, or controller of a prostitute in the prostitution establishment, shall be punished with imprisonment of three to fifteen years, and a fine of sixty thousand to three hundred thousand baht.

If the prostitution business or prostitution establishment under the first paragraph has a person over fifteen but not over eighteen years of age for prostitution, the offender shall be punished with imprisonment of five to fifteen years, and a fine of one hundred thousand to three hundred thousand baht.

If the prostitution business or prostitution establishment under the first paragraph has a child not over fifteen years of age for prostitution, the offender shall be punished with imprisonment of ten to twenty years, and a fine of two hundred thousand to four hundred thousand baht.

Section 12 Whoever detains or confines another person, commits any other act that deprives the liberty of another person, assaults another person, or threatens with any other means to commit a violent act against another person, in order to force such person to

prostitution activity, shall be punished with imprisonment of ten to twenty years, and a fine of two hundred to four hundred thousand baht.

If the offence under the first paragraph causes to the victim:

- (1) serious bodily harm, the offender shall be punished with life imprisonment.
- (2) death, the offender shall be punished with the death penalty or life imprisonment.

Whoever abets the commission of the offence under the first or second paragraph shall be punished with the penalty provided in the first or second paragraph, as the case may be.

If the perpetrator or abettor in the commission of the offence under the first paragraph is an administrative or police official, official or worker in the primary shelter or in the protection and vocational development place under this act, such perpetrator or abettor shall be punished with imprisonment of fifteen to twenty years and a fine of three hundred thousand to four hundred thousand baht.

Section 13 If the father, mother, or guardian of the person committing the offence under Section 5, Section 6, or Section 7, connives at the act of prostitution by the person in his or her guardianship, a public prosecutor, being requested by the Committee for the Protection and Vocational Development, shall file an application to the court to revoke the guardianship of the father, mother, or guardian, and to appoint a guardian to replace the father, mother, or former guardian.

In the case that court will appoint a new guardian under the first paragraph and the court has the opinion that no person is suitable to be the guardian of the offender, the court may appoint the director of a primary shelter or the director of a protection and development place, of which jurisdiction the offender is under, to be the guardian of the offender.

The provisions in the Civil and Commercial Code relating to guardianship appointment shall apply *mutatis mutandis* to the appointments of guardian under this Section.

Section 14 There shall be a Protection and Vocational Development Committee called in brief the "P.V.C.". The Committee shall consist of Permanent Secretary of the Ministry Labour and Social Welfare as the Chairperson, Director General of Public Welfare Department, Director General of Local Administration Department, Director General of Employment Department, Director General of Community Development Department, Director General of Non-formal Education Department, Director General of Communicable Disease Control Department, Director General of Royal Thai Police Department, Director General of Skill Development Department, Director General of General Education Department, Director General of Vocational Education Department, Secretary General of Office of the National Primary Education Commission, Secretary General of National Youth Bureau, or Deputy Director Generals or Deputy Secretary Generals entrusted by the aforesaid Director Generals or Secretary Generals, the representative of Central Juvenile and Family Court, a representative of National Commission on Women's Affairs, and other experts not exceeding seven persons, appointed by the Minister, to be members of the Committee. The Director of the Office of the Protection and Vocational Development Committee shall be a

member and the secretary of the Committee. The chairperson may appoint not more than two persons to be assistant secretaries.

The expert members appointed by the Minister under the first paragraph shall have expertise and experience in the prevention and rectification of the prostitution problems. At least five of the appointed expert members shall be from the experts who work in non-government organizations involved in the prevention and rectification of the prostitution problems.

Section 15 The P.V.C shall have the functions and duties as follows:

- (1) to issue policies in protection and vocational development, including the development of the quality of life of prostitutes;
- (2) to co-ordinate plans, projects, systems of work and to issue guidelines for working together with government agencies and the private sector involved in the prevention and suppression of prostitution;
- (3) to submit to the Minister, for further submission to the cabinet, opinions concerning the improvement of works and plans of action of government agencies in relation to the prevention and suppression of prostitution;
- (4) to recommend the Minister on the appointment of the officials, and on the establishment of the government's primary shelters or the protection and vocational development places;
- (5) to recommend the Minister on budget allocation to support the works on protection and vocational development;
- (6) to recommend the Minister on the issuance of rules, procedures and conditions for implementation of Section 26;
- (7) to recommend the Minister on the laying down of regulations, rules or orders in relation to the operation of the primary shelters and the protection and vocational development places;
- (8) to lay down regulations relating to the acceptance and care of the persons detained under Section 32;
- (9) to lay down regulations relating to rules and procedures for sending persons to the primary shelters and the protection and vocational development places, including regulating the duration of being protected and vocational developed in the protection and vocational development places;
- (10) to perform other functions for the execution of duty under this Act.

