

**Position Paper from Sex Workers
Empower Foundation, Thailand**



for consideration in the
Second United Nations High Level Dialogue on
Migration & Development
2013

Empower Foundation
Ms Chantawipa Apisuk
57/60 Tiwanon Rd
Nontaburi 11000 THAILAND
Tel: +66 252368311
Email: lizempower@hotmail.com
Web www.empowerfoundation.org

About Empower

Empower is a sex worker organization and registered Thai foundation promoting rights and opportunities for women working in the Thai sex industry for almost 3 decades. Founded in 1985, EMPOWER works from a rights based philosophy aiming to reduce discrimination and prejudice against sex workers, and deal with particular issues such as migration and stigma.

Empower strives to provide an avenue for sex workers to access their basic human rights like decent work, education, good health, access to the law, community, social and political participation in the moment. At the same time Empower strives to make these basic human rights available to all sex workers as a part of mainstream society by addressing current discrimination and stigma under the law and in society.

Empower programs include:

- **Education** including school education through the Non-Formal Education System of Ministry of Education and Language and other training, such as law, health, labour and human rights.
- **Health and HIV/AIDS** with special focus on Occupational Health
- **Life Skills training** such as banking, computer and internet, art, etc...
- **Leadership** including organizational development and networking
- **Community** strengthening, building a solid base for sex worker activists to grow and organize
- **Advocacy** making sex worker issues understandable, visible and important to policy makers and wider society
- **Documentation and Resource Center** about sex work history and up to date situation, human rights, law, sexuality, women's health and HIV/AIDS, etc... including website development: www.empowerfoundation.org.
- **Art and Culture**, using art creation processes to regain self-confidence, social and cultural linkage, community participation and mobilization, public education and social attitude change (i.e: Honey Bee Street Theatre).
- **Sex Workers' Human Rights Defenders** providing counselling, documentation, awareness raising and advocacy on human rights abuses identified by sex workers
- **Sex Workers of Asean:** project with other regional groups on issues of ASEAN e.g. migration, labour rights and tourism

Migrant sex workers have been a leading force within Empower since 1991. Like other sex workers around the world they have demonstrated the effectiveness of empowerment, based on human rights and community mobilization; sex worker led health promotion, and participation in dialogue about law enforcement and policy reform.

This submission comes from the collective wisdom and lived experience of tens of thousands of migrant sex workers in Thailand gathered over the last 20 years.



Good Girls Go to heaven...Bad Girls go everywhere!

There are said to be some 40 million sex workers globally. Sex work provides an immediate income with little investment needed. Although sex work requires many skills there is no formal educational or vocational qualification required. Sex work has proven to be one of the most secure and sustainable employment options available for millions of people. Most sex workers are migrants either within their own country or travelling to live and work in one or many other countries. Migrant sex workers are important people, often the leader of their family who also provides for many other family members. Sex workers are frontline health educators and natural human rights defenders. Human rights are said to be universal however for sex workers, human rights are not respected automatically but must be fought for individually and collectively every day. The amount of money routinely sent home to rural communities by migrant sex workers is usually larger than any government development budgets and at times exceeds spending by World Bank projects.

Sex work and migration for sex work are forbidden by law - yet both continue.

Every year millions and millions of sex workers migrate despite the fact that legal migration for sex work does not exist and nearly every country in the world prohibits sex workers from entering, even for short visits and in most countries sex work is illegal under State civil or religious law. Right to work and freedom of movement are both inherent human rights yet tens of millions of sex workers are forced to find ways over the top of laws in order to assert these basic human rights.

We ask governments and policy makers to recognize the wealth of evidence that all laws which aim to restrict or limit sex workers have failed consistently in every single country for 100 years or more.

These laws do not protect individuals nor do they suppress migration or prostitution. Rather such laws and policies only serve to restrict and limit the rights and freedoms of sex workers while increasing exploitation.

Far from offering protection, legal restrictions create the need for dishonesty, forged documents and brokers. Such laws limit the sharing of trustworthy information, obstruct improvements in working conditions, prevent access to protection or redress under the law and create an opportunity for corrupt authorities to extort money.

Many of the original laws that discriminate against sex workers were created almost a century ago based largely on moral codes and without any participation with sex workers themselves.

Now in 2013 there are strong, informed and accessible sex worker led organizations in over 120 countries. There are sex worker networks in many sub regions plus representation in the 5 main regions of the world and a peak body the Global Network of Sex Worker Projects www.nswp.org. The days of limiting consultation to non sex worker bodies must end. Sex workers including migrant sex workers are ready to help guide migration, labour and development policy. Discussion should always include sex workers and governments ensure they are based on evidence.

