

Thailand's Country Progress Report of Drug Control

Drug situation

In 2010, Methamphetamine remained ranked highest on record of the national drug smuggling and epidemic. Besides, the other kind of drugs that should be spotted was Ice whose epidemic has been rising lately. Both kinds of drugs were smuggled via northern borders through Chiang Rai and Chiang Mai Provinces. In addition, opium poppy fields in Thailand have reduced constantly since 1984 from 8,777 hectares to 211 hectares up to now. This stemmed from harsh efforts of the Office of the Narcotics Control Board (ONCB) together with competent authorities concerned to carry out opium poppy eradication operations with the aid of Remote Sensing and Geographic Information System (GIS) technologies offering the most accurate and reliable reference to opium poppy cultivation survey.

Thai authorities could seize methamphetamine approximately 50 million tablets this year. Among the number, around 40 million tablets were seized and categorised as major cases with impounded exhibits of more than 10,000 tablets whereas the rest cases with impounded exhibits of less than 10,000 tablets were grouped as minor cases. Looking at the major cases, the

seizures of the exhibits of more than 100,000 tablets were 86 cases with 19,245,486 tablets of methamphetamine. Additionally, the seizures of the exhibits of more than a million tablets were 7 cases with 11,819,772 tablets of methamphetamine. Other seizures out of those cases were cases with the exhibits of 10,000-100,000 tablets.

To sum up, the 2010 national statistics of total seizures of drug cases were 163,909 cases, increasing from last year 5.7 percent. 908 cases out of the said number were unknown-offender-cases. Moreover, there were 177,523 seized drug offenders, stepping up from last year 5.6 percent. Seizures of drugs like methamphetamine, Ice, cocaine, ketamine and dried cannabis increased only heroin, and ecstasy dropped down.

Year	No. of Cases	No. of Offenders	Weight of Seized Drugs (Kgs.)						
			Heroin	Methamphetamine	Ice	Ecstasy	Cocaine	Ketamine	Dried Cannabis
2000	222,614	238,380	384.18	7,569.29	0.35	18.05	4.00	38.53	9,743.74
2001	207,447	220,525	473.60	8,448.89	0.01	17.02	4.92	95.41	10,921.1
2002	213,175	224,779	635.98	8,631.76	8.16	37.96	16.24	29.45	12,512.4
2003	102,333	108,309	437.45	6,438.32	48.85	33.25	10.82	98.11	13,772.7
2004	55,472	60,772	820.17	2,805.29	47.34	31.25	12.32	164.92	9,907.30
2005	67,131	73,684	954.57	1,598.29	322.64	8.64	6.78	47.49	13,289.1
2006	74,403	81,937	91.66	1,213.40	93.74	6.73	36.36	21.88	11,865.6
2007	97,573	106,617	293.37	1,291.24	47.44	28.39	18.72	2.97	15,384.0
2008	134,843	146,170	199.82	1,976.00	52.27	11.61	11.52	16.20	18,805.5

2009	155,013	168,083	143.01	2,417.29	210.59	14.79	9.21	19.96	17,534.9
2010	163,909	177,523	141.71	4,644.00	692.63	3.99	30.81	165.42	17,820.3

**Tabulated by the ONCB on March 2011

National Drug Control Policy

Thailand has always put drug control policy on the top of her agenda, ranging from the renowned War on Drugs Policy in 2003 to the current intensifying efforts of Prime Minister Abhisit Vejjajiva's Government. Since his first policy statement to the National Assembly on 29 December 2008, drug issue was placed as the country's urgent problem under Policy on Social Welfare and Human Security item 3.5.7 stating, " Intensify efforts in solving the narcotic drug problem in a comprehensive and systematic manner, from prevention to suppression to rehabilitation of drug addicts, in tandem with improving relevant legislation in accordance with the evolving situation and ensuring strict enforcement of laws, and enhance cooperation with neighboring countries and the international community in addressing the narcotic drug problem". He then announced Five-Fences Strategy implementing since 2009 onwards to take drastic measures to crack down illicit drugs with tangible results nationwide. Cooperation with neighboring countries and international community in fighting against illicit drugs has also enhanced enthusiastically to address drug problems.

