

**Amending Legislation for Justice:  
Analyzing the Potential Benefits of Decriminalizing Prostitution  
on Justice for Sex Workers in Thailand**

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Wenzao University of Languages, 2025

**ABSTRACT**

Prostitutes in Thailand have long been considered a vulnerable and marginalized group within society. They are often work at night, in the darkness of the streets, facing unequal treatment, unsafe working conditions, STDs, and being overlooked by a society that stigmatizes them as criminals. Sex work is not regarded as a respectable profession by societal standards. However, those who are compelled to engage in this work for survival, not only to support themselves but also to provide for their families and meet various financial obligations. Despite facing insecurity, risk, and inequality, and an unprotective legal system, sex work remains their last resort for survival. This research aims to offer a deep dive into the lived experiences, perspectives, and challenges faced by sex workers attempting to operate within the current legal framework. Through the conducting of interviews, this study points out insights into the experiences of sex workers and explore solutions to the issues surrounding sex work through the perspectives of sex workers, drawing from real-life experiences. Additionally, the study seeks to understand the legal perspectives and approaches to addressing these issues through the views of experienced judges to explore the potential benefits in terms of decriminalization for sex workers.

Keyword: Decriminalization, Sex worker, Prostitution, Inequality, Marginalization, Stigmatization, Thailand, Qualitative, In-dept interview

修訂立法以實現正義：

分析泰國賣淫非刑事化對性工作者正義的潛在益處

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摘要

在泰國，性工作者長期以來被視為社會中的弱勢和邊緣化群體。他們通常在夜晚的街頭工作，面臨不平等待遇、不安全的工作環境、性病的風險，並且被污名化為罪犯，常遭社會忽視。性工作並未被社會標準視為受尊敬的職業。然而，許多性工作者是為了生存而從事這項工作，不僅是為了養活自己，也為了養家和履行各種財務責任。儘管面臨不安全、風險、不平等以及缺乏法律保護的環境，性工作仍然是他們生存的最後一條出路。本研究旨在深入探討性工作者在現行法律框架下的生活經歷、觀點和挑戰。通過進行訪談，本研究揭示了性工作者的真實經歷，並從他們的角度探索圍繞性工作的問題的解決方案。此外，本研究還希望通過資深法官的觀點，了解法律在處理這些問題上的立場和方法，探索去刑事化對性工作者的潛在益處。

關鍵詞：去刑事化、性工作、性工作者、賣淫、不平等、邊緣化、污名化、不安全、性病、泰國、質性研究、深入訪談

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# INTRODUCTION

## Background

In the past decade years, Thailand has been one of the most visited countries in the world. There are several reasons to make Thailand popular for foreigners. Thailand is rich in culture and history, traditional Thai culture brings wealth to the country; moreover, it has contributed to its unique identity as a travel destination. Thailand is a paradise of nightlife parties where the tourist's favorite. Thailand is also a peaceful relaxing destination to visit with century temple that has a beautiful foundation rooted in religion

Thailand is abundant in culture and rich in religious belief. People have been cultivated by a culture that is rooted in religion. Religion serves as a fundamental and deeply rooted aspect of Thai society, shaping beliefs, culture, and values in significant ways. Concepts such as sin, merit, heaven, hell, spirits, and reincarnation are integral to these beliefs. Consequently, Thai law also carries religious underpinnings, which can result in certain laws imposing constraints on specific groups within society. For example, individuals working in the sex industry, despite contributing significantly to the country's economy, may still encounter legal and social restrictions shaped by religiously influenced laws. These laws, rooted in moral and cultural beliefs, can disproportionately affect certain groups, limiting their rights and opportunities.

The Thai entertainment industry brings wealth with huge money to the country especially sex industry. Economically, sex workers contribute significantly to the country's income, with substantial amounts of revenue generated during peak tourism seasons. They are pivotal to the tourism industry, serving as centers of enjoyment for international visitors during evenings. Major income-generating venues are predominantly located in Bangkok and Pattaya. In a single year, they can generate profits exceeding 10-12% of the total tourism income. Some businesses are prosperous; meanwhile, some businesses are lagging. Sex work

is one of the huge reasons for receiving money; on the other hand, society treats them unfairly. There are around 200,000 to one million sex workers in Thailand.<sup>1</sup> They are suffering from the current law

The Prostitution is one that exists within Thai society, and various countries have attempted to address it in ways that fit their specific circumstances. There has been ongoing debate about whether voluntary prostitution, free from coercion, threats, or deceit, should be criminalized. This debate has led to two differing approaches to the prevention and control of prostitution are eradicating sex work entirely would involve creating laws for its suppression. On the other hand, another perspective is that sex work is not a crime; it is just a profession that needs to be recognized, no different from other professions. Currently, many sex workers in Thailand lack access to government assistance and do not enjoy equal rights compared to others in the country. Interestingly, this contrasts with the past, as sex work in Thailand is an ancient profession and was once legally recognized. It is surprising that in Buddhist country, sex work was historically legal.

In the past, prostitution was once legalized in Thailand during the reign of King Chulalongkorn (Rama V) who ruled Thailand from 1868 to 1910 the regulation of sex work became an important issue, with laws in place that required the collection of taxes from sex workers. It called Phasi Bamrung Thanon refers to the Road Maintenance Tax.<sup>2</sup> The goals of the regulations on the Road Maintenance Tax are included measures to protect the rights of sex workers. These rules prohibited forcing unwilling individuals, like slaves, into prostitution and ensured that sex workers weren't cheated out of their wages. If brothel owners violated these laws, they would be penalized with fines or required to provide sand to

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<sup>1</sup> Jessica McKenzie et al., "Virtue, Shame, and Choice: Perspectives of Sex Work Among Adolescents in Variously Globalized Thai Communities," *Journal of Cross-Cultural Psychology* 52 (07/23 2021), <https://doi.org/10.1177/00220221211032393>.

<sup>2</sup> "จุดเริ่มขายบริการทางเพศ “ถูกกฎหมาย” ครั้งแรกในไทย ก่อนเข้าสู่ “ปรัมค้าประเวณี” ,” 2020, 2024, [https://www.silpa-mag.com/history/article\\_51528](https://www.silpa-mag.com/history/article_51528).

the state. This industry had been popular and thriving for over 52 years. Thailand began to earn revenue from this sector to support national development. Service providers were required to pay registration fees every three months, and the money collected was used to build hospitals and fund various other beneficial projects. However, as time passed, Thailand abolished this system when it sought to enter the modernization era, leaving those involved in the business neglected up to this day. It is undeniable that from then until now, they have continued to generate substantial income for the country, and in terms of the economy, they remain an important part as well.

However, repealing the law will not be able to effectively address the issue of prostitution, and it is also unsuitable to the Thai social context. The current legal enforcement measures contained in the Prevention and Suppression of Prostitution Act of 2539 (1996) are not adequate to address the problems associated with prostitution. Legal loopholes have been identified, which could lead to other offenses such as human trafficking, online sex services, and safety concerns for both society and the sex workers themselves. As a result, the law is not achieving its intended purpose and has been used unjustly by law enforcement officers.

According to the Prostitution Prevention and Suppression Act of 1996. There are several sections to arrest sex workers in Thailand even though the country receives money from the sex industry such as Khaosan Road. The judgment started from the foundation problem between police and sex workers. According to the Prostitution Prevention and Suppression Act of 1996, Anyone who gathers with another person in a prostitution establishment for the purpose of engaging in or promoting prostitution, either for themselves or for others, may face a penalty of up to one month in prison or a fine not exceeding one thousand baht.<sup>3</sup> Khaosan Road where is a paradise for tourists who can find sex workers in the bars or on the street easily. However, local government politicians are not trying to

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<sup>3</sup> The Protection and Suppression of Prostitution Act, 1996, sec. 6

dispose sex industry but to receive bribes from the sex business. Most businesses give huge amounts of money to the local politicians and police. The group who holds the power takes advantage of the inhumanity laws. These unfair loopholes in the legislation let local police accept bribes and ignore the laws. According to the Prostitution Prevention and Suppression Act of 1996, anyone who offers, solicits, approaches, follows, or persuades another person for the purpose of prostitution in public places, streets, or other locations in a manner that is blatant, shameless, or disruptive to the public may be fined up to one thousand baht.<sup>4</sup> Sex workers also suffer threats and sexual assault from police. For this reason, sex workers fear arrest or abuse from police. Moreover, some owners of the bar unlawfully detaining, confining, and abusing sex workers. Sex workers still face criminal records which leads to stigma that could limit an individual's future and it difficult to find non-sex work employment. While. It shows that Thai law focuses more on control and suppression rather than support, contrasting with developed countries that legalized sex worker and recognized them; moreover, offered the healthcare and other benefits for the sex workers in its country.

Currently, Germany, the Netherlands, and New Zealand are three countries where sex work is legal, the laws in all three countries primarily focus on recognizing, protecting, and improving the quality of life for sex workers. However, each with distinct regulations tailored to their national contexts for both sex workers and sex industry operators. Moreover, each country has penalties for sex workers and operators who violate laws are adapted to the legal frameworks of each country, ensuring suitability to local conditions and contexts. These penalties are designed to uphold the integrity of the regulatory system, maintain safety standards, and prevent exploitation within the sex industry.

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<sup>4</sup> The Protection and Suppression of Prostitution Act, 1966, sec. 5

**Table 1. Comparison of Regulations Governing Prostitution between Germany, the Netherlands, and New Zealand**

Aspect	Germany	The Netherlands	New Zealand
Prostitution Act	Prostitute Protection Act (NEW)	Legalized and Regulated (2000)	Prostitution Reform Act 2003
Brothel Registration	Brothels and sex work businesses are licensed, with strict zoning and operating restrictions	Licensed brothels with required permits and zoning laws	Brothels require permits in some local areas
Sex Worker Registration	Mandatory Registration	No mandatory registration at the national level, but some municipalities may require	No registration required, emphasizing worker privacy and rights
Age Requirement	The legal minimum age for prostitution is 18 years.	The legal minimum age for prostitution is 18 years.	The legal minimum age for prostitution is 21 years.

The laws regulating prostitution differ across Germany, the Netherlands, and New Zealand, each adopting distinct policies. In all three countries, brothels are required to obtain a license and operate within designated areas. Regarding sex worker registration, Germany mandates it, while the Netherlands and New Zealand do not, although sex workers must be over 18 years old in the Netherlands and 21 in New Zealand. In contrast, Thailand does not legalize brothels or promote the legal registration of sex workers. However, Thai law strictly prohibits prostitution involving individuals under 18, categorizing it as child exploitation.

