



Expatriate Counsel

By James Finch and Nilobon Tangprasit

## CRIMINAL LAW IN THAILAND

### Part LXIII: Sex crimes — the pimp

As discussed in recent weeks, criminal law in Thailand does not severely punish private acts of paid-for sex between a prostitute and a customer if they are consenting adults.

As we discussed last week, however, there are tough penalties for using the services of underage prostitutes. Likewise, the criminal law in Thailand is much stricter about those running businesses selling sex.

The Prevention and Suppression of Prostitution Act includes light penalties for prostitutes and their customers, but by far the strictest laws in Thailand relating to prostitution target those who engage in the business of selling sex by prostitutes — brothel owners and operators, for example. Section 11 of the act provides that the owner, administrator or manager of a prostitution business or place of prostitution shall be punished with a fine and from three to 15 years' imprisonment.

As with earlier offences mentioned, the punishment is even greater if there are underage prostitutes on the premises. If there is someone working as a prostitute on the premises who is between 15 and 18 years old, the penalty is a fine and imprisonment of between five and 15 years. Prostitutes on the premises younger than 15 would incur a penalty of a fine plus between 10 and 20 years' imprisonment.

Section 12 of the act provides that if any prostitutes on the premises are being forced into the work by threats, violence or confinement, the owner, operator or manager is subject to a fine plus imprisonment of between 10 and 20 years.

There are overlapping provisions in the Thai Criminal Code.

Section 282 of the code provides that a person who "procures, seduces or takes away for incident" another person to gratify the sexual desires of a third is exposed to a penalty of a fine and one to 10 years' imprisonment.

Though this language is a little archaic, it means that if one person provides a prostitute to be used by a third person, the provider is subject to these penalties. As with earlier provisions, if the prostitute is between 15 and 18 years old, the penalty is increased to a fine and from three to 15 years imprisonment. If the prostitute is under 15, the penalty is a fine and imprisonment of between five to 20 years.

Section 283 provides increased penalties for someone who uses deceit, threats or violence to get another person to gratify the sexual desires of a third. The penalty is a fine plus imprisonment of between five to 20 years. Again, the penalties are increased dramatically when the prostitute is underage.

Next week we'll look at some examples. ■

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