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Open Letter to Prime Minister

01 July, 2016

Regarding: Incident at "Nataree Massage," 7th June 2016
Dear Prime Minister Prayut Chan-o-cha,

On the 7th June 2016, following a 3-month long entrapment operation, a human trafficking raid was conducted on Nataree Massage, Ratchadapisek Rd, Huai Khwang Bangkok by Department of Provincial Administration, under direction by the Ministry of Interior Affairs in cooperation with a New Zealand NGO, NVADER. A total of 121 workers were apprehended in the raid. They have been divided into three groups:

Group 1: Fifteen women were charged with being victims of trafficking and transferred for further detention under the care of the Department Social Welfare at Kredtrakarn Protection and Occupational Development Centre.

Group 2: Twenty-one women attended court on the 10th June, were fined up to 4,500 Baht each for offences under the Suppression and Prevention of Prostitution Act 1996 Section 6 (associating for the purpose of prostitution) and/or breaching the Immigration Act 1979 and the Alien Workers Act 2008. They were then transferred to the Immigration Detention Centre at Suanphlu Bangkok for deportation.

Group 3: The legal case for the remaining people is ongoing. Some women are in detention and others have been released on bail.

Of particular concern are the twenty-one women held in immigration detention since the 10th June 2016. The women in this group are not victims of human trafficking and have no outstanding fines or pending criminal charges. They do not know why they are being held.

On the 15th June 2016, families of the women made contact with Empower Foundation seeking assistance on the women's behalf. On the 15th, 16th and 24th of June 2016, Empower visited the Immigration Centre and has since had constant contact with the family who visit the women daily. Since Empower's initial contact, the women and their families have expressed their distress, concern, and the absence of any clear information about their circumstances. At least one small child is suffering from being separated from her mother; elderly parents are also very worried and struggling to survive without the family provider.

The women and their families have reported that no one has informed them of their legal status as witnesses, their legal rights or the legal process they can expect. They have restricted access to legal advocacy and family visits. The detention centre in which the women are being held is better suited for punishment than protection and does not have the appropriate facilities required under the law for witness protection and accommodation.

The Witness Protection Act 2003 and *Article 17 of the 2009 MOU between Thailand and Myanmar* stipulates the safety and protection of witnesses, the former emphasizing the need to provide *safe and appropriate* accommodation for witnesses as well as assistance in accessing their lawful rights. Both the Criminal Procedure Code Article 237 and the Suppression and Prevention of Human Trafficking Act 2008 Section 31 stipulate that the authorities must ensure victims are fully informed of the procedures, that witness statements are taken promptly and that both groups be assisted in their recovery.

We, the undersigned, express our concern and urge the Prime Minister:

1. To urgently ensure that the immigration authorities e.g. Suanphlu immediately arrange an appropriate space for witnesses to meet with family, advocates and access information on the processes (*Witness Protection Act 2003*)
2. To guarantee that the witnesses are treated in accordance with all rights stipulated under the *Witness Protection Act 2003, and the Suppression and Prevention of Human Trafficking Act 2008*. In particular:
 - 2.1 provide safe and appropriate accommodation that is not a form of detention (as defined in the *Witness Protection Act 2003*)
 - 2.2 ensure witnesses are paid all compensation to which they are entitled, backdated to the first day of their detention, i.e. 12th June 2016. (*Witness Protection Act 2003*)
 - 2.3 the witnesses must be fully informed and have freely consented to be part of the procedures (*Witness Protection Act 2003*)

Yours Sincerely,

Empower Foundation

Sex workers of Chiang Mai
Sex workers of Bangkok, Patpong Sukhumvit
Sex workers of Phuket
Sex workers of Mae Sot
Sex workers of Mae Sai
Sex workers Samut Sakhon
Sex Workers of Udon Thani
Sex Workers of Ubon Ratchatani
Sex workers of Mukdahan
Can Do Bar, Chiang Mai

The Labour Rights Promotion Network Foundation (LPN), Samut Sakhorn

Jon Ungpakorn, Human Rights Scholar, Bangkok

Chamnan Chanruang, Human Rights Defender, Chiang Mai

MPlus Foundation, Chiang Mai

Sisters Foundation, Pattaya

CAREMAT, Chiang Mai

MAP Foundation, Chiang Mai

Northern Community Radio Network, Chiang Mai

The Church of Christ in Thailand Aids Ministry (CAM), Chiang Mai

GABFAI Community Theatre, Chiang Mai

Thai Drug User Network (TND), Thailand

Highland People Health Network, Chiang Rai

Health and Education for Ethnic Women Project, Chiang Rai

Mekong Migration Network (MMN), Mekong Countries
Sex Workers of ASEAN (SWASEAN), ASEAN Countries
Asia Pacific Forum on Women, Law and Development (APWLD), Asia Pacific
Asia Network of Sex Worker Projects, Asia Pacific
Asiatopia, Asia Pacific
Global Alliance Against Trafficking in Women (GAATW), International Secretariat, Asia Pacific
American Jewish World Service (AJWS), USA
Legal Action for Women (LAW), United Kingdom
Network of Sex Worker Projects (NSWP), United Kingdom
Red Umbrella Fund (RUF), Netherlands

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