Section 16 There shall be a Provincial Protection and Vocational Development Committee for each province called in brief the "Provincial P.V.C." Each Committee shall consist of the Provincial Governor or Deputy Provincial Governor entrusted by the

Provincial Governor as the chairperson of the Committee, Provincial Secretary or a representative, Provincial Employment Official or a representative, Provincial Chief Police or a representative, Provincial Community Development Official or a representative, Provincial Formal Education Official or a representative, Provincial General Education Official or a representative, Director of the Provincial Primary Education Office or a representative, Director of the Provincial Non-formal Education Centre or a representative, Provincial Public Health Official or a representative, Provincial Labour and Social Welfare Official or a representative, Provincial Chief Public Prosecutor or a representative, and other experts not exceeding seven persons, appointed by the Provincial Governor, to be members of the Committee. The Provincial Public Welfare Official shall be a member and the secretary of the Committee.

The expert members appointed by the Provincial Governor under the first paragraph shall have the expertise and experience in the prevention and rectification of prostitution problems. At least five of the expert members shall be appointed from the experts who work in non-governmental organizations involved in the prevention and rectification of the prostitution problems.

Section 17 The Provincial P.V.C. shall have functions and duties as follows:

- (1) to be the co-ordinating center for government and private sectors on information, resources, and in performing the function of prevention and suppression of prostitution in the province;
- (2) to promote and support the function performance in prevention and suppression of prostitution of both the government and private sectors;
- (3) to consider and make recommendations to P.V.C. to revise and improve or lay down regulations rules and orders in relation to the prevention and suppression of prostitution in the province;
- (4) to perform other functions entrusted by the P.V.C.

Section 18 The expert member shall be in the position for the term of three years. The outgoing expert member may be re-appointed, but for not more than two consecutive terms.

Section 19 Apart from the expiration of the membership term under Section 18, the membership of an expert member shall expire by:

- (1) death;
- (2) resignation;
- (3) being dismissed by the Minister or the provincial governor who has the authority to appoint expert members, as the case may be;
- (4) being an incompetent person or quasi-incompetent person; or

- (5) being imprisoned by a final judgment of a court, excepting the offence committed with negligence or petty offence.

Section 20 In the case that an expert member vacates the position before the end of the term and another person is appointed to replace such expert member, the term of the appointed member for such replacement shall be equal to the remaining term of the expert member being replaced.

In the case that an additional expert member is appointed during the term of membership of other previously appointed expert members, the term in position of the additionally appointed member shall be equal to the remaining term of the other previously appointed members.

Section 21 In the case that the expert members have been in positions until the term expires, but new expert members have not yet been appointed, the expert members, whose terms have expired, shall temporarily perform functions and duties of the expert members until the new expert members are appointed.

Section 22 The meeting of the P.V.C. or the Provincial P.V.C. shall have not less than one-third of the members constituting the quorum. If the chairperson is not present in the meeting or cannot perform the function, members in the meeting shall select a member to be the chairperson of the meeting.

The decision of the meeting shall come from the majority, each member shall have one vote. If the votes are equal, the chairperson shall have one additional vote to be the decisive vote. Any member with a personal interest in any issue shall have no right to vote on that issue.

Section 23 The P.V.C. or the Provincial P.V.C. may appoint a sub-committee to consider or perform any function as entrusted by the P.V.C. or the Provincial P.V.C., and Section 22 shall apply *mutatis mutandis* to the meeting of the sub-committees.

Section 24 In performing duties pursuant to this Act, the P.V.C., Provincial P.V.C., or sub-committee entrusted by the P.V.C. or Provincial P.V.C. shall have the authority to issue a written order summoning any person to give a statement or produce any document or material to be used in its consideration in pursuance of necessity.

Section 25 The Office of the Protection and Vocational Development Committee shall be established within the Department of Public Welfare, Ministry of Labour and Social Welfare; and the Office of the Protection and Vocational Development Committee shall have functions and duties as follows:

- (1) to be responsible for all administrative work of the P.V.C.;
- (2) to co-ordinate and co-operate with the government sector, government and private agencies involved in the work of protection and vocational development, and prevention and suppression of prostitution;
- (3) to provide vocational training and development;

- (4) to promote professions and to provide jobs for the persons, completed the vocational training and development under (3);
- (5) to collect the results of analyses, researches, work performances, monitoring and assessment of the implementation of the policies and action plans on the protection and vocational development of the relevant government sector, government and private agencies; and then report the findings to the P.V.C.;
- (6) to perform the function pursuant to the resolutions of the P.V.C., or the works entrusted by the P.V.C.

