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Sex workers remind the Thai government to abide by the CEDAW Convention

On 19 August 2017 a late night raid targeting women for offences under the Prostitution Act took place at Srisuk Hotel in Nontaburi. Media reported that the joint operation was carried out by the Ministry of Social Development and Human Security (MSDHS), the Department of Provincial Administration under the Ministry of Interior, and the Royal Thai Police. It was also reported that the raid involved over 50 armed soldiers and police, deployed just to arrest 22 young women. Reports also noted that the raid was preceded by an entrapment operation. There are strict procedures in the Thai Criminal Code which govern entrapment operations. For example Section 226 of the Thai Criminal Procedure Code B.E. 2477 states that evidence must not be obtained by "any inducement, promise, threat, deception or other unlawful means".

Entrapment of women who do sex work has been a human rights concern in Thailand for many years. In May 2016 sex workers of Empower Foundation lodged a formal complaint about entrapment with the National Human Rights Commission¹. The complaint was accepted and is currently under investigation headed by Commissioner Angkhana Neelapaijit. During the investigation on 7th June 2016, the news broke of a 3 month long entrapment operation and violent raid on Nataree Massage Parlor in Bangkok. Ms Angkhana Neelapaijit was involved in investigating the treatment of witnesses and victims of the Nataree entrapment and raid.

Thailand is a signatory to the Convention for the Elimination of All Forms of Discrimination against Women (CEDAW). The government has a legal obligation to comply with all its International Treaties, including CEDAW. Thailand was scheduled for review of its compliance with the Convention and its efforts to end discrimination against women in early July 2017. Empower submitted a Shadow Report² to the CEDAW Committee which identified entrapment and violent raids as a major concern for women in Thailand. On July 5, 2017 the CEDAW Committee met with Thai government delegation in Geneva to undertake the review. The Committee questioned the use of the Prostitution Act, especially entrapment and raids against women in the Entertainment Places in Thailand.

The Thai government delegation of 31 members included Permanent Secretary of the Ministry of Interior and the Deputy Permanent Secretary for Ministry of Social Development and Human Security (MSDHS). The question on entrapment was answered by Pol. Maj. Gen. Kriboon Suadsong, Commissioner; The Office of Police Strategy, Royal Thai Police. He gave the following reply on behalf of the delegation.

"Regarding the case of entrapment operations, we would like to reassure the Committee the Royal Thai Police never have a policy to employ such methods and does not support such methods by police officers. The Royal Thai Police is open for any information or complaint from anyone for misconduct and stands ready to launch an investigation of those concerned officers"³

¹ Complaint reference number 352/2559

² Empower Foundation Shadow Report to CEDAW June 2017 (download)
http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCEDAW%2fNGO%2fTHA%2f27511&Lang=en

³ Transcribed from official webcast <http://webtv.un.org/search/consideration-of-thailand-contd-1505th-meeting-67th-session-committee-on-elimination-of-discrimination-against-women/5493644368001/?term=thailand>

The CEDAW Committee has since published their Concluding Observations and Recommendations for Thailand⁴ where they outlined the negative impacts of the Prostitution Law and law enforcement practices, specifically raids and entrapment.

Section 26: The Committee.... also notes with concern that women working in the entertainment sector are presumed to be guilty of prostitution under the Act, arrested and subjected to humiliating treatment following violent police raids, and targeted in entrapment operations by police officers.

Section 27: The Committee recommends that the State party:

d) 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;

Sex workers and the Women's and LGBTI Coalition of Thailand on CEDAW which includes Empower Foundation, were very encouraged by the Thai government's sincere assurances and the CEDAW Committee's acknowledgement that sex workers have the right to protection under the law equal to all other women and workers. On August 16th Mai Jantawong, a representative of Empower spoke at a joint press conference held at the residence of the Ambassador of the Kingdom of the Netherlands in Bangkok. Mai shared the sense of justice and relief that sex workers in Thailand felt on learning of the Committee's recommendation to end prosecution of women and immediately abandon the practice of entrapment and raids.

"Whether prostitution is considered wrong or not, it doesn't mean that police and others can just do whatever they like to us – they also must respect human dignity; they also must obey the law. We are working women, mothers and the head of our families. We have right to be treated fairly and with dignity before the law, just like other women"
Mai Jantawong , Empower Foundation

However, only three days later the sense of justice and relief has turned to confusion and disappointment. We are confused as to how an entrapment operation and raid can occur just weeks after the government reassured the CEDAW Committee there was no such policy? Why are entrapment and raids taking place without any regard to our humanity and the CEDAW Committee's recommendations? Why have the authorities not yet acted to protect women as they promised the CEDAW Committee they would?

We call on the Thai government, especially the Ministry of Interior, the Ministry of Social Development and Human Security (MSDHS), the Ministry for Labor, and the Royal Thai Police to revisit the assurances they gave the Committee and ensure the commitments they made in Geneva are brought to life here in Thailand.

Of particular urgency we urge the concerned Ministries to enact the CEDAW Committee's recommendations 27 (a) (d) and (f)

1. Immediately end the practice of entrapment
2. Stop violent raids on Entertainment Places
3. Act to end extortion
4. Enforce labor protection framework in Entertainment Sector
5. Review the Prostitution Act 1996 and repeal criminalization of women

⁴ CEDAW Concluding Observations Thailand

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fTHA%2fCO%2f6-7&Lang=en