The mentioned Five-Fences Strategy focuses on building immunity, creating activities and establishing a working process in which entities concerned both public and private sectors can cooperate closer and deeper while measures are integrated to keep drug addicts, drug dealers and risk groups away from drugs. At present, the Strategy is in Phase Three which will end in this coming September 2011. The five fences referred in the Strategy were described as follows:

Border Fence is creating activities and a working process in order to strengthen measures, prevent drug smuggling into the country along the target border areas.

Community Fence is creating activities and a working process according to all measures that facilitate strengthening and building drug immunity in the target villages/communities.

Social Fence is creating activities and a working process such as implementing integrated social order, eliminating all kinds of negative risk factor, enhancing positive factors affecting the drug immunity building in order to strengthen the societies of all provinces.

School Fence is creating activities and a working process such as strengthening school and academic institutions, and making new generation of youths to have safeguard on drugs.

Family Fence is creating activities and a working process by strengthening family institution to be more immune to drugs and be a good fundamental unit of society.

Measures under each Fence have been and will be implemented decisively but under the rule of law. What is more, the Phase Three put emphasis on seven areas: 1) set right target areas to tackle the drug problem; 2) continue implementing the Strategy; 3) set critical points of each Fence; 4) solve the problem comprehensively; 5) improve efficiency of the core measures to deal with drug problem namely suppression, demand reduction, potential demand reduction and general administration; 6) implement criminal justice to decrease the number of criminals; and 7) give precedence over implementation of the Strategy.

Legal measures

Main drug control laws in Thailand can be classified into five following categories:

1. Laws on controlling narcotic substances
 - Narcotics Act B.E. 2522 (1979)
 - Psychotropic Substances Act B.E.2518 (1975)
 - Emergency Decree on Controlling the Use of Volatile Substance B.E.2533 (1990)

2. Laws on designating powers and duties to competent authority

- Narcotics Control Act B.E.2519 (1976)
- Act on Measures for the Suppression of Offenders in an Offence Relating to Narcotics B.E. 2534 (1991)
- Act on Authorizing Naval Officers for the Suppression of Some Offences Committed by Sea (No. 4) B.E. 2534 (1991)
- Money Laundering Control Act B.E.2542 (1999)

3. Laws on special measures

- Narcotic Addict Rehabilitation Act B.E. 2545 (2002)
- Act on Measures for the Suppression of Offenders in an Offence Relating to Narcotics B.E. 2534 (1991)
- Money Laundering Control Act B.E.2542 (1999)
- Act on Procedure of Narcotic Case B.E. 2550 (2007)
- Taxation Law

4. Laws on controlling precursor and essential chemicals for illicit drug production

- Commodities Control Act B.E. 2495 (1952)
- Hazardous Substances Act B.E. 2535 (1992)
- Narcotics Act B.E. 2522 (1979)

- Psychotropic Substances Act B.E.2518 (1975)
 - Emergency Decree on Controlling the Use of Volatile Substance B.E.2533 (1990)
 - Import and .Export Act B.E. 2522 (1979)
5. Laws on prosecuting drug offenders
- Extradition Act B.E. 2551 (2008)
 - Act on Mutual Assistance in Criminal Matters B.E.2535 (1992)
 - Legislation Procedure for Cooperation Between States in the Executive of Penal Sentences B.E.2527 (1984)
 - Witness Protection Act B.E.2546 (2003)

Throughout the year, the ONCB has coordinated with other concerned agencies to amend or revise various national drugs laws which are not up-to-date to the current drug situation and smuggling movements. The laws that are under the revision and legalised process are as follows:

1. Draft Act on Narcotics Act (No. ...) B.E.
2. Draft Act on Measures for the Suppression of Offenders in an Offence Relating to Narcotics (No. ...) B.E.
3. Draft Act on Psychotropic Substances B.E.

