

arrest me..arrest me not... or repeal the Prostitution Act?



In early 2018, the Department of Social Development and Human Security began a review of the Prostitution Act of 1996. Empower joined the initial meeting and found the proportion of sex workers and civil society involved was very small. Empower Foundation released an Open Letter expressing our concerns about lack of genuine participation in discussion and analysis. Sex workers want to participate to call for the Thai government to repeal the Prostitution Law removing criminal punishment for sex work.

According to the Thai Constitution of 2017, Section 77 paragraph two stipulates that "before the enactment of all laws The state should arrange to hear the opinions of related parties. Analyze the effects that may arise from the law in a comprehensive and systematic way. "

On December 27, 2018, at the Prince Palace Hotel, Bangkok, Empower hosted a seminar "Arrest me.. arrest me not...or repeal the Prostitution Act? " to launch the report "Revoking the Prostitution Act to solve social problems: repeal the Prevention and Suppression of Prostitution Act 1996.

Our good friend Sirisak Chaithet (Ton) from the sex worker network moderated the seminar.

Over sixty people came along including sex workers from Chiang Mai, Pattaya, Mahachai; and community WHRDS, NGO's and the National Human Rights Committee. Representatives of political parties and government agencies also attended and more than 1,700 people viewed through online media

The report is available in Thai language at Empower's online library

<http://empoweruniversity.wixsite.com/empower-library>

By the participants Spoke in "Social Perspectives on the Prevention and Suppression of Prostitution Act"

Ms Chantawipa Apisuk (Pi Noi) of Empower Foundation spoke about the journey of fighting for sex worker rights for more than 30 years. She commented that "It's time to think and act in new ways about sex work, women and human rights.

Ms Chatchanawan Muangjan (Oa) from Empower introduced an alternative legal framework for sex work and addressed current social concerns regarding the Prostitution Law

Ms Mai Chan Ta, (Mai) spoke as a representative of sex workers on the topic "The impacts of the Prostitution Act on sex workers". The negative consequences of criminalization occur daily whether it is entrapment unfair working conditions or stigma.

Ms Nayana Supapuang, Teeranat Foundation pointed out that the original intention of the Prostitution Act was to punish those seeking to exploit sex workers but it is in fact used to punish sex workers.

Ms Usa Lertsrisadad Foundation for Women (FFW) spoke on "Social Perspectives toward the Prostitution Act", Ms Usa reflected that FFW has also been working for over 30 years with the focus of protect children and women in sex work.

Ms. Angkhana Neelapaijit from the National Human Rights Committee gave an overview of the Human Rights Perspectives". She also spoke in support of repealing the Act. Ms. Angkhana urged those involved in reforms begin to consider those who work as sex workers as "Right's Bearers" not as a matter of charity or relief.





"Society's views of the Prostitution Act "

Chantawipa Apisuk (Pi Noi)

Empower has passed by 14 governments with the same questions. If a woman wants to access training then she must first break the Prostitution Law and get arrested to have the opportunity! It's time to think again in new ways about women's rights, work and human rights.



Chatchalawan Muengjan (Oa)

Chatchalawan Muengjan (Oa) presented the Empower report that includes a the history of the Prostitution Act. The report also outlines the existing laws that apply to sex workers and sex work including International treaties. This framework shows clearly that repealing the Prostitution Act does not mean that there are no other laws that can be used to control and protect. "Thailand has a lot of laws that can be used but in the past, only one law was used. There are still many better laws that can be used instead. There is no need for a new law."

Ms Mai Chanta

As representative of Empower and sex workers spoke about the impact of criminalization on sex workers. Actually no one thinks about the of the law before starting sex work. This doesn't mean that we want to break the law but we just want to raise our lives and family. But we find our earnings must be shared with the authorities in order to work, we face violence of entrapment of the daily exploitation by unfair working conditions.



Ms Usa Lertsrisadad Foundation fro Women (FFW)

Ms Usa spoke about the work Foundation for Women has done preventing abuse of children in the sex industry for more than 30 years. Even though society says it does not approve of prostitution, this does not mean it sees women as criminals. Rather society looks at women with an understanding that they have to go to work to support their families. Nowadays society is more concerned with human rights. The perspective of women organizations has also changed. Women's organizations agree that women who work in this profession should not be punished and its not helpful to punish their customers either. Therefore, FFW agrees with repealing the prostitution laws to restore power to wom-



Ms Nayana Supapuang, Teeranat Foundation

Ms Nayana explained the NCPO government ordered a review of laws that had existed for a long time. The Prevention and Suppression of Prostitution Act is one of the laws that needed to be reviewed. The responsibility for the review has been given to the Ministry of Social Development and Human Security. The Ministry has assigned a research team to study this law. However Ms Nayana expressed concern that the way the law is discussed in many forums just serves to reproduce the original beliefs and judgments of 'good women' 'bad women,' and sex workers as criminals and law breakers. Academics are very concerned that the information should come from those who are directly involved i.e. sex workers because they are the one's whose lives are directly affected by this law. Yet it was clear in the initial brainstorming stage that the ratio sex workers to other stakeholders was not balanced. Therefore, there is a fear that the research results that government officials will rely on to make reforms will be unbalanced and there will be no change form the original mistakes.

