

## Rights of Sex Workers in Thailand

“Sex work is work”. This short, clear statement is impacted. We should create a broad understanding of sex work as work. Making the notion of sex work as work can change the mechanics of organising decentralised labour in the context of a labour movement and labour rights. Sex works is not include only the ‘prostitution’, but using the term ‘sex work’, anyone working in sexual commerce of all kinds, such as prostitutes, porn actresses, dancers, strippers, sugar babies, messaging and etc., was categorically included, by definition. This rejection of the term ‘prostitution’ and invention of the term ‘sex work’ would go on to suddenly change the political landscape in Thailand toward policy, education, health sector and industrial realations. The word ‘prostitution’ often suggests the selling of one’s well being, giving up one’s very identity for material gain and as such is associated with only negative stereotypes. The term ‘prostitute’ is used as a frequently derogatory description of people who are doing something that is considered as sexually morally reprehensible, and as a term that has a strong association with the concept of exploitation. We must distinguish the differentiation between ‘sex work’ and ‘sex trafficking’ before an appropriate address of the sex industry can be made. The confusion between sex work and trafficking remains a barrier to efforts to struggle the real concerns that sex workers have about their working conditions. Often, the two are conflated, motivating the misconception that sex work is synonymous with sex trafficking. The term ‘sex work’ has been an important tool for sex worker movement solidarity building that will ensure inclusivity in organising, policy and service delivery. At present, sex worker organisations around the world reject the term ‘prostitution’ and adopted the term ‘sex work’ instead to educates the world that sex work is work.

Sex work was an legal job before in Thailand. In 1908, the king Rama V passed laws to legalize prostitution and help sex workers get medical care. Prostitution was made illegal in Thailand under government of Thai prime minister Field Marshal Sarit Thanarat in 1960, when a law was passed under pressure from the United Nations. Sexual service was criminalized. The law imposes penalties through the imposition of fines and imprisonment on both workers, agents and owners of the establishment. For service providers who have already been released from jail, the Director-General of the Department of Public Welfare may consider sending himself receiving treatment or vocational training. When considering the penalty as mentioned. Sex workers, therefore, had the status of both criminals subject to criminal punishment and

disadvantaged people who had to be trained in order to be a "good citizen". Sex workers was therefore violated dignity and human rights by the law twice. Prostitution Act was in force until 1996 before it was canceled. The 1960 law was replaced by the Prevention and Suppression of Prostitution Act, 1996. The new Act has been developed, seeing sex workers as victims needing for help in order to create better working conditions and reduce the stigma and violence associated with sexual labour. Therefore impose a lighter penalty than the old Act. In terms of providing the occupational development, the new law requires the establishment of a protection and occupational development facility to provide skill development in other scope instead of sex skill for former sex workers. No matter the 1960 law or the 1996 law, both laws treat sex workers as lower position than any other human being in society. Sex workers are discriminated against under the Act.

Sex workers are relegated, humiliated and deprived of their rights from criminalizing by the law. That leads to the lack of care and welfare as it should be from the state. The problem of human trafficking and child labor has increased as a result of making this business unregulated and uncheckable. Sex workers are often subject to a wide variety of abuses. Sex workers face profound and disproportionate risk for physical and sexual gender-based violence. Their homicide rate is about 17 times higher than that of women in the general population. In Zurich, Switzerland, the service facility must have an emergency button in every room and there are social workers available to all employees. The health implications of them are striking, including risk for poor sexual and reproductive health, even sexually transmitted infections. Historically, sex workers have been underserved by traditional violence prevention and support programs, and have little access to justice in areas where sex work is criminalized and marginalized. They are called an illegal, disease spreader, prostitute, criminal or trafficking victim, but they are absolutely not. "All human beings are born with certain equal and inalienable rights", this must be realized by everybody in society. Most of Thai society may consider exchanging sex for money to be immoral. That thought is shaped by culture, religion, behavior, norm, and attitude.

The survey found that most people in the sex industry are there for financial reasons: many find that sex work is one of the highest-paying jobs for their level of education or they have financial obligations. However, we must understand that sex workers are not just those who do it with necessity, but also those who do it for the passion in this profession. Sexual work is a skill-based job. Unlike, many people in the society understand that one can perform this task simply by exchanging only his/her body. This job still requires skill, expertise, practice and

service-mind. New Zealand has been added 'Sex work' is one of the professional skills for completing professional skills. "Sex work is work" is always the great quote that explain why we should respect people in this industry. Regardless of the law, it is an honorable profession. People in Thai society must respect all professions equally. And I would like to note that sex work is not include only women but also men, transgenders, and LGBTQ+. Making the notion and reform the culture attitude of 'sex work as work' can push sex work away from concerning in morality toward to economic justice.

