

Has 10 Years of raids & entrapment solved human trafficking?



Empower hosted a seminar "Has 10 years of entrapment and raids solved trafficking?" at Bangkok Art and Culture Center (BACC) Friday 1st June 2018. We brought together representatives of Sex Workers, Police (Department of Special Investigations), the National Human Rights Commission to explore new ways of dealing with trafficking abusing the rights and dignity of women who do sex work, whether they are trafficked or not.

Eight years ago in 2012 Empower held an event in the same room launching our anti-trafficking report "Hit & Run". So we showed our short film "Last Rescue in Siam" made in 2012 to reflect on how little has changed.

In the seminar we heard from **Pol Lt Col Krittat Uamson Deputy Director, DSI's Human Trafficking Division**; **Ms. Angkhana Neelapaijit** from the National Human Rights Commission of Thailand; **Ms. Thanta Laovilwanyakul** and **Ms Mai Janta**, Empower Foundation and the panel was moderated by **Ms Pranom Somwong** of Protection International (PI)

Last Rescue in Siam <https://www.youtube.com/user/empower2010>

Over the last 10 years many agencies have been running anti-trafficking campaigns and projects but the issue of human trafficking has not been solved using the Human Trafficking Law. The anti-trafficking act was created to protect the rights of women, men and child workers, but in reality it has mostly been used to arrest women who are the ones most impacted by this law. In particular the practice of entrapment of sex workers is harmful and has serious impact on women and their families. Entrapment of sex workers is against global human rights standards and also the Thai Criminal Procedure Code Section 226. Entrapment of sex workers is a process where those doing the entrapment are also breaking the law. The raids that follow entrapment abuse the right to human dignity; are acts of violence against women and impact on lives of all sex workers. There are around 300,000 sex workers in Thailand. In the last 10 years about 300 victims of trafficking in prostitution are caught every year. Many more women who have nothing to do with human trafficking are arrested at the same time. For example in the **Nataree Massage incident they apprehended 121 women but only found 15 victims. Most recently in the Victoria Secret Massage raid 113 women were caught in order to capture just 8 victims.** Those who aren't victims are charged under the criminal law for 'associating in a place of prostitution'. Each year over 30,000 women are arrested under the Prostitution Act in Thailand. The letter or spirit of the Prevention and Suppression of Prostitution Act 1996 is to "assist disadvantaged women" but arresting women is not providing any opportunities.

The Nataree Massage incident in 2016 allowed us to see clearly how entrapment and raids are violating sex worker's rights. Empower submitted a report to the National Human Rights Commission on the practice.

In July 2016 Thailand was reviewed by the Committee of Experts on CEDAW assess if its treatment of women in Thailand is in accordance with its legal obligations under CEDAW. Empower Foundation submitted a Shadow Report largely based on our experiences including the Nataree incident. The Committee of Experts on **CEDAW recommended that the Thai government must immediately end the practice of entrapment of sex workers and violent raids; end the criminalization of sex workers and enforce the labor law for the protection of sex workers.** To date there has been little progress in implementing these reforms.





Reports from our friends ...

Hunger Strike

Mid-February the Save Andaman from Coal and the Network of Songkhla-Pattani Residents Against Coal-Fired Power Plants held a peaceful demonstration in front of the UN building and went on a hunger strike. It was big news until the government asked them to stop and agreed to their demands.

At the same time **21 sex workers who had been held in Witness Protection in the Victoria Secret case for over a month united in their own hunger strike** protesting in the same way as the anti-coal network but no one heard about it at all. The reason for protesting in such a serious way was that they were not given any information about when they would be released or when the court case would be held. They also were protesting the inadequate care. They couldn't get things they needed such as medicine and their clothes were worn out. They were given cold tablets that had passed their expiry date. Women told us staff said it was "ok to take as it's not moldy yet – it won't kill you" When the women contacted Empower we put together the things needed and took them to the women. They told us other organizations and the staff they had asked told them they didn't have any budget to look after them. **Which made the women wonder if there was no money to look after them, why arrest and detain them in the first place?**

A dying father

Don Hom's father needed an operation. Don Hom came to work in Bangkok to earn money to pay for the operation. She came to work at Victoria Secret Massage and earned the money she needed. The 12th January 2018 was the day of the monthly staff meeting. Don Hom went to the meeting as usual and planned to take leave to go home. However **the authorities and a foreign NGO raided Victoria Secret during the staff meeting.**

Don Hom was arrested as a victim of trafficking but she insisted she is over 18 years old and working freely. She was not believed and underwent bone age scanning. We understand from forensic expert, Dr Porntip, that the age can only be estimated to be between 11 – 20 years. It cannot be tested exactly so could be 18 could be 20 years. In any case Don Hom was classified as under 18 years and sent to social welfare detention at Baan Kredakaan.

While she was there her father became sicker and was rushed to have his operation. He wanted to see Don Hom or at least speak with her but could not make contact. Don Hom's father died during the operation. Her mother nearly went crazy with grief and worry for her daughter. The funeral was held and all the ceremonies complete but Don Hom still had not been told or gotten news from home. Don Hom was taken for bone age testing a second time and found to be over 18 as she had said from the beginning.

Is this called caring for victims and their families?

Where is my mum?

Our friend Whan has a lovely little daughter just 4 years old who lives with her in Bangkok. Every night Whan tucked her daughter into bed and kissed her goodnight before she went to work. Every morning when she got home from work she would make her daughter's breakfast and take her to school.

On the 7th June 2016 authorities and a foreign NGO raided Nataree Massage in the name of anti-trafficking. Even though she has nothing to do with trafficking Whan was arrested that night and so she did not go home in the morning to her daughter as usual. Many weeks went by and the little girl had still not seen her mother. She asked about her all the time When is she coming back? Where has she gone? No one could answer her or explain where her mother had gone. **Sex workers are mothers and the head of the family with responsibilities to take care of.** Whan and her little girl did not see each other for 48 days for a few moments just before she was deported.



Photo: Criminal Investigation Division, DOPA

Just 3,000 Thai Baht!

