



THE PHOENIX POLICY INSTITUTE

SEX WORK IN THAILAND

**ADDRESSING THE HEALTH AND
SAFETY CONCERNS OF ITS
LEGAL STATUS**

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2023

SEX WORK IN THAILAND

The sex industry in Thailand is a vast, influential sector of the state's economy. However, due to its legal status, sex workers, who are predominantly poor, underage women, find themselves subject to abuse and corruption. Law enforcement officers have turned a blind-eye to sex work, leading officials to settle for inefficient practices in identifying victims of sex trafficking

THAILAND HAS AN ESTIMATED **300,000** SEX WORKERS



Thailand is the largest sex tourism destination in Southeast Asia, generating nearly **\$6.4B** in annual revenue.



Between **50,000-80,000** of all prostitutes were under the age of 18, 36,000 of those being child prostitutes.

In 2019, **24,000 PEOPLE** were arrested, fined, or prosecuted on charges related to prostitution.



70-80% of sex workers in Thailand report entering the industry primarily for economic reasons



The current legislation in Thailand is aimed at suppressing and preventing prostitution, requiring fines, and in some cases prison time, for those involved in the sex trade. This leads to both financial and physical abuses of sex workers from both their employers and customers. New legislation is being drafted that would afford sex workers with legal protections, but it is yet to be seen if the new government and public opinion would support such a reform.

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PROBLEM DEFINITION

Currently, Thailand has an estimated **200,000 to 300,000 sex workers** (Castillo, 2023) However, some sources have reported numbers closer to 1 million (Amendral, 2021) Types of sex work vary across several categories that include full-time sex workers associated with bars, freelancers who occasionally engage in prostitution to supplement their primary income and migrants from neighboring countries. Thailand is home to the largest sex tourism destination in Southeast Asia, generating nearly **\$6.4 billion in annual revenue** (Hung, 2023) While it's clear that sex work in Thailand is not only a vast, but a profitable industry, it nevertheless is **illegal** and **criminally prosecutable** with prison sentences of up to 20 years (Brosseau, 2023)

Due to the existing legal status, sex workers have become subject to **harrasment** and **corruption** from law enforcement officers, bar/club owners and clients. Sex workers have no legal protection and they are not guaranteed labor rights. So, fearing the possibility of arrest, many instances of abuse that sex workers face are never reported (Brosseau, 2023) Further, Thailand's lucrative sex industry and reliance on sex-related revenue has prevented the state from curbing **sex trafficking** activities (Hung, 2023) In 2021, the Thai government identified 414 trafficking victims, 181 of which were deemed victims of sex trafficking. Due to their inability to curb any trafficking-related activities, the U.S Department of State classified Thailand as Tier 2 of its four tiers, recognizing the state's **failure to meet minimum standard requirements** according to the Victims of Trafficking and Violence Protection Act of 2000 (U.S Department of State, 2022)

SCOPE AND RATIONALE

Given these conditions, it becomes important to recognize that nearly 70% of those workers are **female migrants** from **rural** areas, and generally fall between the ages of **20 and 24**. Large cities like Bangkok are hubs to sex tourism, so women will often migrate to such destinations to provide **economic support** for their relatives back in the country (Castillo, 2023) Further, the Thai government reported in the mid 2000s that between **50,000** and **80,000** of all prostitutes were **under the age of 18**, **36,000** of those being **child prostitutes**. These numbers reflect data collected from government reporting, which can be limited in the sense that sex work is a “gray area” within law enforcement. So, other sources have reported higher numbers (Hays, 2014) These demographics reflect that the majority of sex workers in Thailand are not only just poor women, but also overwhelmingly underage

*From the previous discussion, it can be claimed that the sex industry in Thailand is a vast, influential sector of the state’s economy. However, due to its legal status, sex workers, who are predominantly poor, underage women, find themselves subject to abuse and corruption. Law enforcement officers have turned a blind-eye to sex work, leading officials to settle for inefficient practices in identifying victims of sex trafficking. **Due to these conditions, it becomes clear that further regulation is needed to protect sex workers against such abuse and to curb trafficking-related activities.***

POLICY CONTEXT

Over the course of Thailand's recent history the Thai government has opposed the prostitution industry. Thailand instituted the Suppression of Prostitution Act in 1960, which was later replaced by the **1996 Prevention and Suppression of Prostitution Act**. (International Labour Organization, 1996) There are an estimated 300,000 sex workers in the country, and in 2019 around "24,000 people were **arrested, fined, or prosecuted**." (Amendral, 2021) The 1996 legislation is currently in effect, stipulating fines and prison time for those involved in prostitution, such as those buying or selling sex, as well as those in charge of brothels or controlling sex workers. (International Labour Organization, 1996)

NEW LEGISLATION AND ROLE FOR GOVERNMENT

Some members of the government see the reality of the situation, that prostitution in Thailand is not going anywhere, no matter how **harsh** the legal punishments and social ostracization are for those participating in the sex trade. Officials like Jintana Janbunrung, the director-general of the Department of Women's Affairs and Family Development, wish to reform Thailand's prostitution laws by providing sex workers with legal status via a **new bill**. This bill would repeal the 1996 Prevention and Suppression of Prostitution Act, which Janbunrung states will allow prostitutes to "be workers who have access to the same welfare as other occupations, whose rights will not be violated, who will not be exploited by their clients or sex business operators [and have] a better quality of life." (Peter, 2023) By passing this bill,



prostitutes would have newfound access to **legal protections** that are difficult for them to obtain under current legislation. Sex workers are often unable to go to the police when they are assaulted due to the current illegality of their work, and this new bill would provide **justice** to these victims and allow for police oversight of sex work to prevent future abuses. Currently, sex workers are unable to dispute over salaries with their employers, with their wages often being arbitrarily lowered or skimmed to bribe local police. The new bill would allow for prostitutes and the establishments they work in to sign **contracts** and obtain **licenses** that would be supported by labor laws, allowing for courts to resolve disputes that may arise between employee and employer. (Peter, 2023)