**Table 2. Comparison of Rights for Sex Workers in Germany, The Netherlands, and New Zealand**

<b>Aspect</b>	<b>Germany</b>	<b>The Netherlands</b>	<b>New Zealand</b>
Health Standard	Regular health checks are mandatory and offered insurance to sex workers	Regular health check-ups are recommended but not mandatory	Health check-ups are encouraged but voluntary
Labor Rights	Registered sex workers entitled to some labor protection without full benefit	Labor protections are provided but limited access to benefits	Full labor protections: workers have equal rights to benefits and services as in other industries
Sex worker Autonomy	Sex workers have some autonomy but must comply with registration	Workers may work independently or with licensed brothels	Full autonomy to work independently or in collectives; emphasis on the right to refuse service

In terms of the rights of sex workers, Germany and the Netherlands require regular health check-ups, although in the Netherlands this is not mandatory. In New Zealand, health check-ups are entirely voluntary. Regarding labor rights, registered sex workers in Germany and the Netherlands are entitled to full labor protections under the law. In New Zealand, despite the lack of mandatory registration, sex workers enjoy equal labor rights comparable to those in other professions. All three countries grant sex workers complete autonomy and freedom in their work.

**Table 3. Comparison of Protection and Safety in Germany, The Netherlands, and New Zealand**

<b>Aspect</b>	<b>Germany</b>	<b>The Netherlands</b>	<b>New Zealand</b>
Client Liability	Clients panelized for engaging with unregistered workers: and those who ignoring health and safety measures	Clients panelized for those who engage with unregistered workers or underage workers	Clients panelized for any involvement in exploitation or coercion
Anti-Exploitation Measures	Increased inspections and strict penalties for brothels and clients involved in trafficking or exploitation	Strong anti-trafficking measures	Focused on exploitation prevention

Legalization comes with measures to prevent and penalize offenses, including those involving illegal activities related to prostitution, such as human trafficking and the accountability of clients. Germany, the Netherlands, and New Zealand have comprehensive policies addressing these issues, with varying penalties. In Germany and the Netherlands, clients can face penalties for soliciting unregistered sex workers or failing to comply with health and safety measures. In New Zealand, enforcement focuses on clients involved in exploitation or coercion. Additionally, all three countries implement measures to prevent human trafficking, with a shared emphasis on combating exploitation. Thailand does not have policies for registering sex work or sex workers, which prevents sex workers in the country from accessing labor rights or basic protections they deserve. In contrast, countries like Germany, New Zealand, and the Netherlands provide sex workers with self-autonomy and labor rights that safeguard their well-being. While Thailand could adapt similar policies



within its context, it is noteworthy that Thailand, like other countries, has implemented effective measures to combat human trafficking.

### **Motivation**

Prostitution has a long history in Thailand. However, Prostitution faces multiple levels of discrimination and unfair justice. According to labor protection in Thailand, Thai labor and migrant workers in Thailand will be protected by labor protection laws in Thailand including safety, income, and welfare. On the other hand, the government doesn't enforce labor protection for sex workers in Thailand and treats them as the lowest class in society and does not have protection for them; they only take it as guilt. In the past decade year, sex workers have faced violence society. In Thailand, decriminalizing prostitution emerged as a controversial, transformative issue aimed at redressing longstanding injustices. In terms of legislation, there is an outdated law that needs to be updated to keep up with modern times. Decriminalizing prostitution could redress systemic inequalities, empower communities, and decrease social stigma; not only among Thai sex workers but migrant workers who engage in sex work. Decriminalizing prostitution would create an environment that would allow sex workers to assert their rights, advocate for labor protections, and actively contribute to civic and political events in order to enhance social justice. and democracy in the country, thereby enhancing social justice and democracy. Decriminalization could approach represent a progressive approach to dealing with the complex challenges faced by sex workers, it could remove stigma and discrimination

## **Research Purpose**

The research purpose of the study is to evaluate the impact of criminalization on the lives and livelihoods of sex workers by investigating the role it plays in perpetuating exploitation, abuse, and poverty. Moreover, to promote justice, equality, and empowerment among Thai sex workers by providing recommendations and policy insights that will inform and guide legislative reforms and advocacy efforts by ensuring that fair law would apply to all sex worker in Thailand. In order to achieve justice for sex workers by addressing systemic injustices, promoting human rights, and improving working conditions for sex workers, we must advocate for more legislation and amending legislation so that prostitution will be decriminalized in Thailand.

## **Research Question**

1. How does current justice legislation affect sex workers in Thailand?
2. How does amending justice legislation for sex workers benefit the sex workers in Thailand in terms of safety and life equality?
3. How does decriminalizing prostitution impact on reducing corruption in law enforcement?

## **Contribution**

Via this paper, the research aims to provide insight and recommendations that are based on evidence-based evaluations. it may be useful by guiding legislative reforms to decriminalize prostitution in Thailand in terms of both legislation and public policy. It may solve the corruption issue between local politicians and police by legislative reform, it could decrease violence toward sex workers. Moreover, this research aims to explore the potential of decriminalizing prostitution how it influences social attitudes toward sex workers in

Thailand, and how it could foster social justice by Taking measures to address inequalities at the systemic level.

### **Limits**

The research is based on interviews about individual experiences, opinions, and thinking. It could not reach in every area in Thailand but Bangkok; moreover, it may not be applicable with difference of culture, social, Legal circumstances of prostitution. Some reliable data such as individual experience and perspective may limited due to the sensitive issue among Thai society. Cultural norm and individual interviewee attitudes toward prostitution may affect findings due to individual backgrounds such as cultural cultivated, religion, and area.

### **Delimits**

This research cannot reach all the Thai citizens and Thai sex workers in Thailand. For this reason, no language barrier because most information is provided in Thai and English. the majority of the research will focus on the perspectives and experiences of sex workers in Thailand, to understand how decriminalization might be a way for this marginalized group to achieve justice, dignity, and empowerment. Moreover, it is the goal of this study to inform and guide legislative reforms and advocacy efforts toward the decriminalization of prostitution in Thailand, as well as policy reforms aimed at decriminalizing prostitution.

## **LITERATURE REVIEW**

This literature review aims to analyze existing research on the potential benefits of decriminalizing prostitution for justice and rights for sex workers in Thailand. This literature review of a variety of perspectives, findings from academic scholarship, and policy interventions aimed at addressing the challenges facing sex workers in Thailand's legal framework and impact of decriminalization, through synthesizing the insights and findings from various perspectives from academic scholarship is presented in this paper.

### **Impact on Criminalization**

Sex workers, who are among the most marginalized, vulnerable, and stigmatized groups worldwide, face human rights violations and abuses as an ongoing reality or risk in many countries.<sup>5</sup> Amnesty International explained that the criminalization of consensual sex work has a far-reaching and adverse impact on sex workers' human rights, infringing upon essential freedoms and protections. Criminalizing this work increases sex workers' vulnerability to violence, undermining their right to personal security and safety. It also restricts their access to healthcare and other services, which can exacerbate health risks and impede their right to health. Additionally, criminalization promotes discrimination and prevents sex workers from accessing fair working conditions, making them more susceptible to exploitation and abuse. These laws often exclude sex workers from basic protections like adequate housing and hinder their ability to seek legal recourse for abuses they experience, further compromising their rights to non-discrimination and remedy. Overall, criminalization perpetuates social and economic marginalization, deepening the challenges faced by individuals involved in consensual sex work.<sup>6</sup>

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<sup>5</sup> I Amnesty, "Sex workers at risk: A research summary on human rights abuses against sex workers," (London: Amnesty International Ltd, 2016).

<sup>6</sup> Ibid.

The criminalization of sex work has been widely documented as a key factor that increases sex workers' vulnerability to violence, exploitation, and poor working conditions. Studies indicate that when sex work is illegal, workers often operate in secrecy, making them more accessible to abuse and less able to seek justice without risking arrest or further victimization.

In Thailand, according to Villar, the country's strict anti-trafficking and anti-prostitution laws not only punish sex workers but exacerbate stigma and marginalization. As a result, there is a "decent work deficit" in the sector today.<sup>7</sup> This approach positions sex workers as both targets for police harassment and as individuals outside the reach of protective labor laws, leaving them with little recourse against exploitative practices.<sup>8</sup>

Youngs and Ioannou expand on this issue by illustrating how criminalization fuels high rates of client-perpetrated violence, particularly among street-based sex workers. Their research identifies distinct forms of client violence, including physical assault, rape, and robbery, which are common experiences for street workers due to the isolated nature of their work.<sup>9</sup> Criminalization drives sex workers into concealed or unsafe environments where clients, aware that workers are unlikely to report offenses, feel emboldened to exploit them.<sup>10</sup> The fact that sex workers are unlikely to report crimes for fear of prosecution leads to increased exploitation and abuse by some clients. In the absence of legal recourse, sex workers are more vulnerable to harm, posing a greater risk to themselves and the environment. According to Youngs and Ioannou, the stigma and isolation associated with

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<sup>7</sup> Leo Bernardo Villar, "Unacceptable Forms of Work in the Thai Sex and Entertainment Industry," *Anti-Trafficking Review*, no. 12 (2019), <https://doi.org/10.14197/atr.201219127>, <https://www.antitraffickingreview.org/index.php/atrjournal/article/view/380/317>.

<sup>8</sup> Ibid.

<sup>9</sup> Donna Youngs and Maria Ioannou, "A Model of Client-Related Violence Against Female Street Sex Workers," *Journal of Forensic Social Work* 3, no. 3 (2013), <https://doi.org/10.1080/1936928x.2013.859028>.

<sup>10</sup> Ibid.

street sex work, intensified by criminal laws, position sex workers as “easy victims” who may face brutal treatment with little hope for redress.<sup>11</sup>

The Thai case illustrates how the overlap of anti-trafficking efforts and criminalization laws can compound these issues, pushing sex workers into unregulated spaces where they are subjected to unsafe working conditions and increased health risks.<sup>6</sup> Villar suggests that decriminalization could alleviate these problems by integrating sex work into formal labor protections, giving workers access to safer environments, social protections, and labor rights.<sup>7</sup> This aligns with Youngs and Ioannou's findings, which propose that legalizing sex work could reduce client-related violence by affording sex workers the ability to report incidents without fearing legal repercussions.<sup>12</sup>

Barnard highlights that clients of street-based sex workers vary widely in type and preferences, a factor that often places clients in a more powerful position than the sex workers when negotiating prices. This power imbalance is further exacerbated by the common conditions of street sex work, where individuals typically work alone and late into the night. In criminalized settings, sex workers may be forced to operate in dark, secluded areas to avoid detection, compromising their visibility and safety. Once a client is solicited, sex workers often have to enter the client's private space, increasing their vulnerability to potential violence or exploitation. The author examines the conditions of street-based sex workers in Glasgow, focusing on the pervasive issues of violence, power dynamics, and vulnerabilities they face. Barnard's research thoroughly documents the forms and prevalence of violence from clients; however, it reveals a potential gap in exploring how non-client actors, such as law enforcement and local policies, impact the safety and mental well-being

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<sup>11</sup> Leo Bernardo Villar, “Unacceptable Forms of Work in the Thai Sex and Entertainment Industry,” *Anti-Trafficking Review*, no. 12 (April 2, 2019): 108–26, <https://doi.org/10.14197/atr.201219127>.