Section 26 A foundation, association, or any other institute prescribed in the ministerial regulation, which wishes to set up a primary shelter or a protection and vocational development place, shall file an application with the Director General.

The application and permission shall be in accordance with the rules, procedures, and conditions prescribed in the ministerial regulation.

Section 27 The Director General, after granting the permission to establish a primary shelter or protection and vocational development place, shall perform the duty in accordance with Section 28.

In the case that the Director General rejects the application, the applicant is entitled to appeal in writing to the Minister within thirty days from the date of receiving the letter of rejection.

The decision of the Minister shall be final.

Section 28 The Director General, by publication in the Royal Gazette, shall declare an area to be the territorial jurisdiction of a primary shelter or protection and vocational development place.

In the case that there is a reasonable cause, the Director General, by publication in the Royal Gazette, may change the territorial jurisdiction area of a primary shelter or protection and vocational development place.

Section 29 When it is apparent that a foundation, association, or any other institute, being granted the permission under Section 25, commits an act in violation or noncompliance with the laws or government's rules and regulations, the Director General shall have the authority to issue a written order to the foundation, association, or institute for discontinuation of the act, improvement, rectification, or correct compliance, as being notified, within the specified time.

In the case that the foundation, association, or institute, without any reasonable cause, does not comply with the order, or the compliance with the order is not completed in the time specified under the first paragraph, the Director General shall have the authority to order the official to do the act, in substitution, in conformity with the order, and the foundation, association, or institute shall pay for the incurred expenses therefrom.

The expenses under the second paragraph shall include the necessary and appropriate expenses as prescribed by the Director General.

If the official is of the opinion that the act under the second paragraph cannot take place, or even though the act has already taken place in accordance with the second paragraph but the foundation, association, or institute is unable to continue its operation by itself, or if its operation is allowed to continue, they may cause harm to persons receiving the protection and vocational development in the primary shelter or protection and vocational development place, the official shall report to the Director General for considering the revocation of the permit.

In the case that the violation or noncompliance with the laws or government's rules and regulations is a serious offence which the Director General has the opinion that the order under the first or second paragraph is not appropriate to be issued, the Director General has the authority to order the revocation of the permit.

Section 30 A foundation, association, or any other institute, whose permission has been granted under Section 26 but the permission is revoked under Section 29, has the right to file a written appeal against the order of revocation to the Minister within fifteen days from the date of receiving the revocation order. During the pending period for the Minister's decision, the foundation, association, or institute is able to continue its operation.

The decision of the Minister shall be final.

Section 31 In the case that the Minister makes the final decision to revoke the permit granted under Section 26, the official, with the permission from the Director General, shall send the person receiving the protection and vocational development to another primary shelter or protection and vocational development place.

In sending the person receiving the protection and vocational development to another primary shelter or protection and vocational development place of a foundation, association, or any other institute, consent must be obtained from such primary shelter or protection and vocational development place.

Section 32 In the case that the alleged offender or accused, committing the offence under Section 5 or Section 6, must be detained during the inquiry by the inquiry official or during the trial of the court, the alleged offender or accused may be detained according to the criminal procedure law of the Magistrate Court; but the the alleged offender or accused shall be detained separately from other alleged offenders or defendants, or the Public Welfare Department may be requested to look after such alleged offender or accused in accordance with the regulation laid down by the P.V.C.

Section 33 In the case that an offender, committing an offence under Section 5 or Section 6, is not over eighteen years of age and is not charged, or is not under a criminal proceeding in any other offence punishable with imprisonment, or is not convicted with imprisonment; the inquiry official shall, after the offence has been settled by a fine, notify the Public Welfare Department in order to send such person into the care of the primary shelter which has jurisdiction.

In the case under the first paragraph, if the offender is over eighteen years of age and wishes to receive the protection and vocational development in a protection and vocational

development place, the inquiry official shall notify the Public Welfare Department in order to send such person into the care of the primary shelter which has jurisdiction.

Section 34 In case that the offender, committing an offence under Section 5, Section 6, or Section 7, is not over eighteen years of age, and the court, having considered the biography, behavior, intelligence, education, health, mental condition, occupation and environment of the offender, determines that the offender should not be punished but should receive protection and vocational development instead, the Public Welfare Department shall receive the offender for sending to the primary shelter which has jurisdiction within fifteen days from the date the court renders its judgment.