Through reforming the current legislation to legalize sex work, the Thai government must also address the current **lack of accessibility** to sexually transmitted disease-preventing medicine. Studies have found **high rates of STDs** in male customers at brothels, implying very high infection numbers across the sex worker population. (Tabrizi et al., 2000) In December 2023, Thailand's Ministry of Public Health released instructions that only government doctors can prescribe prEP, an HIV prevention pill. An estimated 80% of prEP users obtain the pill from clinics staffed by community members, which will no longer be able to provide their standard services due to the new guidelines. (Ramakant et al., 2023) This would make it far more difficult for the population at large, and sex workers in particular, to acquire STD preventing drugs like prEP, leaving the population at risk for potential outbreaks. Thailand's government must seek to amend these guidelines to ensure that sex workers, whether legally protected or not, can avoid getting **life threatening diseases** like HIV and can prevent the spread of disease from the larger population.



POLICY ALTERNATIVES

Other countries have addressed sex work problems through a variety of methods including **widespread police action**, providing **social services** for sex-workers, and **limited legalization** in some parts of the city. The Red Light District in Amsterdam is an example of this, where paid sex between consenting adults is legal, but limited to a regulated and controlled 1.6 acre area. Other reforms have made it legal to be a prostitute but illegal to solicit prostitution. These laws put the weight of the crime on Johns rather than on prostitutes themselves. Some laws make the distinction between decriminalization and legalization, with sex work remaining illegal, but not prosecuted as a crime in the legal system. Due to these conditions, the main suggestive policy alternatives are :



01 — AN ALL OUT BAN



02 — DECRIMINALIZATION AND REGULATION



03 — ADDRESSING SOCIETAL AND ECONOMIC PROBLEMS THAT LEAD TO THE POPULARITY OF SEX WORK

RECOMMENDED POLICY SOLUTION

Thailand's current ban on sex-work has been **ineffective** in curtailing the industry and has led to more **dangerous working conditions** for sex-workers. Based on the prominence of prostitution in Thailand, it is unrealistic to ban sex-work. The question is not whether sex-work should exist in Thailand; it does and will continue to do so until the country experiences major cultural and economic changes. The question is how the government should regulate the sex-work industry and protect its workers.

We recommend the Thai government **decriminalize sex work** and **provide rights and protections** for sex workers. These include basic labor rights, healthcare, and social security. These are basic social services provided to all workers, and would be extended to sex-workers after decriminalization.

Access to healthcare is especially important for sex workers given their occupational hazards of STDs and pregnancy. Sex workers need access to contraception, HIV prevention medication, and other reproductive care. Any reform must also address these healthcare needs. Decriminalization would naturally lead to an **increase in wages** for sex workers because they would no longer have to set aside a portion of their wages to pay off the police. As legal workers, sex workers could also advocate for themselves and achieve **wage security** through official contracts.

Decriminalizing sex work will make sex-workers **safer** when they inevitably face abuse within the industry. Sex workers would be able to seek medical care without fear that doctors would report them to the police. They would also be able to report and criminally charge Johns who abuse them. Decriminalizing sex-work would improve the relationship between sex workers and law enforcement. No longer breaking the law themselves, these women would be able to report issues to police and work with them to solve issues rather than having to hide under the radar.

Finally, the decriminalization of sex-work will mean that the massive industry would officially **contribute to the national economy** and be subject to government taxes and fees.

RECOMMENDED POLICY SOLUTION

The Thai government could **collect tax revenue** from the \$6.4 billion annually generated by the sex-work industry (Hung, 2023). Official tax filings from businesses would provide the government a clearer picture of financial exchanges happening within the industry. This would allow them to more easily identify and fight corruption, human trafficking, and child exploitation.

This legislation cannot end some of the inherently exploitative practices in sex work but it can provide workers with the **legal rights** to seek **justice** and the government with an increased ability to **regulate** and **investigate** these exploitations. While this legislation will likely make sex work safer, it could lead to a surge within the industry. If sex-work becomes legal it will be easier for pimps to recruit women into the industry and women will be less fearful to join the now-legal industry. Therefore, it is important for the Thai government to develop a long-term plan to address the prominence of sex-work in their economy.

While the **short term plan** to decriminalize and regulate sex-work will be effective in protecting workers, for Thailand to address the issues inherent with prostitution, they need a **long-term effort** to ameliorate the societal issues that have led to the popularity of prostitution. The long-term solution must draw workers out of the sex industry and create other opportunities for women in the work industry. About 70 - 80% of sex workers in Thailand report entering the industry primarily for economic reasons (Castillo, 2023).

For many women, prostitution is not a choice but necessary due to poverty and inequality in the country. The Thai government must work to improve access to education and increase the rate of women finishing schooling.

CONCLUSION

Sex work in Thailand has been a major part of the country's economy for decades. Its illegal status has led to **dangerous and poor working conditions** for sex-workers, and **exploitative practices** from pimps and law enforcement officers alike. To address these issues, we recommend the **decriminalization** of sex-work on the national level and a long term focus on addressing the **economic** and **social issues** that have led many individuals to enter the industry. We believe these policy solutions have the potential to make sex-workers **safer** and provide them with the labor **rights** and **protections** held by all other workers in the country.

**We thank you for your continued support in
our efforts to address this issue**

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