<sup>12</sup> Donna Youngs and Maria Ioannou, “A Model of Client-Related Violence against Female Street Sex Workers,” *Journal of Forensic Social Work* 3, no. 3 (September 2013): 244–60, <https://doi.org/10.1080/1936928x.2013.859028>.

of these workers. While Thailand is facing the same situation and even worse in many ways.<sup>13</sup>

These studies demonstrate that criminalization intensifies the isolation and vulnerability of sex workers, particularly street-based workers, by denying them basic labor protections and legal recourse. The literature suggests that a shift toward decriminalization, as seen in countries like New Zealand, could offer pathways to reduce exploitation and violence, transforming sex work into a regulated occupation where individuals are afforded safer, more dignified working conditions.

The vulnerability that come through sex work is compounded by the effects of criminal laws and policies that marginalize and stigmatize sex work.<sup>14</sup> These legal frameworks not only label sex work as a criminal act but also shape public attitudes, casting sex workers as morally deviant or socially undesirable. This stigma reinforces their marginalization, positioning them at the fringes of society, where they are often deprived of legal protections, social services, and healthcare support. Kerrigan has highlighted that criminalizing sex work negatively affects the health and safety of sex workers. In criminalized environments, sex workers often encounter obstacles to accessing crucial health services, such as HIV testing and treatment, because of concerns about potential legal consequences.<sup>15</sup> This can lead to poor health outcomes and a heightened risk of contracting HIV and other sexually transmitted infections. Furthermore, the criminalization of sex work can contribute to increased violence and exploitation, as sex workers may be less likely to report crimes committed against them for fear of being arrested or facing other legal

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<sup>13</sup> Marina A Barnard, "Violence and vulnerability: conditions of work for streetworking prostitutes," *Sociology of Health & Illness* 15, no. 5 (1993).

<sup>14</sup> Jamal-Jared Alexander and Avery C. Edenfield, "Health and Wellness as Resistance: Tactical Folk Medicine," *Technical Communication Quarterly* 30, no. 3 (2021/07/03 2021), <https://doi.org/10.1080/10572252.2021.1930181>, <https://doi.org/10.1080/10572252.2021.1930181>.

<sup>15</sup> Deanna Kerrigan et al., "A community empowerment approach to the HIV response among sex workers: effectiveness, challenges, and considerations for implementation and scale-up," *The Lancet* 385, no. 9963 (2015), [https://doi.org/10.1016/S0140-6736\(14\)60973-9](https://doi.org/10.1016/S0140-6736(14)60973-9), [https://doi.org/10.1016/S0140-6736\(14\)60973-9](https://doi.org/10.1016/S0140-6736(14)60973-9).

consequences. The precarious situation of criminalized sex workers is further exacerbated by the lack of legal protections and the increased vulnerability to exploitation and abuse they face in their line of work.

Villar in his study of Unacceptable Forms of Work in the Thai Sex and Entertainment Industry explained in studies that criminalizing sex work increases the risk of sexually transmitted infections (STIs) such as HIV by reducing access to essential health resources, including condoms. However, Villar notes that sex workers are often reluctant to seek medical examinations due to feelings of insecurity and the unwelcoming environment in hospitals or clinics.<sup>16</sup> This highlights the lack of professionalism among healthcare providers, influenced by societal values and prejudices, which significantly impacts sex workers. Consequently, they face greater difficulties in accessing safety and healthcare. This issue is further exacerbated by inadequately trained personnel. While Thai sex workers can access certain rights, marginalized groups and foreign sex workers find it even more challenging to access public health services.

Kerrigan and Villar, both scholars neither of the two studies addresses mental impacts, instead focusing primarily on physical impact; however, mentioned that criminalization has a direct impact on health, as individuals in this profession are often unable to access essential public health services and healthcare. Additionally, they work in environments that are not conducive to their safety or well-being. Villa has highlighted that the working conditions for sex workers in Thailand lack adequate support and are often poor, which can negatively impact their ability to work and their overall health. Furthermore, the requirement for regular health examinations can increase the risk of spreading sexually transmitted infections.

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<sup>16</sup> Leo Bernardo Villar, “Unacceptable Forms of Work in the Thai Sex and Entertainment Industry,” *Anti-Trafficking Review*, no. 12 (April 2, 2019): 114, <https://doi.org/10.14197/atr.201219127>.



Based on a study on the impacts of criminalizing prostitution, multiple adverse effects have emerged. As a result, we can answer the question: How does current justice legislation affect sex workers in Thailand? sex workers are often unable to access adequate healthcare and face heightened risks of disease transmission. Additionally, they lack various rights and freedoms, while criminalizing their profession has also contributed to the spread of sexually transmitted infections. This scenario is highly relatable to the context in Thailand, where prostitution remains illegal, placing sex workers in a similar situation of increased health risks and restricted access to healthcare. The illegality of prostitution also creates vulnerabilities to corruption among public officials. This study reveals that sex workers experience societal oppression, which limits their equality compared to others in society. Legalization, therefore, may present a beneficial solution to address these issues.

### **Potential Benefit of Decriminalization**

Anderson advocates for decriminalization as the best pathway to empower sex workers, asserting that a legal framework allows individuals in the industry to work without fear of arrest and seek protection from exploitation.<sup>17</sup> As a result of decriminalization, the author suggests sex workers will be able to access legal protections, health services, and labor rights on par with other occupations, which would reduce harmful stereotypes.<sup>18</sup>

Csete and Cohen emphasize that the illegality of certain behaviors, such as sex work and drug use, places individuals in precarious positions where they are more vulnerable to exploitation and violence. They posit that when legal support is provided, individuals are better equipped to navigate healthcare systems and assert their rights. Legal services can

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<sup>17</sup> Linda S Anderson, "Ending the War Against Sex Work: Why It's Time to Decriminalize Prostitution," *U. Md. LJ Race, Religion, Gender & Class* 21 (2021).

<sup>18</sup> Anderson, "Ending the War Against Sex Work: Why It's Time to Decriminalize Prostitution."

facilitate access to health resources, enabling individuals to seek treatment without the fear of legal repercussions.<sup>19</sup>

The authors also discuss the potential health benefits that arise from decriminalizing sex work, arguing that such a shift can lead to improved public health outcomes by reducing stigma and promoting safer practices among sex workers. Moreover, the authors highlight that integrating legal services into healthcare for marginalized populations can significantly enhance their overall well-being. By providing legal protections, individuals are empowered to report abuses and seek justice without the looming threat of criminal charges. This legal empowerment is particularly crucial for sex workers, who often face unique health challenges and barriers to care.<sup>20</sup> Csete and Cohen conclude that the provision of legal services is not only a matter of social justice but also an essential component of public health strategy. They call for a re-evaluation of existing legal frameworks to prioritize health and safety for all individuals, regardless of their social status or occupation.<sup>21</sup> However, decriminalization not only bring justice and better life to the sex worker in different dimension, but it brings wealth to its country and make boarder benefits.

According to, Boels' book: *The Informal Economy: Seasonal Work, Street Selling, and Sex Work* explores the economic potential of integrating informal sectors like sex work into the formal economy. Boels suggests that formalizing sex work could yield significant economic benefits, including increased tax revenue, improved social protections for workers, and reduced enforcement costs related to criminalizing informal labor.<sup>22</sup> Legalization is an

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<sup>19</sup> Joanne Csete and Jonathan Cohen, "Health Benefits of Legal Services for Criminalized Populations: The Case of People Who Use Drugs, Sex Workers and Sexual and Gender Minorities," *Journal of Law, Medicine & Ethics* 38, no. 4 (2010), <https://doi.org/10.1111/j.1748-720x.2010.00535.x>.

<sup>20</sup> *ibid*

<sup>21</sup> *ibid*

<sup>22</sup> *Street Selling and Sex Work, "the Informal Economy,"* (2002).

opportunity for both economic and social gains, particularly in terms of state revenue and worker rights.

Even though formalizing sex work can benefit the industry, Boels' analysis highlights serious challenges. Legalization would demand comprehensive policy reforms, extending beyond mere decriminalization to include robust labor protections, health regulations, and public awareness campaigns aimed at shifting cultural attitudes toward sex work.<sup>23</sup> Without addressing societal stigma, economic benefits alone may not be sufficient to ensure that sex workers are truly empowered within a formalized structure. Thus, the challenge is not only to pass legislation but also to convince the public that sex work is a legitimate occupation. It is essential that workers be accepted in order to ensure that no residual discrimination undermines the protections aimed at ensuring through legalization.

This study reveals a consensus among researchers that legalization serves as a crucial tool for promoting social equality, benefiting both sex workers and society. On a narrow scale, legalization could improve public health, safety, and overall quality of life for sex workers. Broadly, it could stimulate economic growth, particularly in Thailand, where sex work and tourism are prominent industries. Legalizing sex work could generate significant revenue for the country. However, it is acknowledged that legalization may also have drawbacks and vulnerabilities that need to be addressed. Consequently, that

### **Drawback of Decriminalization**

According to Alexandra Lutnick and Deborah Cohan, Marginalized sex workers may have been less visible in previous decriminalization efforts because they face immediate challenges in meeting basic needs, which take priority over advocating for legal reform. For

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<sup>23</sup> Selling and Work, "the Informal Economy."

many marginalized sex workers, addressing day-to-day survival needs leaves little time or energy for participating in activism.<sup>24</sup> Decriminalizing or legalizing sex work may not necessarily improve all aspects of sex workers' lives due to the persistence of other legal and social challenges. Even if laws against prostitution were removed, sex workers could still be targeted under other statutes, such as those related to loitering, trespassing, public nuisance, or narcotics offenses. Furthermore, longstanding cultural attitudes towards sex work suggest that changing the legal status alone would not erase the stigma attached to it. As a result, decriminalization or legalization might not fully address the discrimination and marginalization sex workers continue to face.<sup>25</sup>

According to Farley, Decriminalization alone does not fully protect sex workers, who continue to face issues like violence, exploitation, and mental health struggles; moreover, suggests that merely changing legal status may be insufficient to resolve the deep-rooted challenges affecting their well-being. The author explained that how legal reforms, while necessary, may fall short without comprehensive support systems, including access to healthcare, counseling, and economic empowerment.<sup>26</sup>

Based on the literature review that certain regulations fail to fully address the needs and intentions of sex workers, creating legal loopholes and limiting their rights and freedoms. Regular updates and revisions to laws are therefore essential following legalization. This is evident in countries such as Germany, New Zealand, and the Netherlands, which have legalized sex work and continue to update and refine relevant legislation. For example, Germany amended its sex work laws again in 2017 to improve protections and conditions for workers.

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<sup>24</sup> Alexandra Lutnick and Deborah Cohan, "Criminalization, legalization or decriminalization of sex work: what female sex workers say in San Francisco, USA," *Reproductive Health Matters* 17, no. 34 (2009), [https://doi.org/10.1016/s0968-8080\(09\)34469-9](https://doi.org/10.1016/s0968-8080(09)34469-9).

<sup>25</sup> Ibid.

<sup>26</sup> Melissa Farley, "'Bad for the body, bad for the heart': Prostitution harms women even if legalized or decriminalized," *Violence against women* 10, no. 10 (2004).