Reflecting on the original intention of the Prostitution Act was to punish those seeking to exploit not the sex workers themselves. It's time to review whether the law does this or not. Its time to recognize women as rights bearers with rights over our bodies including sex worker's rights over their bodies. This law to "Protect" women does not help them improve, it has failed and should be repealed.

Ms Angkhana Neelapaijit National Human Rights Committee(NHRC)

Speaking from a human rights perspective would support the repeal of the Prostitution Suppression Act and ensure that those involved begin to consider those who work as sex workers "rights bearers". It is not a matter of charity or relief. Problems of women in Thai society need to be considered seriously. Instead of punishing wome there should be opportunities to access to education; there should be a welfare state to re-duce the wealth and end disparity in law that affects only certain groups. Those affect-ed must be able to realize their right to draft laws and have meaningful participation. I would like the Thai government to accept CEDAW's recommendations to the Thai gov-ernment. Women's issues should be dealt with under a national mechanism. When left to the care of the Department of Social Development and Human Security the issue will be seen as relief or charity, not considered as a human rights issue. I would also like to see recommendations taken up that were outlined in comments from the UN Business and Human Rights Working on Thailand that sex worker's should not be criminalized.



During the seminar representatives from po-
litical parties were invited to discuss and
comment on the repeal of the Prostitution Act 1996. The parties present
were Future Forward Party, Mahichon Party and Chat Thai Pattana Party

The representatives of all three parties said that they would repeal the
prostitution act. They would end the criminalization of sex work to make it
a legitimate job. They pointed out that morals and laws are different, and
not everything considered immoral needs to be illegal. They understood
under the current law sex workers encounter violence from society and
from police and acknowledged the huge economic contribution sex work-
ers make to the country.



At the seminar it was a little disappointing that there was no representative from the Ministry of Social De-
velopment and Human Security to offially accept the report and be part of the exchange.
However we were pleased to have Khun Phattaya Netthananon a representative from the Department of
Women and Families receive the report on behalf of the Ministry and commit to following it up with the man-
agement and others.



Thankyou to all who came along to stand with us

The Empower Foundation would like to thank everyone who joined the seminar, those who watched via our facebook page and Pitch Foundation Netherlands who sponsored the report and the event. Sex workers have been organizing as Empower for over 30 years and this seminar is an important milestone in our struggle to be seen as women , as workers, as human beings with rights. It was clear at the seminar that much of society agrees with us, whether they are lawyers, human rights experts, community women human rights defenders, politicians and many others. The seminar agreed that "sex work is not a crime and the power must be returned to sex workers"

About Empower....



Empower Foundation is a sex worker organization working for more than 30 years. At least 50,000 women have joined Empower over the last three decades. At present, we have a center in Chiang Mai where there are more than three thousand sex workers in our community. In addition, we also have sex worker friends in other provinces throughout Thailand, who are part of our network.

Our bar : Can Do Bar

Can do Bar was created by a group of sex workers as a working model of decent working conditions in 2006: showing they can do it themselves... Can Do! .

It is a registered bar with a healthy environment and where workers are employed under the conditions gazetted in the Labor Protection Law. Workers also have social security benefits. Can Do Bar includes a small museum about the history of sex work but our main museum "This is us" is based in Nontaburi near Bangkok . <https://www.facebook.com/empowermuseum/>

Empower Student Club is a project where women come together to study. They arrange short courses, study for supplementary income, learn foreign languages, learn about health, history, or gain their school qualifications and more



Legal Club is a place for studying and understanding the laws that impact us like the Prostitution Act. All laws have two parts...one for punishment and one for protection or redress. Usually only punishment is used for us so we have to learn to understand what rights we have. We learn how to protect our rights and those of our friends. Pi Oa and friends set up a Legal Club where we can study and learn the law and rights at the same time. In establishing a legal learning group of sex workers we have learned about the basic laws related to ourselves and we run workshops on rights, laws and freedom.

Exciting....exciting WOW

On February 22, 2019, at the United Nations in Geneva the CEDAW Committee held a forum on trafficking in women in the context of migration. Ms Henny Ngu from the United Nations Development Program (UNDP) cited Can Do Bar/ Empower as best practice in reducing exploitation by returning the power to women so they are better able to protect themselves from stigma and exploitation. We were really excited to know that our model of safe fair work was being seen and heard in this high level forum many thousands of kilometers away from Chiang Mai.

CHEER CHEER!



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