Dan left home in Burma to find work in Thailand because she wanted to help ease the burden on her family. She did not intend to make trouble for anybody. She considered herself grown up and ready to work. She didn't know it was illegal to work in an Entertainment Place under the age of 18 years. She just knew it was work she could do and she was able to send money home. In the Nataree raid she was arrested as a victim of trafficking and held for over 8 months. After the court case her mother had to cross the border and travel to Bangkok to pick up her daughter. Dan received a total of just 3,000 Thai Baht in compensation or assistance. Whether it came for the government's 2 billion baht budget or from the NGO with the 31 million baht budget Dan does not know. Dan says that now she must start life from zero again.

It's not "helping" it's making things worse.

"Women say this is not helping it is making life worse and all their dreams are smashed now."

When women leave home to go find work and earn money they want to look after their family show their gratitude to their parents but instead it seems they are criminals.

However even if we break some small laws here and there that does not mean that people can do whatever they like to us. We still have our human rights. We are humans.

With all the reports from women affected it is hard to see how anyone is helped at all really.

The spirit or the letter of the anti-trafficking law is to prosecute the traffickers but until now most of the people arrested are women working to support their families, not the people really committing the serious crime of trafficking."



Ms Mai Janta

Representative of sex workers from Empower Foundation shared the reports from sex workers who have experienced entrapment, raids, arrest, detention and deportation in the name of anti-trafficking.

Hit & Run

Hit & Run is a sex worker community research report produced by Empower on the impact of anti-trafficking practices and law on sex workers. Empower first launched the report in 2012. A second volume updating the situation was published in 2018. If interested please contact Empower



Cover Up!

Every time sex workers are arrested they have their heads covered up to hide their faces. It makes us feel as if we are criminals. The images above are shared across all media increasing stigma and making society believe we are dangerous and strange like Casper the little ghost! So we wanted those joining our seminar to experience a little of this and raise the issue. We gave out towels and invited everyone to cover up and join us in a photo calling for an end to entrapment.



"During raids the covering of people's heads with towels to protect their identity is not helpful. Instead it just increases the negative impact on women and girls. Authorities justify the measure by saying they are trying to protect the girls and women from shame. The Thai Journalist Association in collaboration with the NHRC carried out research led by Prangthip Daoruang regarding this issue. The results of the research showed girls and women who had their heads covered in this way felt they were guilty and disgusting. They felt sad and depressed, and later on felt they had to hide away and felt condemned by society"

Ms. Angkhana Neelapaijit
National Human Rights Commission of Thailand.

“Authorities and NGO’s taking part in undercover operations must also follow the law and not commit crimes including crimes against sex workers”

“Entrapment of sex workers” is a method that violates basic human rights and also **contradicts the Police Criminal Code Article 226** that stipulates the limits of police procedures, and those conducting such operations are also committing a crime. Foreign NGO’s have recently published their Code of Conduct for anti-trafficking work. It states that the dignity and rights of sex workers who are not trafficked must be respected and also that victims and their families must receive assistance and care.”

“Actually there is no need to keep using the same harmful methods of entrapment and raids. In Chiang Mai at Baan San Karaoke police were informed of an underage worker. The police entered the place, established there was a sixteen year old girl on the premises. The girl was immediately removed; the owner arrested and the place closed down. The other workers were free to go. The girl was cared for by the police without being detained and the case was prosecuted swiftly.”

“Really the role of NGO’s should be as a bridge between community and government authorities. NGO’s should not do the work of police and other government agencies.”



คณะกรรมการจัดการเลือกปฏิบัติต่อสตรี
สรุปข้อสังเกตต่อรายงานรวมของรายงาน
ของประเทศไทย
ระหว่างวันที่ 3-21 กรกฎาคม 2560
เสนอต่อผู้หญิงบริการ



3rd- 21st July, 2017

Ms Thanta Laovilawanyakul

**Coordinator of Empower Foundation
gave background to the Human
Trafficking Act and legal limitations
of entrapment operations**

27. คณะกรรมการเสนอแนะต่อรัฐภาคีดังนี้

The Committee recommends that the State party:

**(a) ทบทวนเนื้อหาของพระราชบัญญัติป้องกันและปราบปรามการค้าประเวณี
เพื่อลดการผิดทางอาญากับผู้หญิงที่ค้าประเวณี**

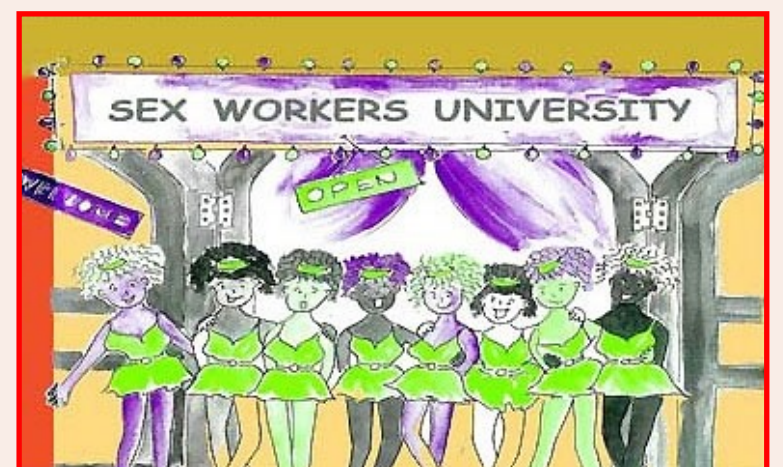
**Review the Suppression and Prevention of Prostitution Act to
decriminalize women in prostitution**

**(d) ยุติการใช้กำลังรุนแรงในการตรวจค้นสถานบริการโดย ยุติการล่อซื้อ
และการรีดไถทันที ให้นำตัวเจ้าหน้าที่ตำรวจที่เกี่ยวข้องกับการกระทำเหล่านั้น
มาลงโทษ**

**Immediately end the practice of violent raids of entertainment
venues, entrapment operations and extortion, and hold individual
police officers accountable for their involvement in such activities;**

**(f) ประกันว่าจะมีการบังคับใช้กฎหมายแรงงานและสวัสดิการสังคมกับสถาน
บันเทิงทุกแห่ง โดยเฉพาะสำหรับผู้หญิงที่เป็นพนักงานของสถานบริการที่จด
ทะเบียนตามกฎหมาย**

**Ensure the full application of labor laws and social benefits in all
enterprises in the entertainment sector, especially to women employed in
the legally operating enterprises in this sector.**





"We use our art to show what we experience, think and feel to inform government, society and each other"

This art exhibition "Helping: Not Helping" was created by sex workers of Empower to reflect the experiences of sex workers impacted by anti-trafficking actions, especially entrapment and raids.