## Case Studies

### Germany

Kilvington, Day, and Ward discuss Germany's 2002 Prostitution Act, which legalizes sex work and provides workers with formal labor rights, healthcare access, and social protections. They highlight how this regulatory framework has enabled sex workers to operate in safer environments, access health services, and report abuses without fear of legal consequences, all of which contribute to harm reduction and public health improvement. However, the authors acknowledge limitations within Germany's approach, noting that social stigma and enforcement inconsistencies can hinder the law's effectiveness, particularly for migrant sex workers who may remain marginalized despite legalization.

In contrast, Raymond critiques the German model, arguing that legalizing prostitution normalizes exploitation and fails to protect the most vulnerable individuals in the industry. She contends that legalization promotes demand for prostitution, which in turn increases trafficking and abuse. Raymond argues that instead of granting more protections, legalized frameworks can lead to expanded sex industries where exploitation is harder to control. By positioning prostitution as legitimate work, she believes legalization undermines efforts to address the root causes of exploitation and trafficking, such as poverty and gender inequality.

Raymond advocates for an "end-demand" approach, which criminalizes buyers rather than sellers of sex, aiming to reduce demand for prostitution without punishing individuals selling sex. This approach contrasts sharply with Germany's policy of regulation, as it seeks to deter the industry altogether. While Kilvington, Day, and Ward emphasize the benefits of providing sex workers with rights and protections through legalization, Raymond asserts that decriminalizing the demand side would be more effective in curbing exploitation and minimizing the risks faced by individuals in prostitution.

Both studies share different perspectives illustrate the complexities of prostitution policy. Kilvington, Day, and Ward's assessment of Germany's model suggests that legalization can improve health and safety for sex workers under regulated conditions, yet Raymond's arguments highlight the potential for expanded exploitation and trafficking. Together, these sources underscore the need for nuanced approaches that address both immediate harm reduction and the systemic factors contributing to exploitation in the sex industry.

### **The Netherlands**

The Netherlands has long been regarded as a model for liberal prostitution policies, but recent shifts reveal a trend toward stricter control. Outshoorn's *Policy Change in Prostitution in the Netherlands* examines how the Dutch approach has evolved from its initial goal of protecting sex workers through legalization to implementing tighter restrictions.<sup>27</sup> Initially, legalization aimed to reduce exploitation by integrating sex work into the formal labor market, where it could be regulated for health and safety. However, Outshoorn notes that growing public and political concerns about human trafficking and organized crime have led to stricter oversight, compromising the original liberal objectives.<sup>28</sup>

Post, Brouwer, and Vols echo these findings, examining how regulatory changes have transformed the Dutch sex industry from a "liberal dream" to a site of "growing repression."<sup>29</sup> They argue that recent policies, such as closing licensed brothels and tightening work regulations, have effectively forced many sex workers back into unregulated spaces, undermining the protections that legalization initially intended. This shift has impacted sex workers' safety and working conditions, increasing their vulnerability to exploitation. The

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<sup>27</sup> Joyce Outshoorn, "Policy Change in Prostitution in the Netherlands: from Legalization to Strict Control," *Sexuality Research and Social Policy* 9, no. 3 (2012).

<sup>28</sup> Ibid.

<sup>29</sup> Che Post, Jan G Brouwer, and Michel Vols, "Regulation of prostitution in the Netherlands: Liberal dream or growing repression?," *European Journal on Criminal Policy and Research* 25 (2019).

authors emphasize that although regulatory measures intend to address crime, they may inadvertently harm those who rely on the protections of a legal framework.<sup>30</sup>

Both Outshoorn's and Post et al.'s analyses suggest that the Dutch policy shift has created a paradox: while aiming to curb exploitation, increased control has pushed sex work back into marginal spaces, where workers have less access to legal protections and resources. This regulatory approach underscores the challenge of balancing crime prevention with the rights and safety of sex workers, suggesting that reforms may benefit from focusing on improved labor conditions and worker autonomy rather than intensified control.

## **New Zealand**

New Zealand's Prostitution Reform Act of 2003 represents one of the most comprehensive decriminalization models for sex work globally, aiming to safeguard sex workers' rights, health, and safety. Abel, Fitzgerald, and Brunton examine the PRA's impact over time, noting that the Act fundamentally shifted sex work from an underground, criminalized activity into a recognized occupation with legal protections.<sup>31</sup> They find that decriminalization did not significantly increase the number of individuals entering sex work, countering a common criticism that decriminalization would promote sex work as a viable economic option. Instead, the PRA enabled those already in the industry to access essential rights and protections.<sup>2</sup>

Abel's analysis in *A Decade of Decriminalization* builds on this finding, underscoring that the PRA reduced the stigma associated with sex work by granting workers legal recognition and safety assurances. By removing criminal penalties, the Act improved

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<sup>30</sup> Ibid.

<sup>31</sup> Gillian Abel, Lisa Fitzgerald, and Cheryl Brunton, "The Impact of Decriminalisation on the Number of Sex Workers in New Zealand," *Journal of Social Policy* 38, no. 3 (2009), <https://doi.org/10.1017/s0047279409003080>, <https://www.cambridge.org/core/journals/journal-of-social-policy/article/impact-of-decriminalisation-on-the-number-of-sex-workers-in-new-zealand/E5240A985923A0884B2B620973E7410C>.

working conditions, allowing sex workers to report abuse and exploitation without fear of reprisal.<sup>32</sup> Additionally, the PRA supported public health initiatives, such as access to health services, which helped lower the incidence of sexually transmitted infections and contributed to overall harm reduction. Abel contends that decriminalization empowered sex workers to negotiate terms, work hours, and safety measures, emphasizing how legal protection contributes to autonomy and well-being.<sup>33</sup>

Perez-y-Perez's research explores the struggles and successes in implementing the PRA's harm-minimization goals. While the Act created a safer working environment, it did not eliminate all risks for sex workers, particularly those in marginalized communities. Perez-y-Perez observes that while the PRA has facilitated improvements, it also relies on broader societal support and enforcement consistency to be fully effective.<sup>34</sup> The author argues that although New Zealand's decriminalization approach minimizes legal and health risks, persistent social stigma and insufficient support for sex workers, especially those from vulnerable backgrounds, continue to challenge the PRA's overall impact on worker safety.<sup>35</sup>

Based on these studies, New Zealand's Prostitution Reform Act has been largely successful in securing legal rights, protections, and access to health services for sex workers, in contrast to the negative effects associated with criminalization. However, the literature indicates ongoing gaps in stigma reduction and community support despite the Act's ability to reduce harm and increase transparency. It is important to keep in mind that while other countries, such as Thailand, are considering reforming their own sex work laws, New

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<sup>32</sup> Gillian M Abel, "A decade of decriminalization: Sex work 'down under' but not underground," *Criminology & Criminal Justice* 14, no. 5 (2014).

<sup>33</sup> Gillian M. Abel, "A decade of decriminalization: Sex work 'down under' but not underground," *Criminology & Criminal Justice* 14, no. 5 (2014), <https://doi.org/10.1177/1748895814523024>.

<sup>34</sup> Maria Pérez-y-Pérez, "The struggle to minimise risk and harm for sex workers in New Zealand: The Prostitution Reform Act 2003," (2007).

<sup>35</sup> Pérez-y-Pérez, "The struggle to minimise risk and harm for sex workers in New Zealand: The Prostitution Reform Act 2003."



Zealand's PRA, a model that promotes health and safety, has also demonstrated that decriminalization alone cannot solve all systemic issues.

Thailand could follow examples from countries like Germany, which initially enacted its legislation in 2002 and has regularly revised it, with significant updates in 2017. It could adopt a similar approach by establishing regulations that, while potentially imperfect, would benefit from continuous updates and evaluations to ensure their effectiveness. This study highlights certain *gaps*, such as the occasional misalignment between laws and the needs of sex workers, which can leave room for exploitation and crime. In contrast, New Zealand's legislation has shown success in enhancing public health protections and labor rights for sex workers, although it has not fully addressed social stigma. This suggests that while legislative updates are crucial, additional efforts may be needed to foster broader societal acceptance.

## **METHODOLOGY**

This study utilized content analysis for data collection. Due to stagnant legislation and widespread discrimination against sex workers, I am determined to gather information on this matter. My approach focuses on deeply understanding the perspectives of judges and sex workers, utilizing appropriate methods tailored to individuals, to effectively achieve the learning objectives of this endeavor. employing interviews and appropriate data-gathering methods such as transcripts and coding. By selecting various methods and tools for data analysis, these were chosen appropriately to meet the objectives and goals of this study. As is well known, prostitution remains illegal in Thailand, and there is currently no legal framework to support it. In contrast, several developed countries have already implemented legislation recognizing and regulating sex work. To support the achievement of this study, I will analyze and compare the legal frameworks of Germany, the Netherlands, and New Zealand, using them as models and potential guidelines for Thailand and for this research.

### **Research Design**

The purpose of this research is to seek a comprehensive understanding of the potential benefits of decriminalizing prostitution in the justice system for sex workers in Thailand through the use of qualitative research methods using the interview which is selected by the interviewee carefully. I applied snowball and purposive sampling to choose the interviewee to reach the objective.

### **Sources of Data**

This research mainly collected the data from three sources. Historical information on prostitution in Thailand has been compiled through books by gathering data from various types of books to obtain the most comprehensive information on the subject. Moreover, I

collected information on prostitution laws in Thailand that have been compiled and studied through official Thai government websites, including the Royal Thai Police, to ensure accuracy. Moreover, I collected and analyzed legislation such as the Prostitute Protection Act, Legalized and Regulated frameworks, and the Prostitution Reform Act of 2003 to compare regulatory approaches. This analysis aims to identify adaptable legal models that could inform the development of a regulatory framework for Thailand. Additionally, I collected information through various websites on the internet to understand the moral, cultural, and legal perspectives on prostitution in Thailand. To gain deeper insights, I interviewed Thai people who live in Bangkok individually by separating people into two groups sex workers and judges. I applied purposive sampling to allow me to access in-depth experience and perspective. For this reason, they shared their experiences regarding sex workers and their views on the future of prostitution laws in Thailand, including social and moral perspectives. I interviewed approximately 5-8 people for 30-50 minutes approximately

### **Instrumentation and Data Collection**

In this research, I applied purposive sampling for my study to choose the interviewees to seek insight. Moreover, I conducted in-depth interview to have interviewees share their experiences and opinions freely. Prior to the sensitivity of the subject, in-depth interviews would build an appropriate environment more than other methods. Since I divided the interviewees into two groups, I created targeted questionnaires with open-ended questions tailored to each group to ensure the questions were effective and to gather as much relevant information as possible for the study. For the group of sex workers, the questions were designed to explore their perspectives and the hardships they face, as well as their opinions on the justice system regarding sex workers in Thailand and their expectations for future laws. Additionally, questions addressed how negative societal attitudes toward sex workers

impact them or their community. the second group is judges who experienced and familiar with prostitution laws. The questions aimed to understand the process of legalizing prostitution, their views on prostitution in Thailand, and their expectations for future legislation. However, I sent all the questions to my advisors in advance for accuracy. Prior to the interviews, I provided the questions in advance to the judges due to the sensitivity of the topic, allowing the interviewees to consider them carefully. For interviewing sex workers, I had to visit their workplaces to approach them, allowing them the freedom to refuse participation or to decline the interview at any stage. This approach respects their autonomy and choice to refuse. Moreover, the interviews were conducted one-on-one to ensure privacy and comfort for the interviewees.