As with any other industry, the existence of exploitation, forced labour or substandard working conditions experienced by workers does not negate the State's responsibility to protect workers' rights, nor should it negate the individual's right to seek recognition or redress as a worker. The overriding conditions of exploitation in the sex industry cannot be addressed if these situations of abuse are automatically considered to be outside the context of work. Such divisions create a hierarchy of merit in which sex workers must be criminally exploited, e.g. trafficked, in order to be seen as deserving of support, opportunities or protection under the law and in society.

Government has also failed to address societies' other more pressing concerns such as human rights violations, child abuse, exploitation of workers and corruption. There is a case study in Ukraine that sex workers have called for legal prostitution because they would pay the state tax instead of pay the bribe to police to avoid the arrestment. "Go-go bar managers in Thailand say the sex industry operates largely with impunity under a network of police, military and government officials who rake in an estimated \$113 million a year from bribes", The Nation, 2003. In 1998 the International Labour Organisation advise Thailand to accept sex work as an economic sector and income generator. It is estimated that a third of all establishments engaged with some form of sex work, such as go-go bars, beer bars, massage parlours, karaoke bars and bathhouses, are registered with the government as not technically the businesses' primary purpose, and the majority pay an informal tax in the form of bribes. When sex work is a legal business, workers can pay income taxes and can access to the welfare state.

Sexually transmitted diseases that the vast majority of these cases were among sex workers. Some organizations had a kick-started a local campaign to encourage the use of condoms. This was a thorny task, as not only did most Thai men at the time abstain condoms, but the central government essentially did not acknowledge the being of Thailand's sex industry. In the past a progressive-minded regional bureaucrat, Dr Wiwat Rojanapithayakorn

collaborating with local authorities distributed free condoms and established a 'no condom, no sex' policy among sex venues that, within months, caused transmission rates to plummet dramatically. A Joint United Nations Programme on HIV/AIDS (UNAIDS) estimates that only 50% of venue-based sex workers had undergone an HIV test. In some countries, if the customer has no condom between the activity, called non protective stealthing, the customer violates conditional consent. From the case I mentioned, if sex work is legal job under Thai law and is regulated, sex workers will have the right to protect themselves and their body. That also means concern about default when negotiating transactions between clients and sex workers will be relieved.

The unintended consequences of sex work prohibition is the lawless working environment that creates for people who enter this industry. Sex work becomes the extent of criminal networks often involved in illicit activities that circumvent the laws through bribes and violences. Sex workers are not afforded the rights like other workers. There is no minimum wage, required holiday pay, sick leave or break time, deductions for social security, employee-sponsored health insurance, or legal redress. Agents and owners of the establishment such as bars can set their own punitive rules that fine a worker if she/he doesn't smile enough, arrives late or doesn't meet the drink quota. Empower, an Non-Governmental Organisation, which fights for safe and fair standards in the sex industry, reported that most sex workers will owe money as deductions to the agent at the end of the month. In effect, worker have to pay to be sex workers. That's not a make-sense thing that people have to pay their own money for access the profession. I found some interesting study case. A resolution banning tour guides in the city's famous Red Light District or De Walletjes was deprecated by sex workers in Netherlands, Amsterdam. When it is a legal business, they also have the right to protect their business.

I strongly believe that sex work should be legal under Thai law. Sex work has always been a part of the informal economy. This means that as the power and recognition of the business increases, sex worker organising can be part of developing new strategies for organising. Ultimately, bringing sex works under the law will help protect workers from their number danger of abuse, rape or sexual harassment by customers. Government should allow for licensure, improving health and living conditions as well as potentially limiting exploitation and impact crimes associated with the industry. Many of these rights in the context of sex work can build collective power and operate as harm reduction strategies on a day-to-day basis. I propose that law reform is a key component of achieving a just society and human rights for sex

workers. Together, we can transform a world to one in which freedom, safety, health and human rights prevail for all. There are still many fields of sex industry having special concerns that I did not delve into, such as porn actresses, dancers, strippers, sugar babies, sex toys etc. I hope that this essay may cover in sharing problems and proposing solutions about sex workers in Thailand, and can be a guideline to the government to create policies based on human rights.