We ask governments to urgently and sincerely commit to joining with sex worker organizations to review and reform the existing legal environment migrant sex workers live and work in. This will include reforming the legal and working environment of sex workers of that country so millions more people will benefit from reforms. We would like to encourage governments to remember supporting sex worker rights is also economically valuable. For example in Thailand recognizing sex work as work would result in an estimated \$USD 170 million that is currently lost to the black market every year, being available to the country in revenue and legitimate profits. Sex workers would no longer be obliged to pay alternative tax as daily and intermittent bribes but instead could pay their contributions via normal routes. In addition the money, time and resources spent on punishing people in the sex industry and minor immigration breaches could be freed up to address serious social and labor problems.

We recommend the involvement of the ILO to assist governments in the process of law reform. In 2012 the ILO included sex work in its Recommendation 200 on HIV and Work. The Director of HIV from ILO officially acknowledged "sex work is work" at the IAS conference in Washington DC 2012. This acceptance of sex work as work and the need for decriminalisation is in line with UN HIV policy and other international bodies such as Global Commission in HIV and the Law 2012.

In order to further the rights of migrant sex workers we would urge the ILO to expand its commitment to "sex work is work" by working with sex worker organizations to develop a convention for sex workers similar to the ILO Convention 189 for Domestic Workers promoting application of national labor laws.

Migrant sex workers are among the most stigmatized people in the world.

They are routinely labeled as victims, drug users, criminals and disease spreaders. Though law change is urgent and necessary it will not change social attitudes and stigma in the near future. Therefore to prevent serious human rights abuses we urge governments and the UN to be guided by sex worker organizations when designing any regulatory mechanisms e.g. visas and work permits must not specify sex work or any euphemism for the same We ask governments to initiate public education campaigns and encourage other media to reduce stigma and promote equality.

We encourage governments and the UN to provide sex worker organizations and networks with resources that enable them to develop services for migrant sex workers similar to those requested by other migrant workers e.g. pre and post departure information, information centers. In a similar way sex worker organizations should be supported to fully participate in all forums including the HJD and Global Forum on Migration and Development (GFMD).

The UN High Level Dialogue could be a timely opportunity for the UN to recommit to promoting a human rights approach to migration. We would expect that the UN will use this time to remind governments that their laws and practices must be in line with their international agreements and standards set by the ILO.

We want to see an end to the trend of labour migration being managed from a purely economic viewpoint and sex workers being de-humanised as victims.

We hope the UN will use this time to address the situation where governments are trying to find ways to let some people move and work freely while stopping other people from moving - creating two groups of migrants - Wanted and Unwanted.

Wanted migrants are free to travel and work. Governments will make sure they have access to skill development and be given information before they leave home. They also will have social security protection for things like sickness, disability and pregnancy and services in the country they move to.

Unwanted migrants are migrants often without documents who do work that is undervalued, unprotected and unrecognized even when it is essential to the society and economy. Unwanted migrants are the majority of workers including migrant sex workers. The focus for managing unwanted migrants is not rights protection. It is about increased control of borders; more complicated identity documents and less freedoms and labor protections when abroad.

Currently there are a number of mechanisms and policies that contravene international standards. For example the ASEAN Declaration on Human Rights allows governments to suspend or withdraw human rights in the name of such variables as Public Health, National Security, morality, culture or religion. The ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers

only applies to documented migrants, CEDAW Article 6 allows governments to abuse sex workers with impunity.

Sub-standard mechanisms such as these water down and obstruct the development of rights based approaches to migration.

We ask governments to sincerely commit to working with each other and the UN to reach common understandings. We ask governments to accept that all migrants are human beings and we share an equal responsibility to protect and promote the rights of all human beings regardless of occupation, origin or destination.

Recommendations in brief:

1. We ask governments to urgently and sincerely commit to joining with sex worker organizations to review and reform the existing legal environment migrant sex workers must overcome to assert their basic human rights.
2. We urge governments recognize migrant sex workers as human beings and workers so that migrants sex worker's rights can be given equal consideration as other migrant workers
3. We want to see an end to the trend of labor migration being managed from a purely economic viewpoint and sex workers being de-humanized as victims.
4. We encourage governments and the UN to provide sex worker organizations and networks with resources that enable them to develop services for migrant sex workers similar to those requested by other migrant workers e.g. pre and post departure information, information centers. In a similar way sex worker organizations should be supported to fully participate in all forums including the HJD and Global Forum on Migration and Development (GFMD).

Sex workers of Thailand
Provinces - Chiang Rai
Chiang Mai
Tak
Phuket
Chon Buri
Samut Sakhon
Patpong
Nontaburi

Sex workers of ASEAN (SW ASEAN)
Laos
Myanmar
Vietnam
Philippines
Cambodia
Malaysia
Indonesia
Singapore
Timor Leste