### **Tools for Data Analysis**

After the interviews, since the data was in the form of audio or video recordings, this time the tools were in the form of transcripts to make coding effective, to be able to gather information from both two groups.

### **Ethical Considerations**

Due to the sensitivity of prostitution in Thai society, some Thais view it as morally wrong from a social and cultural standpoint. Sex workers are often stigmatized in society. Therefore, I provided consent documents to the interviewees to ensure that the interviews and the content shared would remain confidential and anonymous, protecting the interviewees from any future repercussions. Despite this, audio or video recordings were made solely for accuracy in data collection.

## **DATA ANALYSIS**

In this research, data were collected through In-depth interviews with two sex workers and four judges, all of whom were interviewed in Bangkok. The interview locations were determined by the individuals' preferences and appropriateness. This study coordinated the data management using a scripted approach. This study will utilize the regulation of Germany, the Netherlands, and New Zealand for comparison and as a framework to guide the research in order to achieve the goals of the study.

### **Reporting**

Sex workers' working hours can vary depending in the location and type of prostitution, and personal preferences. However, sex workers tend to work during evenings and nights due to sex workers usually work in the environment like a clubs, bars, A-Gogo, or street-based work. Their schedules are frequently aligned with times when clients are most available. However, this research focuses primarily on street-based sex workers who typically work during the night

There was total six participants were interviewed, divided into two distinct groups. The first group comprised two individuals with prior experience in sex work, with the interviews focusing on their personal backgrounds, professional experiences, and opinion on the Prostitution Act. These interviews, lasting between 20 and 40 minutes, were conducted with a strong emphasis on ensuring the participants' informed consent throughout the process. The second group included four judges responsible for legal enforcement and sentencing offenders according to relevant laws. These interviews aimed to explore legal perspectives and expertise, with each session lasting approximately 40 to 60 minutes. All interviews were conducted individually in a one-on-one format.

To be able to obtain the data from sex workers, the author had to prepare the route of the street and the place to find sex workers and appropriate outfit for the interview. The

author was concerned about the outfits to be not too formal and not revealing clothes. On the first day of the interview the author wore black pants and long sleeves black shirt and wore perfume aimed to build trust and professional. From the author and companions went out from the author's home at 10:00 PM and spent at least 20-30 minutes to the street by taxi. After taxi drop the author and companions near by the street. The first thing we could hear was the music in the road was loud and full of foreigners. Around 10:40 PM. Most people were conscious. On the way you could see the people was trying to sell souvenir or electronic cigarettes in a very cheap price to you and drugged your arms and asked if you wanted to go out with them. In the road you could see people danced, smoked, and fighting. After Thai government make weed legal, you could smelled weed every corner of the tourist street. All the clothes and hair smelled like a weed and smoke which make us could not smell our own perfume anymore. The author spent time and strolling in the street until midnight, then decided to go out and walked to the street nearby instead. However, on the way we were trying to find sex workers, the author and companions was being asked by a foreigner if one of us a sex worker. Concerns about safety, including the intimidating atmosphere characterized by crowded streets filled with intoxicated individuals, homeless people, and the pervasive odor of vomit and waste, led to a temporary halt in the search for interview participants. Initial efforts during the first week yielded limited success, as many sex workers declined to be interviewed. This was often due to fears of losing working hours or suspicions of law enforcement involvement. The need to carefully manage appearance and attire became critical in building trust. We break to rest and gather information from local convenience store employees were essential. These employees indicated that sex workers were identifiable by their clothing and included women, transgender individuals, and men, with ages ranging from young adults to older individuals, though they were seen only sporadically. The search continued, requiring heightened caution during late-night walks due to the presence of both

homeless and intoxicated individuals. An agreement for an interview was eventually reached with a transgender sex worker, who requested 2,000 Baht as compensation and stipulated that half the payment be made upfront. After receiving the initial payment, she briefly left, claiming she needed to make a phone call, but subsequently disappeared. For safety reasons, no further action was taken to locate her. Along the way, I frequently encountered sex workers. In certain areas, only male sex workers were present, while in others, there were only female or transgender sex workers. After done the fieldwork, I managed to interview two individuals.

However, the interviews were conducted with two participants, with prior agreements made to ensure their comfort throughout the process. It was emphasized that they were free to skip any questions they were uncomfortable answering at any point. The interviews took place in a restaurant near their workplace, providing a familiar and convenient environment for the interviewees.

### **Research Finding**

Researcher makes a manual transcription and verification of recorded audio including generating codes, categorizing the data, generating thematic ideas based on these coding, and organizing them within their corresponding codes. Lastly, since the transcript was in Thai originally, the researcher translated the transcript into English to ensure the presentation of evidence that can be trusted.

This analysis explores how the current law affects sex worker in Thailand, interviews with sex workers in Thailand are coded as SW1 and SW2

**Table 4. Sex Workers' Background**

<b>Interviewee ID</b>	<b>Age</b>	<b>Class Status</b>	<b>Highest Education Level</b>
SW1	26 years old	Underprivileged	Primary school
SW2	34 years old	Underprivileged	Junior High school

**SW1**

The first interview was with a 26-year-old Thai female sex worker. Throughout the interview, she repeatedly emphasized the lack of opportunities in her life financial, employment, and educational. Having worked in the sex trade for a long time.

**SW2**

The second interviewee was with a 34-year-old that female sex worker, both sex workers highlighted financial necessity as the key factor in their decision to enter the profession. They emphasized the lack of life opportunities in terms of education, employment, and financial stability, as well as difficult family backgrounds. It was evident that both interviewees came from environments that offered them few chances to succeed.

In their work, they constantly face risks, such as police raids at night, muggings, or being scammed by dishonest clients, putting them at risk of pregnancy and sexually transmitted diseases (STDs). Many sex workers face these risks, and some opt for abortions if they become pregnant. However, others struggle with this decision due to religious beliefs and cultural norms. In Thailand, religious and cultural beliefs surrounding spirits, and the afterlife play a significant role in how people view abortion. Despite the lack of comprehensive legal support for abortion, societal values often further constrain these women. Pregnancy limits their ability to earn income for a period, and they must then care for the child for the rest of their lives, which imposes a long-term financial burden.



The viewpoints of judges, in order to gain insights from individuals with legal expertise, interviews with judges in Thailand are coded as J1, J2, J3, and J4.

**Table 5. Judges' Background**

<b>Interviewee ID</b>	<b>Gender</b>	<b>Job Experience</b>	<b>Case Experience</b>
J1	Male	35years	50 cases
J2	Male	15years	None
J3	Male	22years	10 cases
J4	Male	30years	N/A

The judges above have considerable experience in their field, including handling cases related to prostitution. Only J2 has no experience with prostitution-related cases. Nevertheless, all of these judges possess extensive legal expertise and a long history of case adjudication, which will provide valuable insights for this research

### **Overview of The Prevention and Suppression of Prostitution Act, B.E.2539(1996)**

Judges expressed their views on the current anti-prostitution laws, indicating that these laws have not effectively addressed the issue. They noted that the legislation has yet to achieve its intended purpose of preventing and suppressing prostitution, with the problems only worsening over time. Additionally, the laws have contributed to issues of corruption among officials, infringements on individuals' bodily autonomy, and violations of various personal freedoms, leaving individuals with limited control over their own lives.

**Table 6. Themes and Codes**

<b>Theme</b>	<b>Code</b>
Opportunity Deficit	Economic Necessity
	Education Barriers
	Inequality
	Family Issue
	Other factors
Impact of Criminalization	Health
	Lack of Verification and Transparency
	Corruption and Bribery
	Violence and Exploitation
	Lack of Justice
	Human Trafficking
	Social Stigma and Marginalization
	Human rights and Labor rights
Impact on Decriminalization	Human Rights and Labor rights
	Public Healthcare
	Safety
	Transparency
	Economic aspect
	Equality
Regulatory and Protective Measures	Brothel Registration
	Sex worker Registration
	Health Regulation
	Penalties

## **Opportunity Deficit**

The decision to enter sex work is influenced by a range of factors, with many individuals often women choose this path due to complex life circumstances. Economic necessity, limited opportunities, and financial pressure are frequently cited reasons, although each person's choice is shaped by unique motivations and needs. Within the sex work industry, there are many dimensions to consider in understanding these decisions, as everyone has personal reasons and diverse experiences that lead them to this line of work.

### **Economic Necessity**

Due to growing up in an environment that was not conducive to a high quality of life and being raised in a family with limited economic means, the options available in life have been severely restricted. This lack of opportunity is compounded by the difficulty of securing employment in Bangkok, where competition and barriers to entry are high. As a result, individuals from such disadvantaged backgrounds face significant challenges in pursuing better livelihoods or achieving upward mobility. This context often leaves them with very few viable paths for improving their socio-economic situation.

My family is struggling. Money is hard to come by, and I also have the responsibility of taking care of my child. This job makes money faster, and no qualifications are needed. Office work isn't easy, so I chose to do this in order to survive. It's the easiest way to make money.

SW2 described her family's ongoing financial struggles, primarily due to debt accumulated to support her mother's education business and the family's survival. Despite these efforts, rising daily expenses worsened their financial burdens, leaving SW2 with few viable options. As a result, she entered sex work as a last resort, driven by the need to support herself and her family rather than by choice or preference.

I had to support myself and my family, and at that time, we were facing severe financial difficulties, including both debt and rising household expenses. In the past, my mother had borrowed a significant amount of money from informal lenders to pay for my education. However, I eventually had to drop out of school when I was only 14 years old because the debt kept increasing, forcing us to cut out everything unnecessary.

From the interviews with SW1 and SW2, Financial struggles were a major factor influencing their career choices, as they saw few alternatives for economic survival. This economic pressure not only directed them toward sex work but also deprived them of opportunities in other areas, particularly in education. The lack of financial resources limited their ability to pursue higher education, further narrowing their options for better livelihood prospects.

Growing up without adequate resources restricted their access to education, narrowing their options for stable livelihoods. In Thailand, where essentials like food, medicine, and shelter are considered basic needs, those without financial means struggle to obtain them, making income generation a primary focus. For SW1 and SW2

J1 noted that financial necessity and family support are primary reasons many enter this line of work.

There are actually many factors. Often, it's because they lack other opportunities. Many of these women haven't had good lives to begin with. Some women feel compelled to earn money to support themselves and their families.