4. Draft Ministerial Regulation on Undercover Operations to Investigate Offences under Narcotics Laws B.E.
5. Draft Ministerial Regulation on Possession or Permission to Possess Narcotic Drugs to Investigate Offences under Narcotics Laws B.E.
6. Draft Ministerial Regulation on Criteria that Inquiry Officials must Submit Exhibits Claimed to be Narcotic Drugs for Narcotic Analysis B.E.

Breakthrough legal measure development occurred this year as well when decriminalization has introduced and implemented as one of the measures under the Phase Three of Five-fence Strategy to reduce harm from drug abuse in communities and societies. It aims to offer drug addicts options to receive appropriate treatment, diversifying them out of regular criminal justice whilst decrease numbers of prisoners. Those options include harm reduction, criminal justice diversion and decriminalisation programmes.

Several activities and projects were carried out throughout the year with two major objectives. The first one was to improve criminal justice procedures for drug-offence cases by arranging seminars, workshops and study visits domestically and abroad for competent authorities, i.e. judges, prosecutors, police so that they got

insight into drug analysis procedures, gain knowledge of neighbouring countries' trial proceedings and better coordinate with one another. Apart from that, the ONCB organised the Seminar Workshop on Legal Matters for Drug Control Work for ACCORD Member Countries between 7-9 June 2011 to exchange views and expertise in asset forfeiture on drug cases, offences, penalties and extradition among ASEAN member countries and P.R. China. The other objective was to improve legal measures through technical development by coordinating with academic and legal entities in Thailand to study and collect concerned data concerned to assess legislative situation of the country particularly in drug trial proceedings.

Asset forfeiture

There are two major legislations applied for forfeiture of property in Thailand. As a signatory to the 1988 UN Drug Convention, Thailand has firstly enacted the Act on Measures for the Suppression of Offenders in an Offence Relating to Narcotics B.E. 2534 (1991) as a criminal forfeiture law allowing law enforcement agencies to manage properties seized and forfeited in drug criminal cases. The proceeds from the sale of forfeited assets are used to further law enforcement initiatives to fight against drugs and to distribute to the Narcotics Control Fund after

the owner convicted of a crime. The other one is the Anti Money Laundering Act B.E.2542 (1999) enacted in 1999 as a civil asset forfeiture law applying asset seizure measure to seven predicate offences including the drug offence. At present, after amended in 2001, this law could be applied for one more predicate offence of terrorism. In case that the said two laws could not be applied, personal income tax examination would be imposed under the Thai Revenue Code as an additional measure for prosecuting drug criminal suspects committing tax evasion. All these measures aim to cripple money influences of drug traffickers.

In 2010, with the force of the Act on Measures for the Suppression of Offenders in an Offence Relating to Narcotics B.E. 2534 (1991), 1,792 alleged cases were filed for financial examination. Total value of assets seized was at 1,140.5 million baht. Up to present, the total value of asset ordered by the court to be devolved to the Narcotics Control Fund is 1,093.91 million baht, 680 million baht of which has been spent on narcotics control work. The balance of the Fund at the end of 2010 was 413.91 million baht.

Drug demand and potential demand reduction

Thailand's policy on drug demand reduction stresses on identifying drug addicts/users and providing them with appropriate treatment and rehabilitation programs and integrating three existing systems of drug treatment and rehabilitation including voluntary service, compulsory service and correctional service or treatment within the criminal justice system improving access to the treatment and rehabilitation services and integrating three drug as well as putting in place effective aftercare services with a view to reduce the numbers of drug abusers/addicts. In this regard, authorities concerned have to commit themselves to provide appropriate treatments to drug abusers/addicts in parallel with aftercare services to help them reintegrate into their own communities and able to live on their normal life. Moreover, to ensure that drug abusers/addicts get the second chance, the number of campaigns for re-establishing a positive attitude of the general public towards drug abusers/addicts successfully recovering from drug addiction would be launched throughout the country. Under the campaign business enterprises would also be urged to allow employees who are addicts-in-treatment sustaining their jobs and to provide employment opportunities for ex-addicts. Each year an outstanding employer executing the ex-addicts employment policy

would be nominated for receiving an award from the Prime Minister on 26 June, the international day against drug abuse and illicit trafficking.