MIDA Tapestry



The 'Mida Tapestry' is a series of embroidered panels that depict how women experience raid and rescue missions. Each panel was hand embroidered by migrant sex workers and is an art work and a document that best speaks to and from the migrant sex worker community.

Friendly visit bag & Chili dip

'We all helped to pack the things our friends needed because the other organizations and departments said they had no budget to take care of them. It made the women ask in their hearts "If there is no money to look after us why did they detain us in the first place?" We made dry chili dip for encouragement – we call it Naam Prig Yuem Puan.



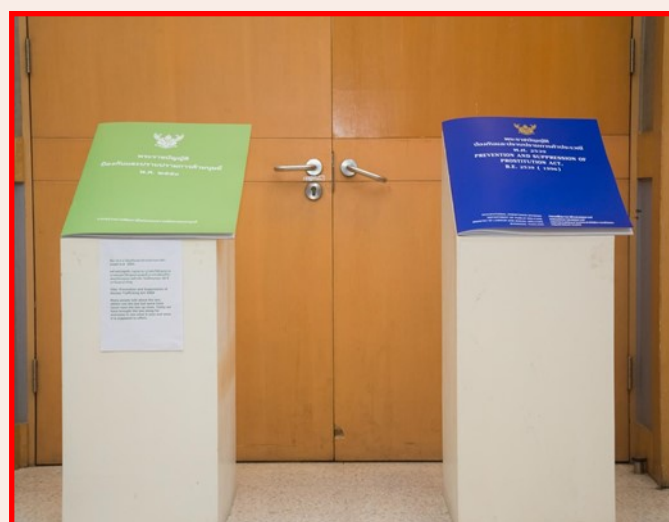
Tok Gnob Braman

"We want everybody to compare the money spent on anti-trafficking Is the 70% of funds being spent on investigating us "Helping? Not helping?"



10 Years of raids: Arrests? Spending? Results?

In the last 10 years despite the anti- trafficking budget reaching 3 Billion Baht the number helped stays the same and the TIP results get worse. Time to think again?



Prostitution Act 1996 & the Human Trafficking Act 2008

The word of law must be followed strictly by those who enforce it. But many people have never seen the actual law. We made big law books so everyone could read them.

"Our exhibit lets society know that sex workers are not the cause of the problem of trafficking rather we are workers like other workers" Nam, Mori and Duan, Empower

Pol Lt Col Krittat Uamson Deputy Director,
Department of Special Investigations (DSI)
Human Trafficking Division

"The Human Trafficking Act is a law which may lead to the violation of human rights especially concerning Entertainment Places."

"The Human Trafficking Act came out in 2008 with the focus being preventing children under the age of 18 years old working in Entertainment Places"

"Thai law uses a inquisitorial system where the court interviews the witnesses, so the some of the girls have to be kept in Kredtrakarn Shelter until the court is ready"

"The Entertainment Place Act allows for Bath Massage parlors to register to provide bathing, steam bath and massage services. I ask you, of all the men who go to bath massage parlors how many are really going to take a bath?

Who is willing to pay 1,800 2,500, 3,500, 4,000, 5,000, 6,000, 7,000 baht just to go and take a bath? I say that for every one hundred men who go, 99.99 are not going for the bath. They are going for something else."



"I have to accept that there are many different government agencies involved who neglect their duties, allowing rights abuses to go unchecked. They know there are minors, they know there is prostitution, there are those collecting bribes, they are not doing inspections. This is a problem in the government that currently the government has a policy to address the problem"

"The causes of problems of exploitation of prostitution and trafficking begin with issues like poverty, deception, education and negligence by some government agents who benefit from exploitation in various ways"

"(But say) I set a price of 3,200 Baht do you know how much she (*the sex worker*) will get? I feel sorry for her because out of the 3,200 Baht paid she will get just 1,600 Baht. Sometimes up to 800 baht of her 1,600 Baht is paid to an agent. It will be further cut by charges for hair and make-up. She can be left with just 500, 600, 700 depending on how many customers she has. She is creating wealth for the owner of the business, many of who do not pay taxes. She also will lose money in payment for health checks, and various other deductions. To put it simply her rights are being abused and she is not given the full amount she earns for her body. She has to have 3 -5 customers a day to get by"

Empower Summary

Pol Lt Col Krittat Uamson told the meeting that it's possible that the Human Trafficking Act leads to abuses human rights especially in Entertainment businesses and its focus is really children under the age of 18 years. However it seems for DSI the keeping the girls rescued at Kredkarn Shelter is more about storing evidence for the court case rather than the process of recovery and help. Pol Lt Col Uamson suggested that Thai society must accept that there are men who buy sex even in legally registered Entertainment Places. He explained the exploitative working conditions that many sex workers face and we know that the conditions he outlined are illegal under the Labor Protection Act. He also mentioned corruption in different government departments. We see clearly that the Human Trafficking Act does not address either of these serious concerns. We agree with Pol Lt Col Krittat Uamson that the problems must be addressed at the root causes of poverty and inequality. Pol Lt Col Krittat Uamson Deputy Director, DSI's Human Trafficking Division also recommended that the Prostitution Act be repealed as part of the solution.