Another notable issue is the role of age in prostitution; many sex workers begin working at a young age due to severe financial hardship, as seen with SW1 and SW2. Despite expressing in interviews, a desire to leave this profession, their ability to do so remains uncertain without financial security. It's common to see sex workers spanning all ages, from young adults to the elderly. However, their hope for a different future is not misplaced; as J1 pointed out, some enter this line of work while young in order to save enough money to

pursue other paths as they grow older. This aligns with the interviews, revealing that most sex workers ultimately wish to transition away from the profession if given the opportunity.

“Some women enter sex work while still young, seeing it as a way to earn money to eventually support a different career or business when they’re older.”

As J1 pointed out, manual labor is challenging for older adults, having sex work a viable alternative. Securing a position in a company is equally difficult, as many employers prefer to invest in younger individuals with higher educational qualifications. This leaves limited opportunities for older individuals, driving them to rely on sex work as a means of survival. “For the older women, physical labor jobs become less feasible, and with a pressing need for income, they turn to sex work.” Most judges agreed that financial hardship and the need to support family are the primary reasons individuals enter sex work in Thailand. The country’s struggling economy exacerbates this issue, limiting job opportunities and pushing more people toward sex work as a viable income source. “Financial hardship is a significant factor leading many into prostitution. Most sex workers come from impoverished backgrounds and lower social classes.” As we know that poverty is not confined to any single demographic; it exists wherever there are people, affecting individuals from childhood to old age. This lack of financial opportunities and the scarcity of viable employment options compel many to enter sex work as a means of survival and it could happen in underdeveloped country or developing country that most people are struggled to survive to their own country. As the result it could lead to lack of other opportunities such as educational and basic rights that they should have received.

### **Education Barriers**

Bangkok is a city that offers a high level of employment opportunities and generally higher salaries compared to other cities in Thailand. However, many of these jobs require a high level of education and advanced skills. In fact, some companies only begin offering

competitive salaries once an individual has completed a master's degree. On the other hand, SW1 only completed elementary education, while SW2 attained only a completed junior high school education.

I had to leave school when I was still in primary school because my father was sent to prison. My mother was earning very little at the time, and because of our financial situation, she had no choice but to pull me out of school so I could start working to help support the family.

Poverty has forced many sex workers to leave the education system prematurely and take on adult responsibilities, such as earning money and supporting their families, at an age when they should not have to. During this stage of their lives, they should be in school, playing with friends, and experiencing a proper childhood, rather than working, especially at night. Poverty has pushed them into adulthood far too soon. The lack of educational opportunities not only deprives them of knowledge but also limits their future job prospects, leading many to turn to sex work as a means of survival. Poverty often leads to a lack of education, as education in Thailand comes with financial costs. From the interviews, J1 highlighted that having limited knowledge or a low level of education reduces life opportunities, further perpetuating a cycle of disadvantage.

They have had limited educational opportunities perhaps they couldn't afford school, or their parents didn't encourage them to continue their studies because they didn't see it as necessary. This makes finding jobs requiring knowledge or skills challenging. Many companies, as we know, look for employees with educational credentials.

In the interview, SW1 mentioned that her highest level of education was only elementary school. This limited education influenced her decision to enter sex work, a profession that does not require formal qualifications or investment. This aligns with J1's

observation that sex work is a viable option for those with little education, as it demands no educational credentials or financial outlay.

As noted by one of the judges, in Bangkok today, many companies have strict educational requirements, often demanding at least a bachelor's degree, with some roles requiring even higher qualifications. Beyond academic credentials, employers increasingly seek additional skills, such as language proficiency and technological expertise. However, for individuals in sex work, acquiring these qualifications and skills is extremely challenging, as many were forced to leave the formal education system at a young age. This lack of educational access limits their opportunities to secure stable, well-paying jobs. This disparity highlights the persistent inequality in Thai society, which affects even the capital, Bangkok. Only one judge explicitly linked limited educational opportunities with the need to enter sex work, but the experiences shared by the two sex workers interviewed align with both SW1 and SW2. They expressed that insufficient education and income were primary reasons that led them to their current situations, underscoring the challenges they now face.

### **Inequality**

Along with the financial struggles that kept them from getting an education, these challenges have deepened the gaps in society. SW1, for example, sees herself as someone society looks down on, feeling unworthy and rejected. This shows the heavy stigma sex workers face, making their situation even harder. Not having access to education not only limits their future opportunities but also leaves them feeling isolated and trapped in a cycle of exclusion. “Honestly, doing this kind of work makes people look down on you. It’s like they see us as lower-class people. That’s what they say.” The unequal distribution of social burdens highlights that those in privileged people may never fully grasp the pressures of debt, family responsibilities, and survival in a harsh economic landscape. This reflects structural inequality, where certain groups, such as sex workers, are forced to bear greater economic

and social burdens, while others enjoy greater comfort and security. For the reason, the gap between different segments of society continues to widen.

SW2 mentioned about equality, particularly the notion that hard work alone leads to success. While society often promotes the belief that everyone has an equal chance, SW2 pointed out that hard work doesn't always result in career advancement, especially in systems that favor the privileged. Despite working "day and night," she felt exhausted and trapped, revealing the failures of a system that overlooks the additional barriers faced by marginalized individuals.

Someone may have never experienced the pressure of debt, the necessity of supporting a family, or the struggle to survive in a society that is not fair to everyone.

Have you ever heard the saying that everyone is equal? I've never believed that it is equal. They say it depends on hard work, but I work day and night; I'm really exhausted

However, it is interesting that only one of the judges mentioned social inequality as a factor driving individuals into sex work. This oversight may suggest that they do not fully recognize or relate to the forms of inequality that sex workers, such as SW1 and SW2, experience. The judges' perspectives seem to focus more on financial hardship and lack of educational opportunities rather than the broader impact of social inequality. "It may contribute to social inequality, particularly for those who lack other employment options and are driven into sex work due to limited alternatives." Interviews with most judges reveal a shared view that financial desperation drives individuals to seek any means of survival, including leaving the formal social and economic system. This trend signals broader social inequality and suggests that government oversight may have left these individuals without the opportunities necessary for a stable life. Additionally, some judges pointed out that longstanding social inequality may have affected these individuals from an early age, often resulting in childhoods lacking warmth and care. However, this issue is not confined to



economically disadvantaged families; family instability and lack of nurturing can affect people across all social classes. Thus, family dynamics and stability play a crucial role, as these factors impact individuals regardless of wealth or poverty.

### **Family Issue**

Poverty, lack of education, and social inequality are significant factors that drive individuals toward sex work; however, their decision to enter this field is not without reasoning. Each choice reflects complex motivations shaped by their circumstances.

Family issues like a lack of warmth and support. Family plays a key role in shaping a person's character. In some cases, parents may not provide adequate care, which can affect values around consumerism and ownership

Lack of warmth and guidance from family may contribute to an individual's entry into sex work. J2 mentioned that this absence of familial support can create a longing for acceptance and understanding from others, often leading to a desire for love and a need to feel chosen. The act of providing sex services may offer a sense of physical and emotional validation, though ultimately, it leaves emotional scars and reflects underlying emotional struggles. This unresolved trauma can influence the decision to engage in sex work.

It's notable that neither SW1 nor SW2 attributed their circumstances to a lack of love or familial warmth, nor did they blame their families' poverty. Instead, they accepted their situations and focused on surviving the conditions they were born into. Each individual has personal reasons for entering sex work, and while poverty and scarcity are significant factors, wealthier individuals may also choose this profession for other reasons. This highlights the complexity of motivations behind sex work, extending beyond financial necessity alone.

## **Other factors**

Throughout this discussion, poverty appears to be the primary driver of entry into sex work. However, there are some individuals who choose this path for reasons beyond financial necessity. As J2 noted, some people engage in sex work to afford luxuries and maintain a lifestyle that aligns with societal standards. This trend is seen among both male and female university students who wish to match the social status of their peers.

Modern technology has led to excessive spending, with people increasingly desiring to keep up with others. In some cases, money isn't the primary reason for entering prostitution; some may already have money but engage in sex work to supplement their income.

J2 further noted that consumerism and the desire for material possessions contribute to the increase in individuals entering sex work. Thailand's capitalist-oriented system fosters values and demands that often exceed people's income levels, creating a disparity that drives some toward the sex industry to bridge this gap. Though, this decision is their choice, as they willingly participate in the profession. It then becomes the state's responsibility to protect them from harm and ensure their rights are upheld.

The criminalization of sex work has reaching negative consequences for both sex workers and society. Without supportive government policies, this often leads to increased crime and a variety of other social issues. Sex workers face heightened risks, and the lack of legal protections only intensifies the challenges they encounter. These conditions underscore the need for a policy shift to address the broader impacts of criminalizing sex work and to promote safer, more stable outcomes for individuals and communities alike.

Interviews with sex workers reveal numerous challenges they face. Many have grown up in adverse social environments with limited family income, depriving them of educational and economic opportunities essential for a better life. Poverty and social inequality have

denied them fair life opportunities, leaving sex work as one of the few ways to survive. However, as prostitution is illegal in Thailand, they are often socially viewed as akin to criminals, both legally and morally, which affects multiple aspects of their lives.

### **Impact of Criminalization**

To answer my research question How does current justice legislation affect sex workers in Thailand? Criminalizing sex work has wide-ranging negative impacts across various aspects, including health, corruption, violence, social inequality, and broader societal issues. When sex work remains illegal, it exacerbates health risks for workers, fosters corrupt practices, and often leads to increased violence and exploitation. Criminalization also deepens social inequalities, as sex workers are denied protections and equal rights under the law. This section will explore these issues in depth, illustrating how criminalization harms not only the sex workers themselves but also society.

### **Health**

The researcher had spent less than a month observing the conditions on the streets, quickly became aware of the persistent exposure to cigarette and marijuana smoke. In contrast, SW1 and SW2 have been working under such conditions for nearly a decade, highlighting the poor living standards and low quality of life they endure. Their nighttime work has led to numerous health problems, and both also mentioned occasionally accepting work during the day. This irregular and unpredictable work schedule clearly indicates that they lack stable or structured employment, which further affects their health.

We have to be cautious about all the time. It's very risky because some clients often try to bargain with us, leaving us at risk of pregnancy as well. Sometimes, it's just not worth it, as clients don't take any responsibility.

SW1 and SW2 also discussed the occupational risks they face, particularly regarding sexually transmitted infections and the constant risk of pregnancy, as clients often do not adhere to prior agreements regarding sexual protection. This underscores the precarious nature of their work. They suggested that if sex work were legalized, there might be mechanisms in place to regulate working hours and improve health and safety conditions, thereby enhancing their overall well-being and job security. “It’s very risky because some clients often try to bargain with us, leaving us at risk of pregnancy as well” In addition to health risks from clients, sex workers also face environmental hazards in their work locations, which are often unsafe and unpleasant. With no official oversight or designated spaces for their work, they endure surroundings filled with cigarette and marijuana smoke, intoxicated individuals, and frequent altercations. Working primarily in tourist areas, they are exposed to further risks, including pressure to forgo protection during intercourse to increase their earnings.