In the case under the first paragraph, if the offender is over eighteen years of age and wishes to receive the protection and vocational development in the protection and vocational development place and the court deems it is appropriate, the Public Welfare Department shall receive the offender for sending to the primary shelter which has jurisdiction within fifteen days from the date the court renders its judgment.

In the case that the court has convicted the offender, committing the offence under the first paragraph, and the court deems it is appropriate for the offender to also receive the protection and vocational development, the Public Welfare Department shall receive the offender for sending to the primary shelter which has jurisdiction within fifteen days from the date the court renders its judgment, and the offender shall be under the control of the primary shelter and the protection and vocational development place.

The detention period of the offender under the third paragraph shall not be included into the term of which the offender is in the control of the primary shelter and the term of receiving the protection and vocational development in the protection and vocational development place.

The rules and procedures in receiving the offender from the court for sending such person to be in the care of a primary shelter which has jurisdiction shall be in accordance with the regulations issued by the Director General and approved by the P.V.C.

Section 35 The primary shelter shall consider the personality, educational background, motive of committing the offence, and conduct an aptitude test, and consider sending the person in its care under Section 32 or Section 33 to an appropriate protection and vocational development place for receiving protection and vocational development within the time frame specified in the regulation laid down by the P.V.C., but such period shall not exceed six months from the date of receiving such person.

Subject to the third paragraph of Section 34, in the case that the primary shelter is of the opinion that there is no necessity for sending the person to receive protection and vocational development, it may decide, in accordance with the regulation laid down by the P.V.C., not to send such person to a protection and vocational development place.

Section 36 The rules and procedures for sending a person into the care of a primary shelter under Section 33 and Section 34, and for sending a person to receive protection and vocational development in a protection and vocational development place under Section 35, shall be in accordance with the regulations laid down by the P.V.C.

Section 37 A person receiving protection and vocational development shall receive protection and vocational development in accordance with the regulations laid down by the P.V.C. for a period not exceeding two years from the date of receiving such person into the protection and vocational development place.

Section 38 If any person, while under the care of a primary shelter or under the protection and vocational development in a protection and vocational development place, escapes from the primary shelter or the protection and vocational development place, the official of the primary shelter or the protection and vocational development place shall have the authority and duty to pursue such person in order to send such person back to the primary shelter or to the protection and vocational development place, as the case may be. In such case, the primary shelter or the protection and vocational development place may request assistance from the police

When any person has completed the full term of protection and vocational development, the official of the primary shelter or the protection and vocational development place shall send such person back to the residence or domicile of the person, unless the P.V.C. is of the opinion that it should be proceeded otherwise

Section 39 The official shall have the authority and duties as follows:

(1) to enter, during daytime and nighttime, into an entertainment establishment under the law on entertainment establishments, for inspection of the commission of the offences under this Act.

(2) to take a victim, whether lured or forced into prostitution, who gives consent to be brought to receive the protection and vocational development, to the inquiry official in order to proceed and find the offender for further action. In this case, the provision of Section 33 shall be applied *mutatis mutandis* to the sending of the prostitute into the care of the primary shelter.

Section 40 The members of the Committee, members of the Sub-Committee, and officials under this Act shall be the official under the Penal Code.

Section 41 Whoever resists or refuses to facilitate the official in performing the function in accordance with Section 39, shall be punished with imprisonment not exceeding one month, or a fine not exceeding one thousand baht, or both.

Section 42 During the the period that the Office of the P.V.C. has not been established, the Public Welfare Department shall have the authority and duties under Section 25.

Section 43 The welfare houses established under the Prostitution Suppression Act B.E. 2503 shall be the protection and vocational development places under this Act.

The persons, receiving welfare treatment under the Prostitution Suppression Act B.E. 2503, who are still receiving welfare treatment on the date this Act comes into force shall continue to receive the protection and vocational development until the end of the term set by the Director General.

Section 44 All the announcements, regulations, rules, or orders issued under the Prostitution Suppression Act B.E. 2503 shall continue to be in force to the extent that they are not conflicting or inconsistent with this Act until announcements, regulations, rules, or orders are issued under this Act.

Section 45 The Minister of Labour and Social Welfare Ministry shall have duty and control of the execution of this Act. The Minister shall have authority to appoint officials and issue ministerial regulations and announcements for the execution of this Act.

Such ministerial regulations and announcements shall come into force upon their publication in the Royal Gazette.

Counter - signature :

Mr. Banharn Silpa-archa

Prime Minister

Certified to be correct translation by
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