"If they come to work independently it's not a problem"

"... repeal the Prostitution Act. Take the things that are illegal today and make them legal so we can take care and solve the problems to help them. (At present) they don't even have access to any social security whatsoever; it's especially bad for migrant workers. I want to assert that the (Prostitution Act) must be repealed."

"Migrant women who have been detained and given testimony as witnesses are then deported with a stamp in their passport that states they committed the crime of "associating in a place of prostitution". (*Article 6 under the Prostitution Act*)
This is a stamp of stigma that means the women cannot travel to other countries – they are not just barred from coming to Thailand but cannot travel anywhere at all"

"I think that in terms of human rights there is a lot of talk about the individual right of privacy. When having sex women do not want other people, maybe 3, 4 5 or 6 rushing in to look"
(*as happens in raids*)

"Arresting men (for buying sex) so their children know is just as harmful for society. We must think carefully and take into account the sensitivities in society and families as well"

"Entrapment is when a man comes into the entertainment place and gets familiar with the workers. He does this regularly for many months until he is close to one of the women who agrees to have sex with him. After they have sex suddenly others appear and the place is raided. Many women feel this causes shame and more stigma"

"Entrapment of sex workers violates the Right to Privacy. It is not necessary to use entrapment. Other methods can be used to collect evidence of human trafficking to prove guilt in accordance with the Human Trafficking Act"

"Actually entrapment operations have already taken place which begs the question is it entrapment to protect or entrapment to commit a crime to make an arrest or in order to claim a reward?"

"Protecting human rights and access to justice are important issues that all agencies must be aware of."

"It became very clear to the NHRC during our investigation into the Ntaree report that the government is biased against sex workers, and women and the law is only used against women. Actually in some countries selling sex is not a crime. It means it is the right of bodily autonomy for women to do as they wish."



Ms. Angkhana Neelapaijit
National Human Rights
Commission of Thailand

Empower Summary

Ms. Angkhana Neelapaijit praised the Thai government for its efforts to solve human trafficking. Like Pol Lt Col Krittat Uamson (DSI) Human Trafficking Division, Ms Angkhana also urges that trafficking needs to be addressed at the root causes of the problem. At a minimum there needs to be support for access to education, employment opportunities, and increased social welfare so women can care for their families.

Entrapment and raids are a violation of the rights of women. Ms Angkhana told the seminar that it is not necessary to use methods of entrapment as there are other ways to collect evidence without resorting to entrapment.

Ms Angkhana shared the experiences of women and girls from Ntaree Massage and Victoria Secret Massage. For example those unable to contact their families: women detained illegally; and women who were witnesses being summarily deported and stamps in their passports blacklisting them from travelling.

Ms Angkhana spoke of the times some 20 or 30 years ago when there was a lot of forced prostitution and children in debt bondage that today would be called 'human trafficking'. In those days people used the term 'prostitute' but now we have a new term 'sex worker'. In her experience Ms Angkhana has found women working in sex work see sex work as work. Many UN organizations have recommended the Thai government repeal the Prostitution Act in order to better protect women. She recommends that we need to understand and respect human rights rather than using the law to punish; we must solve problems of social stigma and bias of authorities the government in order for women to have opportunities and a space to start a new life.

"According to the Prostitution Act after being charged there is a fine levied and when it is paid the punishment is completed. In reality when the person is Thai they are allowed to go after they pay the fine. Migrant women after being charged and paying their fines should also be able to go home. However they are sent to Immigration instead"

"The NHRC went to Immigration Detention and found that the authorities needed the migrant women to be witnesses in the trafficking case. The problem is why are witnesses being detained? The family of the women petitioned the Criminal Court of Bangkok ruled that the Immigration Detention Center was not a legally appropriate place to accommodate witnesses under the law. NHRC found the detention of the women violated human rights and recommended the government provide appropriate services for all witnesses in human trafficking cases e.g. daily compensation as according to the Witness Protection Act 2003."

"The right to contact family is a human right. Whether a person is arrested or not, guilty or not, everyone has the right to contact their family"

"อาชีพพนักงานบริการก็เป็นอาชีพที่ผู้หญิงกลุ่มหนึ่งเรียกตัวเองว่าเขา คือพนักงานบริการ และก็ถือว่างานบริการก็คืองานประเภทหนึ่ง เหมือนกับงานทั่วไป" "คนที่ทำงานเป็นพนักงานบริการ ทำงานในฐานะที่เขาเชื่อว่ามันเป็นงาน และซึ่งมีรายได้"

"The United Nations Working Group on Business and Human Rights made an official visit to Thailand to inspect the situation of business and human rights. (2018) The Working Group referred to the situation of sex workers using the phrase "way of life". They said that Entertainment places were a normal part of Thai society and part of the way of life. So why is sex work criminalized?" "The UN Working Group recommended that "Instead of sex workers being seen as fragile and criminals we urge the Thai government improve entertainment businesses and reform practices in full accordance with the Labor Protection Act and in line with the 2017 recommendations of the CEDAW Committee."

Over one hundred people joined the seminar. Sex workers, government representatives, UN agencies, diplomats, NGO's , academics, students and journalists from various media outlets.



The Ministry of Social Development and Human Security
National Human Rights Commission
Embassy of Belgium
Embassy of the Netherlands
Embassy of Germany
Health and Opportunity Network (HON)
Teeranat Foundation
Foundation for Women
Northern Thai NGO Coalition on AIDS(TNCA)
The Church of Christ in Thailand AIDS Ministry (CAM)
International Labour Organization, Thailand
UNITED NATIONS UNIVERSITY
Global Alliance Against Traffic in Women (GAATW)
Protection International
The Asian Research Center for Migration (ARCM)
Institute of Asian Studies (IAS), Chulalongkorn University



อังคณา นีละไพจิตร

อุษา เลิศศรีสันทัต

นัยนา สุภาพงษ์

ล่อลวง เอาผิดผู้ซื้อบริการ
เด็กได้อย่างไร ซึ่งตนคิดว่า
อีกแนวทางหนึ่งที่จะช่วย
เสริมตรงนั้นคือ ไม่เอาผิด
ผู้หญิงที่ค้าบริการแล้วเอา
คนเหล่านั้นมาเสริมการ
ทำงาน