Health risks are an ongoing challenge for sex workers, who constantly face exposure to sexually transmitted infections and the risk of unintended pregnancies due to clients refusing to adhere to agreements regarding condom use. The lack of legal protections prevents them from accessing essential health services and benefits. As J1 pointed out, the illegality of sex work hinders systematic health screenings, limiting access to medical resources and increasing the potential for the spread of sexually transmitted diseases. “Sex work is illegal, those involved often need to hide, which prevents the government from gathering adequate information on sex workers’ welfare and health.” Although the judges did not provide specific information regarding the health of sex workers, this lack of insight may indicate that they are not fully aware of the health impacts these individuals face. Instead, the judges primarily focused on the disadvantages of criminalizing sex work, particularly how it impedes oversight and regulation. Without legalization, the government is unable to implement health monitoring or provide adequate care for sex workers, which compromises

the overall well-being of this population. This absence of support further highlights the consequences of keeping sex work illegal, making it difficult to ensure the health and safety of those involved. It can be observed that the judges are particularly focused on how the lack of verification prevents the government from accessing accurate information on sex work. This lack of transparency can, in turn, create opportunities for some officials to exploit legal loopholes for personal gain. Such systemic issues highlight how criminalizing sex work not only limits regulatory access but also perpetuates corruption, undermining trust in law enforcement and government accountability.

### **Lack of Verification and Transparency**

One major issue with criminalizing sex work is the lack of verification. Since the government cannot monitor or track sex workers, where they operate or what they earn this leads to neglect and creates loopholes for physical and emotional abuse, robbery, and other forms of exploitation. J1 highlighted that the inability of the state to identify or monitor sex workers results in a failure to provide essential health and labor welfare protections. Legalization could enable the government to implement safeguards, ensuring better quality life.

Additionally, another issue raised is taxation. The inability to monitor financial transactions in this sector results in missed tax revenues, which could otherwise be allocated to support national development in multiple areas. “Additionally, because the government doesn’t track income from sex work, it can’t collect taxes on it, missing a revenue source that could benefit the country.” The lack of verification sex workers in Thailand, particularly among vulnerable groups, has allowed certain powerful group of people, including government officials, to assume control under the guise of “protection.” This has led to corruption, where officials accept bribery. The absence of proper monitoring further

contributes to the lack of transparency within government operations, enabling officials to prioritize personal gain over their duties.

There are legal loopholes, and many people are aware that corruption is prevalent. These gaps in the law allow government officials and others involved to exploit sex workers for personal gain.

J1 highlighted that legal loopholes provide a pathway for government officials to accept bribes to avoid prosecution, thereby cultivate a culture of corruption among authorities. This may encourage other officials to seek additional, illicit income, posing a societal threat when those in power exploit legal gaps to harm vulnerable individuals who lack means of resistance. Such circumstances perpetuate corruption and bribery among officials, ultimately undermining justice and eroding public trust. “They just threaten us a little by saying we have to go to the station. We’re scared, so paying them off seems like the easiest solution.” The interview of sex workers, SW1 and SW2, also mentioned this issue, explaining that when they encounter the police, they are forced to pay and often face threats. With low options available, they feel pressured to comply and go along with the demands of those in power.

The lack of sensitivity and disregard for the human rights of others within the legal framework, especially regard marginalized group such as sex workers, leaves these individuals without adequate protection. This oversight creates loopholes that facilitate corruption, with gaps in the law that enable authorities or officials to exploit these vulnerabilities. As a result, they find additional avenues for illicit income through corruption and bribery.

## **Corruption and Bribery**

This legal gap allows some government officials to exploit their positions for personal gain, a problem further amplified by corruption within law enforcement. According to J1, the unchecked actions of officials who accept bribes from sex work contribute to a broader cultural acceptance of corruption, as others follow suit without fear of accountability. This issue is not unique to sex workers, as ordinary citizens also experience similar abuses of power in other contexts.

They create situations where state officials can extort money from sex workers under the threat of arrest. This leads to unfair advantages for corrupt officials, and it fosters the notion that corruption is acceptable

As we know that sex workers often work in the bad environment or the tourist's area in the part that people don't know and that can cause the risk being exploit and harm in many situations. It is clear that the result of the interview is aligned with SW1 and SW2 that when the police pass by, the women may need to hide or avoid them. If caught, they are typically extorted for money by the officers in exchange for avoiding a trip to the police station. Bribing the police is considered the easier option, as the officers also profit from their work. In some cases, if the officers do not demand money, they may instead harass the women verbally, making inappropriate or derogatory remarks towards them.

They know what they are doing, and it's like they take some of our money. Sometimes, we don't know when they will show up. Most of the time, they just threaten us a little by saying we have to go to the station. We're scared, so paying them off seems like the easiest solution. But I've never been physically harmed by them. They usually just make inappropriate comments, which is typical for them.

As a result, sex workers are deprived of the full income they earn, as they are often compelled to share a portion with the police in order to avoid legal charges. Without

government oversight, there is no access to accurate information on sex workers or their workplaces, creating numerous loopholes. For instance, sex workers and service providers cannot access public health resources or engage with the formal economy, preventing them from contributing tax revenue. This revenue loss not only hinders national development but also redirects money to corrupt officials who manipulate the law for personal benefit.

They prevent sex workers from performing their jobs legally, so they lack rights to their earnings and often have to share part of their income with corrupt officials, which is unfair.

The high occupational risks, coupled with harassment from locals, clients, and those in positions of legal authority, present a deeply troubling situation. It is evident that current legal frameworks not only instill fear in these individuals, positioning them as social offenders due to the hardships and societal inequalities they face, but also exclude them from protection under the law. These individuals become marginalized and oppressed within society. Furthermore, in addition to the legal system's failure to support their livelihoods, those in power exploit legal loopholes for personal gain, forcing these individuals to continue their struggle in the shadows.

### **Violence and Exploitation**

The difficulties they face extend beyond the risks of contracting serious diseases or unintended pregnancies; they also encompass the potential for both physical and psychological harm that may arise from their work. Despite having worked in this field for a long time, when asked about their fears related to the job, both SW1 and SW2 gave similar responses. They admitted that fear still lingers, as they can never predict what kind of people or situations they might encounter each night. Nevertheless, despite these fears, they have no other choice but to continue working, as they lack alternative options. “Yes, I am scared. I don’t really know what will happen to me or what I will have to deal with, but I still have to do it.” In their line



of work, they encounter both Thai and foreign clients, and each time, they must establish agreements regarding the services provided. However, there are times when these clients act violently, coercing them into unwanted sexual activities or refusing to pay. Additionally, since they work in tourist areas, they often come across clients who have been drinking or are drunk after party. Some clients physically assault them, slapping or hitting them, and in some cases, bring friends to join in abusing them if they refuse to comply with the clients' demands. Sometimes clients have even recorded videos of them, treating the situation as a joke.

Yes, there have been times when clients, after drinking, became violent and assaulted me-hitting or slapping me, or forcing me to do things I did not consent to. Sometimes, they even brought friends to hurt me because I refused to comply with their demands, leaving my body bruised all over. There are also instances where clients don't pay the agreed amount and simply run away. Another issue is the harassment I've faced from the police, who extort money from me, as I mentioned before.

It is clear that their work is extremely challenging, with the constant threat of violence always present. However, the drive to earn money under the pressure of hardship is strong enough for them to overcome their fears. Every baht they earn is hard-fought, yet despite these struggles, they are still subjected to extortion by local groups who have worked in the area for a long time, or by larger gangs. Although they are not physically harmed, they are often forced to hand over a small amount of money; however, they worked hard to earn, no matter how little it may be.

Street-based sex workers face high risks of violence from clients, while those working in massage parlors or brothels are often subject to exploitation and mistreatment by business owners or brothel managers. These individuals frequently have little recourse but to comply, as reporting abuse could expose them to legal action dilemma so J3 mentioned that many sex workers endure exploitation rather than risk punishment from the police.

Many sex workers, including those operating independently and those affiliated with massage parlors or entertainment venues, face various forms of exploitation. They often earn less than they deserve, and some face threats or even violence. Due to a lack of other options, many endure oppressive conditions. Additionally, to avoid legal repercussions, some sex workers are forced to pay bribes to government officials, which further perpetuates exploitation.

Yet, endure does not shield sex workers from violence, whether at the hands of clients or business operators. Brothel owners and managers are often aware that these workers cannot report abuses, a situation that has allowed them to wield more power than the law itself. This dynamic creates a reality where those in control of sex work businesses exercise unchecked authority, exploiting workers who lack legal protections. “This fear leads them to endure extortion and exploitation, pushing prostitution further underground and out of the government’s oversight.” The criminalization of Prostitution instills fear in the lives of sex workers, forcing them into a state of submission. As a result, they must endure violence and exploitation in various forms, often without the ability to seek help from law enforcement. Ironically, some government officials are among those who exploit these individuals, contributing to a profound lack of justice. This cycle of fear and exploitation highlights how current laws compromise the safety and rights of sex workers, reinforcing systemic injustice in society.

### **Lack of Justice**

The lack of verification and government access to reliable data has led to widespread physical and psychological harm among sex workers. Under current prostitution laws, sex workers are left vulnerable and often unable to report incidents of violence against them due to the fear of prosecution a concern expressed by J2, who highlighted how this fear deters individuals from seeking justice.

Because prostitution is illegal, sex workers are left without full legal protections, making them vulnerable to crime. When sex workers suffer harm to their property, body, or mental health due to their work, they may hesitate to report it because doing so could incriminate them for prostitution.

Based on interviews with SW1 and SW2, the laws that are supposed to protect citizens have instead forced them into hiding. When they are harmed by clients, the police who should be their source of help become a source of anxiety, as they fear being arrested and facing criminal charges that could jeopardize their future. Moreover, those in positions of legal authority extort money from their already difficult work. This situation leaves them, as ordinary citizens, afraid of the police and without any legal recourse or protection.

I am scared. I fear getting caught, facing fines, damaging my reputation, and being taken advantage of by the police. These concerns make me feel as though I must hide and be evasive, even though I am simply trying to work to survive.

SW2 expressed that she constantly feels like she is living as if she were in the wrong, with no right to defend herself. The current legal system has made her life even more difficult. Despite working in this profession for a long time, she admits that it still brings her significant hardship. If she were to report being physically harmed due to her involvement in sex work, while Thai law can prosecute those who harm her, she would still face legal consequences for her involvement in sex work itself. This makes the trade-off seem unfair and not worth the risk to report to police.

The law nowadays... makes us feel like we are constantly in the wrong. We have no right to defend ourselves. It's so unfair because we are just trying to make a living. Life is already difficult, and the law makes it even harder. If we are seriously harmed and go to report it, what happens? The police don't want to help us and instead discriminate against us.

