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Sex Workers Collective in Thailand Submitted by Empower Foundation

Submission to the [call for input to the report of the Special Rapporteur on violence against women and girls to the Human Rights Council on prostitution and violence against women and girls](#)

Addressing Q 1

Currently, the COVID situation in Thailand has improved. More people have returned for tourism; the current government also has policies that promote and support tourism. Therefore, the situation in Thailand at the moment is that sex work also provides a good income. Sex work in Thailand has changed from the past. The number of large entertainment venues, such as massage parlors, is currently shrinking and dispersing. There is no front of the shops anymore. More people are using an online platform. Most service places do not have licenses. Therefore, this business is in a grey area and sex workers have to pay bribes to run the business. This is a contradictory situation. If Thailand accepted sex work as work then sex workers would have more power to refuse to pay bribes and demand protection and monitoring of exploitative and violating working conditions in these places. The authorities do not recognise our work, so the sex worker community must self-organise to protect each other and fight for improved working conditions.

Addressing Q 2

Sex workers in Thailand are both Thais and non-Thais. Thai state allows them to stay with conditions; they are known as undocumented migrants or migrant workers. Each of them faces different impacts. For undocumented people and migrant workers, they are more affected because they are the target of those who want to take advantage of the crime status of prostitution to threaten for money from them, thinking that they cannot go to the police or make them guilty. Improving the rights of undocumented and migrant workers would decrease their vulnerability. Most sex workers, including undocumented and migrant workers, have had other jobs before sex work.

Addressing Q 4, 6, 7

The impact that sex workers in Thailand are facing is that they are not recognised as workers. They are criminalised by laws. The laws consider them as criminals. The exploitation and physical violence targeted towards sex workers is a direct result of the criminal status of sex work, including criminalisation of soliciting or being solicited. That means they are not

protected as workers in the exploitative working conditions: drinking targets, off-site targets, wage deductions, long working hours, and work safety. Sex workers, as a result of criminalisation, also face mental violence, violence and social isolation. They are stigmatized by society, by being scolded and criticised. They also face economic violence as they do not have workers' statuses. Therefore, they do not have access to financial institutions and cannot apply for loans, housing loans or start a business. Using the law to criminalize sex workers is harming their human dignity which is a violation of human rights. They face other consequences e.g. the lack of access to judicial process, discrimination, threats for money, or unpaid sexual services. Some people have even been blackmailed; their photos were taken and used to threaten or extort them. This includes extortion by police and government officials. Sex workers choose not to report to the police as they could not risk acknowledging to police that they have participated in criminal behaviour. In the eyes of police, sex workers are criminals with low bargaining power. Government officials do not listen to sex workers on this issue. We still find that we are told the same thing, that is, "you sell yourself, you break the law yourself, and why would you ask for protection?" This is a sentence that we have been hearing for more than 30 years.

Addressing Q 8

For sex workers in Thailand, the nature of consent will be based on the nature of sex work. For example, in the case of people working in an entertainment center, they have to fill out an application and discuss working conditions with the manager. If some sex worker agrees to accept the working conditions, they can continue their work with that place, this is how we consent to the types of sex work services we will offer, so consent is an important issue for sex workers.

For sex workers who work independently, consent is a matter of agreement with the client. If the client does not comply to the boundaries of consent as stated by the sex worker, then they are violating the sex worker. That includes freelance sex workers who work in online platforms. The consent is a matter of negotiation. If the negotiation is agreed on both sides, it is the first step. Currently, there are some enforcement ideas to prove sex workers' consent by "registration" which is violating sex workers because we do not want to be registered. Registration is an enforcement that we do not agree upon.

Addressing Q 9, 10, 11

Thailand has meaningful policies to protect victims of violence against women and children, but sex workers do not have access to such protection due to illegal work conditions.

At present, the Thai government through the Ministry of Human Security has developed and studied ways to protect sex workers. There has been a study for a new draft law¹ to protect sex workers for more than five years through a nationwide consultation process, including online consultations. We reached the conclusion that the 1996 Prostitution Prevention and Suppression Act must be amended or repealed in order for sex workers to access work safety. Therefore, the information or opinions that the Ministry has collected are in-depth information.

CEDAW has given recommendations which must be implemented.

¹ https://law.go.th/listeningDetail?survey_id=MTkwMERHQV9MQVdfRIJPTIRFTkQ=

At present, it has been found that the Ministry has a plan to solve the problem of prostitution and focusing on promoting other careers as follows:

"27. The Committee makes a total of 6 recommendations to States Parties, such as:

(a) Review the contents of the Act on Prevention and Suppression of Prostitution in order to reduce criminal offenses.

(d) End the use of deadly force in searches of entertainment centers, end the entrapment, and threat for bribery. Police officers that are involved in those actions must be punished.

(f) Ensure that labor and social welfare laws are enforced in all entertainment venues, especially for women who are employees of legally registered brothels."

These are from studying and listening to diverse opinions to draft the laws that protect sex workers.

However, the process has been delayed from the need of the government to know more about the social concerns of the general public. We do not agree. The reasons to change the law is a question that has already been answered for a long time. Sex workers strongly support the draft continuing according to the previous plan as this would give us protection and status. This delay means that the impact on sex workers remains unresolved. The draft is delayed, but the impact on sex workers is not delayed. Delayed justice is violence and we, sex workers, do not get any justice.

Addressing Q 13

What Empower is demanding now is the decriminalisation of sex work and for resources so that women have more choices to earn an income. We demand that people keep watch and involve everyone as much as possible, because there are changes in every step without listening to the voices of sex workers. This is what we have learned and it worked before.

Addressing Q 15

The only way to end violence against sex workers is to decriminalise sex work. Return the decision-making power, bargaining power with the entertainment venues, from customers, or from the people that exploit sex workers, so that sex workers can have the power to negotiate and demand their own rights that they deserve.