'เยอรมนี'ต้นแบบ แก้ค้าประเวณี

"ด้วยสถานภาพทางเศรษฐกิจ ระดับความ
รู้ทางการศึกษา ทำให้ผู้หญิงอาจต้องออก
มาเป็นพนักงานขายบริการ ซึ่งพอกฎหมาย
กำหนดให้เป็นเรื่องผิดกฎหมาย ก็เป็นช่อง
ให้พวกเธอถูกเอารัดเอาเปรียบจากนายหน้า
สถานบริการถูกเรียกเก็บผลประโยชน์จากเจ้า
หน้าที่ เพื่อแลกกับการปล่อยปละละเลย และ
นำมาสู่ปัญหาการค้ามนุษย์อยู่ดี" พ.ต.ท.กฤต
ธัชกล่าว

สังคมไทย'หลอกตัวเอง'

นางอังคณา นีละไพจิตร กรรมการสิทธิ
มนุษยชนแห่งชาติ (กสม.) กล่าวว่า จากการเฝ้า
สแกนอาชญากรรมทางเพศ สะท้อนว่าสังคมไทย
กำลังหลอกตัวเองเรื่องการมีผิดเพียงอย่างเดียว

"กฎหมายก็ยังมุ่งเอาผิดผู้หญิง พวกเธอ
ต้องคลุมโปงเพื่อปิดบังอัตลักษณ์ ต้องฮั้วฮาย
รู้สึกตัวตัวเองคือคนร้าย ส่วนผู้ชายที่มาซื้อ
บริการกลับถูกปล่อยหมดเลย"

ขณะนี้ สด.กำลังดำเนินการปรับปรุง
กฎหมายค้าประเวณีอยู่ อังคณาฝากไว้ว่า
อยากให้รับฟังความคิดเห็นของพนักงานขาย
บริการด้วย รวมถึงการทำความเข้าใจเรื่อง
สิทธิ ความเท่าเทียม ศักดิ์ศรีและคุณค่าความ
เป็นมนุษย์ มากกว่าจะไปมุ่งทำงานสงเคราะห์
ผู้หญิงเท่านั้น

น.ส.อุษา เลิศศรีสันทัต ผู้อำนวยการ
มูลนิธิผู้หญิง กล่าวว่า มูลนิธิผู้หญิงก็เห็นด้วย
กับการยกเลิกกฎหมายดังกล่าว เพราะจากที่ดู
สด.ปรับแก้กฎหมาย เขาไม่เคยสนใจประเด็น
ความต้องการผู้หญิงค้าบริการเลย นักแค่จะ
ปรับปรุงอย่างไรให้ทันสมัย ป้องกันผู้หญิงถูก

น.ส.นัยนา สุภาพงษ์ ผู้อำนวยการมูลนิธิธรร
มาภิบาล กาญจนอักษร กล่าวว่า ขอยกตัวอย่าง
ประเทศเยอรมนีที่ประสบความสำเร็จ ใน
การแก้ปัญหาการค้ามนุษย์ในด้านค้าประเวณี
เนื่องจากเขาไม่มีกฎหมายไล่จับผู้หญิง แต่มี
กฎหมายที่เอาผิดผู้แสวงหาผลประโยชน์โดย
มิชอบกับผู้หญิงเท่านั้น ภาครัฐของเขาจึงได้
ได้รับความร่วมมือจากผู้หญิงค้าบริการมาก แต่
ของเราผิดตั้งแต่แนวคิดแล้ว ไปโทษผู้หญิง
ที่ค้าบริการว่าทำผิดศีลธรรมเหมือนผู้หญิงที่
แต่งตัวโป๊ว่าเป็นผู้หญิงไม่ดี ทั้งที่เรื่องนี้เป็น
สิทธิส่วนบุคคล ฉะนั้นจึงเห็นด้วยหากจะ
ยกเลิกกฎหมายค้าประเวณีในไทย ส่วนหนึ่ง
เพื่อให้ผู้หญิงค้าบริการมาร่วมมือกับรัฐแก้
ปัญหาการค้ามนุษย์ต่อไป

"คิดว่า พ.ร.บ.ปราบปรามการค้า
มนุษย์เพียงพอแล้วกับประเด็นการบังคับ
ค้าประเวณี ฉะนั้นก็อยากให้เราาร่วมคิดว่า
พ.ร.บ.ค้าประเวณีที่เอาผิดผู้ค้าบริการทั้งหมด
ทั้งที่สมควรใจ จำเป็นต้องมีอยู่หรือไม่"

"และบางทีที่ดินก็คิดว่าหากจะจับผู้
ขายบริการ ทำไมไม่จับผู้ซื้อบริการด้วย นี่
รัฐกำลังเลือกปฏิบัติอยู่หรือไม่" น.ส.นัยนา
กล่าว

มติชน
 ครอบคลุม

Matichon (Mid-Day)
 Circulation: 950,000





2551 เลขาธิการสหประชาชาติ นายบัน คิมูน
2008 UN Secretary General Ban Ki Moon



2553 คณะกรรมการสิทธิการด้านเชื้อไวรัสและกฎหมาย
2010 Commission on HIV and the Law



2554 โครงการสหประชาชาติด้านเชื้อไวรัส / เอชไอวี
2011 UN Joint Program on HIV/ Aids



2555 ธนาคารโลก
2012 The World Bank



2014 World Health



2559 องค์การนิรโทษกรรมสากล
2016 Amnesty International



2560 คณะกรรมการผู้เชี่ยวชาญอนุสัญญาว่าด้วยการจัดการเลือกปฏิบัติต่อสตรีในทุกรูปแบบ



2017 CEDAW Committee of Experts

2561 กลุ่มงานสหประชาชาติว่าด้วยธุรกิจและสิทธิมนุษยชน
2018 UN Working Group on Business and Human Rights



We are not alone!
These are some of the
UN agencies and
International organizations
who also call for the
decriminalization of sex work.