As for the policy on potential demand reduction, it emphasises on launching public awareness campaigns against illegal drugs and building up public immunity against drug abuse. Zero new drug abusers/addicts is an ultimate goal of the policy. It is to ensure that the innocent, high risk or vulnerable groups will not get involved with narcotic drugs. The main targets are the youth in school and dropouts. Therefore, cooperation from different levels of the society like villages, communities, educational institutions, and work places is needed to fight against drugs. A number of programs organised by relevant agencies have been put in place, such as programmes on family network, drug-free school, drug-free workplace, anti-drug youth leaders, life skills learning, anti-drug guidance facilitators, training for the anti-drug trainers and recreational activities for the youth.

International cooperation

Thailand is signatory to the three United Nations Conventions on Drug Controls namely Single Convention on Narcotic Drugs, 1961, as amended by the 1972 Protocol, Convention on Psychotropic Substances, 1971 and United Nations Convention against Illicit Traffic in

Narcotic Drugs and Psychotropic Substances, 1988. Moreover, Thailand has actively cooperated with foreign countries and international organisations on drug control for more than thirty years leading to the development of numerous mechanisms, both in bilateral and multilateral forms, serving as the platform for addressing domestic, regional, and international drug problem.

At the regional level, Thailand as one of the ASEAN member countries is obliged to achieve drug free ASEAN by 2015. This ASEAN goal is similar to what the ASEAN Senior Officials Meeting on Drug Matters (ASOD) had set to achieve and thus put out the “ASEAN Work Plan on combating illicit drug production, trafficking and use (2009-2015),” so-called the ASOD Work Plan. The Work Plan was set to successfully and effectively control illicit drugs activities and mitigate its negative consequences to society. This includes significant and sustainable reduction in three main areas: 1) illicit manufacturing and trafficking of drugs and drug-related crime; 2) the prevalence of illicit drug use; and 3) illicit crop cultivation, which Thailand as well as the rest ASEAN are working hard to comprehensively achieve.

Looking at international cooperation, Thailand cooperated with ASEAN member countries and P.R. China to operate numerous international suppression

operations. This led to success of the arrests of West African drug networking in Asia and could seize 6 kilogrammes of Ice in Indonesia, 1.5 kilogrammes of Cocaine in India as well as 6 drug smugglers. On top of that, information and intelligence exchange of drug syndicates along borders have been mutually done with Malaysia, Myanmar, Cambodia and Lao PDR.

In the precursor chemical control suppression aspect, Thailand set up the Precursor Chemical Control Committee in 1993 to formulate national strategy on precursor control, supervise the precursor control and implementation, and integrate the stern efforts of suppression made by precursor control agencies concerned. Currently, there are 5 laws to control the chemical substances, including Narcotic Act B.E.2522 (1979), Psychotropic Substances Act B.E. 2518 (1975), Import and Export Act B.E.2522 (1979), Hazardous Substances Act B.E. 2535 (1992) and Commodities Control Act B.E.2495 (1952). Pre-Export Notification (PEN) is also conducted to discourage diversion of precursors and essential chemicals to the illicit manufacture of narcotic drugs and psychotropic substances.

Unable to omit, as the ONCB was designated by the ASOD Meeting as the ASEAN Narcotics Law

Enforcement Training Centre, the ONCB with the auspicious support of the Colombo Plan Drug Advisory Programme (DAP) held the 7th Training Course on Precursor and Chemical Control for Asian Narcotics Law Enforcement Officers during 16-22 August 2010 in Bangkok. The trainees were from Afghanistan, Brunei Darussalam, Fiji, India, Indonesia, Iran, Lao PDR., Malaysia, Maldives, Myanmar, Nepal, Pakistan, Papua New Guinea, Philippines, P.R. China, Singapore, Sri Lanka and Vietnam. The training aimed to expand knowledge on the current situation of illicit traffic of precursors and chemicals in Southeast Asia, P.R. China and India, investigation techniques and methods to conduct precursor and chemical control operations, which then help enhance capabilities of narcotic law enforcement officers in addressing precursor chemicals diversion in ASEAN countries.

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