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Open Letter to the Ministry of Social Development and Human Security

Re: The process of reforming the Prevention and Suppression of Prostitution Act 1996 is not inclusive of sex workers who are the persons impacted by the law.

To: The Minister for Social Development and Human Security and the Director of the Office of Women's Affairs and Family Development

The Office of Women's Affairs and Family Development of the Ministry of Social Development and Human Security organized "hearings to solicit the opinions of stakeholders in order to review the Prevention and Suppression of Prostitution Act". The first hearing was held on 24th of April, 2018, and the second was held on the 28th May 28, 2018. The participants were to include representatives from the government, private sector, civil society, educational institutions, child and youth organizations. The first meeting was attended by more than two hundred people in order to move the policy and measures in order to solve the problems of prostitution. The Prevention and Suppression of Prostitution Act 1996 has been in force for over twenty years. A 2015 Royal Decree requires that all laws in force for more than five years must undergo review to assess the suitability and appropriateness of the law. The review includes recommendations whether it is necessary to amend or abolish the law in line with changing social conditions. At the first hearing the results of a study on prostitution law from other countries was presented. The meeting broke into small groups to collect the opinions regarding the principles, guidelines and contents for possible amendments or repealing of the Prostitution Act.

Empower Foundation that represents the sex worker community participated in the first meeting on April 24, 2018. Empower found that the majority of the participants were from government agencies. Of the two hundred participants only five representatives of five civil society groups were present. Considering there are more than 300,000 sex workers in Thailand and that they are the most directly impacted by the law, Empower Foundation recommends that the process must include sex worker representation and also create channels for sex workers to take part in the review process.

The second hearing May 28, 2018, Empower Foundation the sex worker representative organization was not invited to attend the meeting resulting in no sex worker participation. Also there is no information made available to the public making it impossible for the sex worker community to be informed, participate or make recommendations.



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According to the 2017 Constitution Section 77 states that "Prior to the enactment of every law, the State should conduct consultation with stakeholders, analyze any impacts that may occur from the law thoroughly and systematically, and should also disclose the results of the consultation and analysis to the public, and take them into consideration at every stage of the legislative process. When the law has come into force, the State should undertake an evaluation of the outcomes of the law at every specified period of time, for which consultation with stakeholders shall be conducted, with a view to developing all laws to be suitable to and appropriate for the changing contexts."

The purpose of Section 77 of the Constitution is to ensure proper review and evaluation of the impact of laws. However the sex worker community who are directly impacted by the prostitution law are not able to participate, make recommendations or take any part in the analysis and evaluation of the enforcement of the Prevention and Suppression of Prostitution Act 1996. We are concerned that any report or recommendations on this issue by the Office of Women's Affairs and Family Development that has not involved the true participation of sex workers is not in accordance with the Thai Constitution. Furthermore in July 2017 the CEDAW Committee of Experts recommended that Thailand must review the Prevention and Suppression of Prostitution Act to decriminalize sex work (Section 27a). We believe that the government will only be able to effectively resolve the problems of prostitution and end the criminalization of prostitution with the genuine participation of sex workers in the process.

Empower Foundation and the co-signatories below hereby call on the Ministry for Social Development and Human Security and the Office of Women's Affairs and Family Development to organize a hearing to include the recommendations of sex worker representatives in the law review process in accordance with Section 77 of the 2017 Constitution.

Respectfully yours

1. Empower Foundation and Can Do Bar
2. Foundation For Women
3. Foundation for SOGI Rights and Justice
4. Teerarat Foundation
5. HON-Health and Opportunity Network
6. Northern Thai Labor Network
7. Highland Peoples Health Network
8. Nada Chaiyajit Human Rights Defender
9. Sirisak Chaited Human Rights Defender