Our understanding of Human Trafficking

Our understanding of trafficking begins in 2000 when the United Nations developed the policy to combat trafficking in all its forms. The next year George W Bush stressed prostitution as the main focus for anti-trafficking actions. This caused everyone to misunderstand and believe that prostitution and trafficking were the same thing.

In 2003 the US government began investigating and grading other countries efforts to end trafficking.

Countries are given a grade out of three called a Tier. Tier One means very good or excellent effort to end trafficking. Tier Two means satisfactory but could do better. The lowest Tier Three Terrible, a failed grade. The US uses its economic power to make sure countries comply. If any country gets a Tier 3 three times in a row it will be punished with economic sanctions. Countries have to send a report every year and get their grades, this is the TIP Report.

Thailand got its first TIP Report in 2003 and was rated Tier 2. By 2008 Thailand had a new Human Trafficking Act, as well as lots of new positions, departments and organizations working on anti-trafficking. The government set aside a budget of 9 million Baht. However Thailand's TIP grade just got worse.

By 2010 Thailand's rating had dropped to minus 2 and kept falling until reaching the lowest Tier 3. Every year the budget increases beginning at 9 million to nearly 3 billion Baht currently. There has been reform in the fishing industry to end trafficking but they still are using the same methods as always with sex workers; entrapment, raid, detention and deportation. Exactly the same method without change without any thought about reforming our work.



Breaking News

Trafficking in Persons (TIP) 2017 4th July 2018

"Today we see Thailand is back on Tier 2 just like we have arrived at the beginning again. This can be an opportunity to start fresh and find new ways to solve the problem of human trafficking that place the importance of labour rights, child rights, freedom of movement and all other human rights at the heart of the response."

"Headmaster Mr. Trump has upgraded Thailand Report Card to Tier 2 for its efforts against human trafficking. This must mean the USA thinks Thailand is finally back to the same level we were in 2003 when we got our first Tier 2 grade. Is this going forward or going backwards?"

We have read the 2017 TIP report many times and this is what we understand...



In 2017 The Ministry of Labour inspected the labour situation and working conditions at 1,693 workplaces e.g. factories, farms seafood processing. They found 193 places were in violations of the laws and 12 trafficking cases were instigated.

In contrast to other jobs the Ministry of Labour did not make one single inspection of the sex worker's workplaces. Instead of labour inspection the Ministry of Interior and Police inspected 11,268 of our workplaces but the inspections did not include checking on the situation of workers or working conditions. In all 268 places were in violation of different laws and 8 trafficking cases were initiated for underage workers. The government inspects entertainment places by collaborating with NGO's to conduct undercover entrapment operations which are abuse of human rights and involve enticement to break the law.

*In the TIP report we read it is really different for workers in the fishing industry. It makes secretly a little jealous because workers in the fishing industry are being supported to develop their occupation. They have some child care centres, they are moving towards accessing all the protections and benefits that all workers should have. For us it is still just arrest, detain deport. **This makes us wonder if people think addressing trafficking in men's work and women's work must be different?***

The TIP report tells us there were 302 human trafficking cases nationally covering all forms and occupations. There were 466 people convicted of trafficking. We don't know who most of them were but we do know that the owner of Nataree Massage and Victoria Secret were not among them and they remain not found.

In Thailand there are 4 million migrants and less than 455 were found to be trafficked. Out of the 455 victims counted 336 were girls and women from the sex industry. We know very well that to get one victim they must arrest another 10 women. For example Victoria Secret January 12, 2018 113 women were arrested to get 8 victims. So we know that by reporting 336 victims it means at least another 3,360 women were impacted by the raids who are not recorded in the TIP report and never mentioned except for the few who are kept aside as witnesses.

*The TIP Report says that 52 people were taken into the Witness Protection program under the Witness Protection Act 2003 and 4.3 million Baht was spent on the program. Under the Act witnesses have a right to compensation and care. However our friends have never received any money, even after being held for 1 – 3 months and they have not always been looked after to the standard under the law. Authorities have told us it is because they do not have the budget. Even more serious after they finish giving testimony they have been deported with a stamp in their passport saying they committed the crime of prostitution and that are blacklisted from entering Thailand for 100 years (even if they have children and family in Thailand) **TIP Report awards more points for reaching target indicators than for respect for human rights.***

*We were very interested to read that **every victim who stays in the Government shelters must receive 300 Baht a day** but only 24 people got this. Eight friends identified as victims from the Victoria Secret raid are still in detention at the Shelter waiting for permission of go home. It is 153 days already so it means so far they must be given 45,900 Baht. However in the past the victims we know have only received just 3,000 Baht even though they were held for 8 months equal to about 240 days.*

In the last year 147 people were deported after rescue. It is disappointing that the TIP Report has never reported on the lives of people after rescue. Is life better?

Breaking News

“The Royal Thai Police assert there is no infringement of rights in building cases against prostitution”

Voice TV July 4th 2018

On June 4, in an article we read from Voice TV (Thai) a police spokesman for the Royal Thai Police, gave more information about the prostitution law and anti-trafficking from the viewpoint of police. We are glad to read that the Police Department has no issue with repealing the Prostitution Act in compliance with Thailand's obligations to CEDAW. We strongly agree with the comments from the Department of Women and Families in the same article that if the Prostitution Act is repealed the rights of sex workers can be protected the same as other workers.

Sex workers strongly oppose exploitation especially of minors. Thai laws provide protection for children against prostitution and punishment for those who buy sex from children or employ underage workers. For example the Human Trafficking Act, the Entertainment Place Act, the Child Protection Act, Labour Protection Act etc. For adults who reach an agreement it is a personal issue that does not need any specific law.

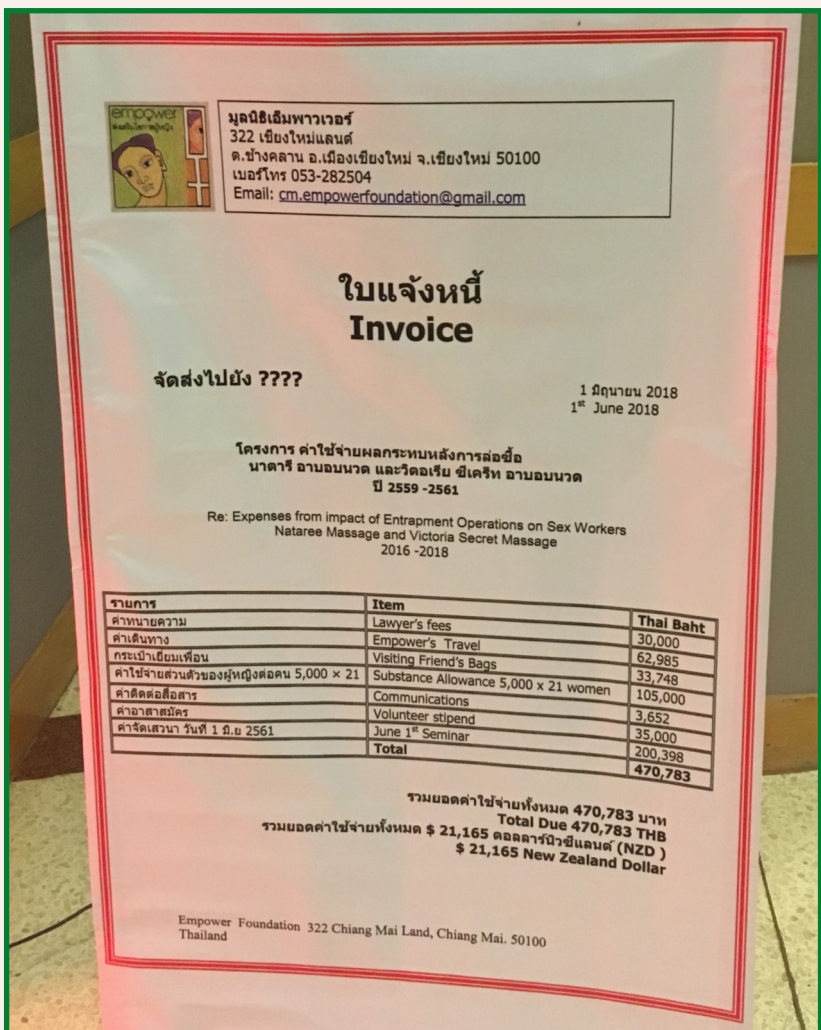
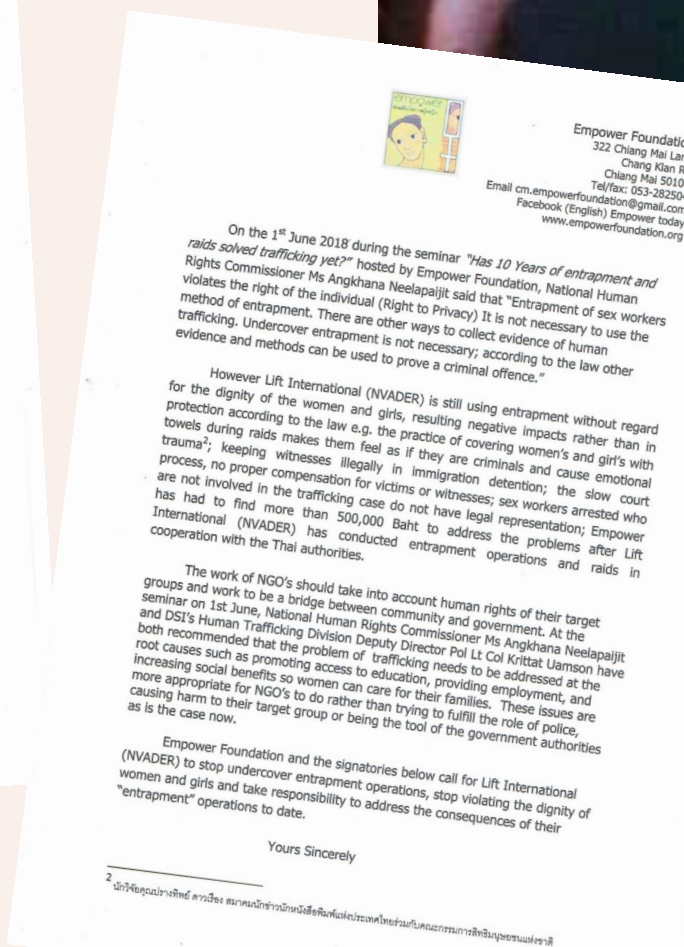
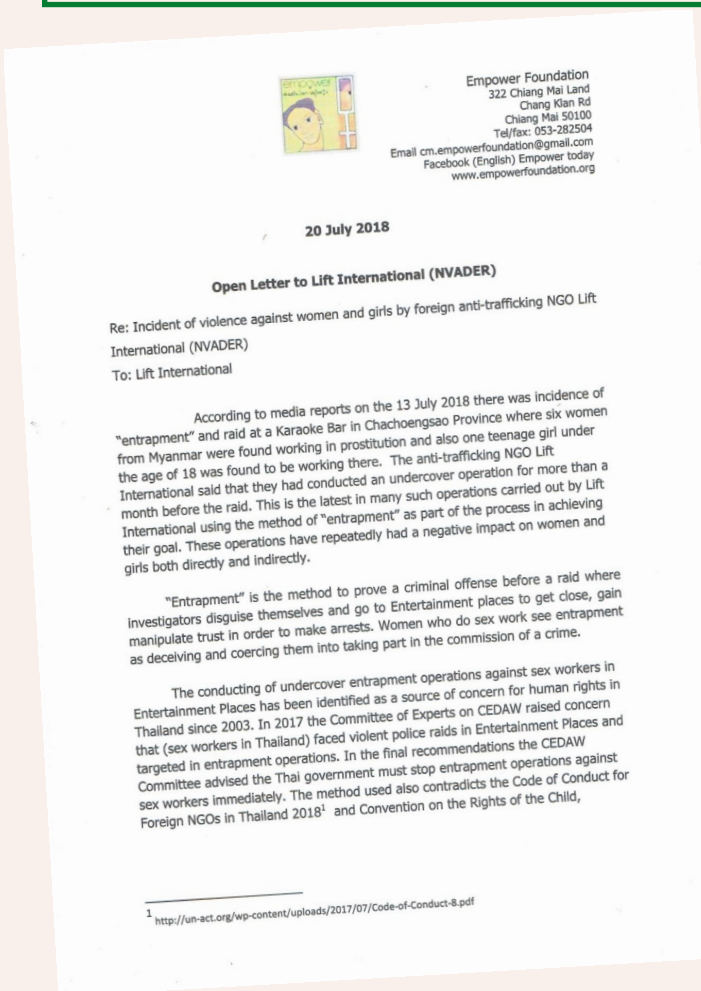
June 1st was not the first time we raised the issue of entrapment and rights abuses. In 2003 Empower lodged a complaint with the National Human Rights Commission (NHRC) regarding entrapment and the NHRC called for an end of entrapment. May 31, 2016 we lodged a new complaint with the NHRC. From 1 July 2016 - 18 January 2018, we also raised the issue of treatment of witnesses 4 times, (twice with the NHRC, once with the Public Prosecutor. We also sent an Open Letter to the Prime Minister 1st July 2017)

Maybe like the police spokesperson some people think that a small fine of less than 1,000 baht, should not significantly affect the lives of sex workers, but many may have forgotten that it also means a criminal record and an increase in stigma that makes it impossible to start a new life. However if police consider it a small and insignificant matter it may be best to repeal the Act all together? Empower is ready to work with the Ministry to review the Prostitution Act in accordance with Section 77 of the Constitution that guarantees participation in law reform by those most impacted. We believe that by cooperating together we can find solutions that are beneficial for every sector: Police, Social Welfare staff, Sex Workers, and all those addressing human trafficking and Thai society in general.



Entrapment again??!!

On the 1st June 2018 the New Zealand NGO Lift International (formally NVADER) didn't join our seminar. We just learned that at the time Lift International was in disguise getting familiar with women for one month in an another undercover operation. Empower sent an Open Letter signed by 23 other organizations calling on Lift International to end violence against women and girls.



**เช็ค บิล !
จ่าย ... ใครจ่าย?**

**Check Bill!
Who pays?**



Stop Entrapment, Decriminalize ... then what?

Chiang Mai Model

Given the complexities and concerns of society and the long-standing nature of the issues involved, we recommend undertaking a 5 year pilot program in the Chiang Mai sex worker community. We have chosen Chiang Mai because sex workers there are well organized under the umbrella of Empower Foundation and reflect the various sectors and styles of working. The model will involve both those impacted and those charged with managing policy. Together, new standards of decent working conditions for existing Entertainment Places will be developed, implemented and enforced.



Implementation Steps:

1. Passing of a Cabinet Resolution suspending the enforcement of the Suppression and Prevention of Prostitution Act 1996 in existing Entertainment Places in Chiang Mai. Other regulations such as the Entertainment Place Act, Human Trafficking Act, Alcohol Act and all Penal/Civil Laws will remain in place.
2. Empower and employers will join with the Department of Employment to form a working group. This group will be charged with mapping of key 'decent work indicators' and proposed interventions in the pilot area.
3. During the implementation phase, resources will be developed and support allocated to allow Labour Inspection teams to assess workplaces with the aim of supporting employers to implement decent sex work standards. An excellent example of one such resource that could be adapted for use is the "Decent Work Checklist" which can be found on the Wage-Indicator.org website www.tusalarior.org/costarica
4. The budget could be allocated from the Tourism budget, Human Anti-Trafficking budget or funds allocated for use against corruption.
5. The working group in cooperation with the Labour Inspection teams will develop and implement monitoring and evaluation, paying particular attention to feedback from sex workers. The final evaluation will include recommendations for further reforms. The findings will be used by policy makers to design and implement the new structures nationally

Thank You



Empower Foundation would like to thank all those who joined the seminar, including those who joined and shared online.

“ On the 1st June 2018 we felt we had support from many people ready to understand the situation of sex workers. We felt recognized as a part of society and encouraged to keep fighting for our rights”



About Empower ...

Empower Foundation is a Thai sex worker organization promoting opportunities and rights for sex workers for more than 30 years. Over 50,000 sex workers have been part of Empower in the last three decades. Currently we have a Centre in Chiang Mai with a local community of around 3,000 sex workers and a Museum in Nontaburi. In addition we have sex worker members in many other provinces who we can call our network. In 30 years we have had many activities, currently we



Can Do Bar in Chiang Mai.

Can Do Bar was started by a group of sex workers putting their money together to create a model bar in 2006 to show a just fair bar is possible, we Can Do! It is a bar that complies with the law, has OH & S standards for example controlling the noise levels, proper lighting and ventilation, fire exits, spate toilets etc. Workers in Can Do Bar are fully protected under the Labor Law with Social Security. Can Do also has a small museum showing the history of sex work in Chiang Mai.



We run an education project or Non-Formal Education. Aside from gaining our Thai school qualifications we also study Chinese and English languages, life skills, health and other subjects. As well as learning to read and write we also learn about our human rights.

Our Legal Club. Since the first Prostitution Act of 1960 many many other laws affecting us have come into being, including the Human Trafficking Act. Every law has two sides, On one side is protection and the other punishment. We have to learn about the law to understand that whether we are guilty or not we still have rights. We have to learn how to defend our rights and the rights of our friends. This is why P' Oa (Chatchlawan Muangjan) and the team started the Legal Club so we can learn about the law and rights. The Legal club is a group of sex workers helping each other. We learn about the basic laws affecting us via documents, trainings and study visits.



Empower Foundation
322 Chiang Mai Land, Chang Klan Rd
Chiang Mai 50100
Tel +66 53282504
Email cm.empowerfoundation@gmail.com
Facebook Empower today
Web: www.empowerfoundation.org