Sex workers live under constant fear, primarily driven by legal constraints and law enforcement. Their work environment inherently exposes them to the risk of crime, as J2 noted, making them frequent targets for theft, physical assault, and psychological harm. Reporting these incidents is challenging because their occupation is illegal, putting them at risk of prosecution instead of receiving the justice they deserve. This barrier to reporting contributes to an environment where they are denied fair treatment and protection afforded to other individuals. “I am scared. I fear getting caught, facing fines, damaging my reputation” This concern aligns with SW2’s perspective, as she fears arrest due to the possibility of a criminal record and the financial burden of fines hard earned money that would otherwise support her basic needs. The lack of legal support leaves these workers in the shadows, leading to situations where exploitation and underground markets can thrive, especially as poverty can make individuals more easily to deception. In contrast, developed countries like Germany have established laws against exploiting individuals’ poverty or vulnerability, with protections specifically designed to prevent exploitation in prostitution. If Thailand creates similar protections that fit the country's needs, it could help keep people safer in the future.

Most sex workers face multiple hardships, including violence and forced labor, yet feel compelled to accept these conditions because they lack protection and support from the police. This absence of reliable assistance leaves them vulnerable, as they endure these challenges with little hope for justice or safety. The inability to rely on law enforcement not only limits their options but also perpetuates their exposure to exploitation and harm. “This puts sex workers at risk of being exploited in terms of wages, forced labor, or even physical harm, without the courage to report it due to fear of legal repercussions” Neglect of duty by authorities denies sex workers the justice they deserve. The lack of effective oversight also allows human trafficking to thrive within the sex industry, exploiting gaps in anti-prostitution laws. These legal loopholes facilitate the exploitation of minors, forcing children and youth into sex work.

Without proper regulation and protection, the current system fails to address these serious issues, leaving vulnerable individuals at risk and perpetuating cycles of exploitation.

### **Human Trafficking**

When laws aimed at suppressing prostitution may inadvertently increase the risk of human trafficking. When supply exists, demand tends to follow even for an illegal profession. Some groups exploit this demand by deceiving individuals into sex work, treating them as commodities within the black market. Because this activity is driven underground, it becomes difficult to monitor or regulate, further endangering vulnerable individuals and complicating efforts to protect them. As J3 pointed out, these laws fail to fulfill their intended purpose, which leads to issues such as human trafficking and forced sex work. Instead of providing protection, the legislation inadvertently creates conditions that enable exploitation, underscoring the gap between the law's intentions and its actual outcomes.

Current laws target symptoms rather than root causes and fail to uphold the core intent of curbing prostitution-related issues. This approach has led to other problems, such as trafficking, where women, children, and youth are often forced into sex work, contributing to human trafficking.

One point raised by SW2, which highlights the negative consequences of criminalization, is the issue of human trafficking. Since sex work is illegal and considered immoral in the country, it forces individuals in the industry to operate in secrecy. As previously mentioned, many of these women come from financially unstable backgrounds and difficult family situations, which leaves them with little choice but to engage in this work out of necessity. This vulnerability, especially among young women who are in urgent need of money, makes them more susceptible to exploitation and deception, increasing the risk of being trafficked.

There are people who deceive younger individuals, telling them they'll make a lot of money and have an easy life, only to trick them into being trafficked across the border. We try to look out for each other, but there are still cases where those involved in sex work exploit and deceive one another for personal gain.

When sex work is criminalized, sex workers are often forced to work secretly, which severely limits their access to legal protections and services. This exclusion increases their vulnerability, making them more chance to exploitation by human traffickers who take advantage of their precarious situations. Without legal recognition and safeguards, these individuals are left unprotected, further amplifying the risks they face in their line of work. What makes the situation even worse is that many of those who are deceived are still in university or are underage. They are often lured into these situations while they are still pursuing their education or are legally too young to be involved in such work, making them even more vulnerable to exploitation and harm.

It's unfortunate that the younger ones, once they start, often feel they have to continue. Many of them are as young as 18, 19, or 20, and they enter the industry with little experience or resilience. Their lack of protection and awareness makes them easy targets for exploitation, and many have already been deceived or taken advantage of in various ways.

Even though sex workers may be exploited, harmed, or deceived, they often fear arrest and prosecution, which discourages them from reporting cases of exploitation, abuse, or human trafficking to the authorities. This reluctance to seek legal help creates an environment where traffickers can operate with less fear of legal consequences, further enabling their activities and putting sex workers at greater risk. This approach has led to other problems, such as trafficking, where women, children, and youth are often forced into sex work, contributing to human trafficking.

## **Social Stigma and Marginalization**

The exclusion from legal protection and support has forced them to live in secrecy for a long time, enduring difficult and marginalized lives. This lack of legal recognition leaves them vulnerable and isolated, making it even harder to access basic rights and protections. Moreover, police officers and other authorities often treat sex workers with bias, perceiving them as criminals rather than victims. This stigmatization further discourages sex workers from coming forward, as they fear they will be judged or penalized rather than supported. This dynamic exacerbates their marginalization, making them less likely to seek help when they need it most.

However, none of the judges mentioned the social impact on sex workers' lives regarding the stigma they face as individuals deemed criminals by both legal and moral standards. This omission may stem from the judges' focus on the broader legal implications rather than the personal, lived experiences of those involved in sex work. As a result, their perspectives lack depth in understanding the nuanced impact of these laws on the individuals affected.

## **Human rights and Labor rights**

It is particularly noteworthy that none of the sex workers mentioned their personal rights during the interviews not even the basic right to their own bodies or fair compensation for their work. This reflects a possible lack of awareness among them about what rights they could or should have. According to J1 and J2, the criminalization of sex work leads directly to a lack of legal labor rights, essentially stripping sex workers of any formal protections typically afforded to other workers. Consequently, they often work without fair pay or workplace protections, creating a significant disparity in rights and safety compared to legally recognized professions.

I see it as a restriction on personal rights and freedoms, particularly in terms of choosing an occupation to earn a living, which is a fundamental right. Without legal protections, they lack access to basic rights.

The absence of labor rights results in greater harm than benefit for sex workers. “Because prostitution is illegal, sex workers are left without full legal protections” J2 noted that sex workers often risk not receiving fair compensation for their work, contrary to labor laws that guarantee wages, compensation, and other benefits. Without these protections, sex workers face financial insecurity and lack recourse for fair treatment, denying them the rights afforded to other workers and exacerbating their vulnerability.

It has sex work an illegal profession, so sex workers cannot receive labor protections like fair wages, compensation, or social security, which everyone should have if they are working. This situation isolates them from society.

The lack of labor rights for sex workers also affects income regulation and oversight, impacting their financial stability. J1 mentioned a significant issue that income rights are compromised as sex workers are often forced to share a portion of their earnings with authorities or other figures of power without legitimate cause.

They prevent sex workers from performing their jobs legally, so they lack rights to their earnings and often have to share part of their income with corrupt officials, which is unfair. They’re also denied rights under labor laws.

This exploitation further erodes their financial independence and underscores how the absence of legal protections leaves them vulnerable to unethical demands. Legalizing and regulating sex work could help establish fair income rights and reduce unjust financial burdens imposed by those in power. “It restricts the rights of women who choose to use their bodies as a means of earning a livelihood and diminishes their human dignity”

SW1 and SW2 only recognize the effects of the law on their lives, yet they may have lost sight of the rights they deserve, given their long history of working in secrecy. J1 pointed



out an important right bodily autonomy and the freedom to choose one's profession. This is a powerful reminder that they have complete ownership over their bodies and the right to make independent choices regarding their own lives and work

Sex workers often lack access to fundamental rights, including health care, despite being at high risk of contracting sexually transmitted infections and other illnesses due to night shifts and unsafe work environments. Furthermore, they face violence, either from clients or from state officials who exploit legal loopholes, thus eroding their access to justice. By criminalizing sex work, the law perpetuates a societal view that sex workers are harmful or undesirable, which adds to the social stigma and makes their lives even more difficult.

Based on interviews and data analysis, we can address the research question regarding the impacts of criminalizing prostitution. Criminalization has extensive negative effects on various aspects of life and public health for sex workers. Since they cannot access routine health check-ups, they are often left unprotected and at high risk for sexually transmitted infections. For those who can access health services, the costs may be prohibitive, as government support and health policies for this group are lacking. This lack of protection also exposes them to abusive situations with clients, such as non-consensual or unprotected encounters.

Furthermore, criminalization restricts their fundamental rights to safe working conditions and labor protections that other citizens. It also infringes on their bodily autonomy and decision-making, forcing them to live in constant fear of violence, not only from clients but also from corrupt officials. Due to the illegal status of their work, they are often exploited by law enforcement, who may use the law to demand bribes or exert control, leaving sex workers with little recourse for justice. If they report abuse, they risk facing criminal charges themselves, which deters them from seeking help or protection.

Another critical issue from criminalization is human trafficking. When prostitution is illegal, it creates a hidden, unregulated industry, making it difficult for the state to address or control trafficking. As a result, the underground market continues to grow. Additionally, Thai society's longstanding stigmatization of sex work, influenced by traditional beliefs, means that sex workers face judgment and isolation. While changing societal attitudes may take time, it is possible for Thailand to find legal solutions that offer more protection and dignity for sex workers in the future.

### **Impact on Decriminalization**

Criminalizing prostitution has numerous negative consequences; however, legalizing it would yield significant benefits for both sex workers and society. Legalization would undoubtedly provide sex workers with several advantages. This section will address the benefits they would gain, examining multiple aspects, including improvements in safety and quality of life

Although Thailand has not yet legalized sex work, it is still possible to address research questions How does amending justice legislation for sex workers benefit the sex workers in Thailand in terms of safety and life equality and How does decriminalizing prostitution impact on reducing corruption in law enforcement

### **Human Rights and Labor rights**

Legalizing sex work would allow sex workers to re-enter the formal labor system and gain access to the protections granted by labor laws. This would ensure fair wages, safer working conditions, and other labor rights, creating a more equitable and secure work environment for them. Legal recognition as a profession would ultimately improve their financial stability and offer a framework for justice and safety that has long been lacking.

“Legalizing sex work would grant rights and freedom to sex workers, allowing them and those connected to the industry to earn fairly.”

It would also allow sex workers to access various benefits and legal protections provided by the state, helping them to have greater stability, rights, and freedoms in life.

Legalizing sex work would bring those involved into the framework of labor rights, as one judge noted, with the significant benefit of legal protection. Such protection offers a level of stability and security that sex workers currently lack. With the recognition of their labor rights, they would be entitled to fair compensation, preventing wage exploitation, and be shielded from violence. This integration into the labor system could also contribute to broader social equality, as sex workers would finally receive the same legal protections as other citizens.

They could receive fair compensation from clients and benefits if employed in licensed establishments, reducing the prevalence of illegal operations and violence against sex workers.

This shift would also promote greater equality within society, as sex workers would gain the right to work freely, receive fair compensation, and enjoy legal protections equivalent to those afforded to other citizens. This enhanced status would support their autonomy and reinforce their rights, contributing to a more just and inclusive society. Moreover, when equality in terms of rights, freedoms, and labor standards is established, sex workers can gain access to additional benefits, such as healthcare services, workplace safety, and protection from exploitation by state authorities. Legal recognition would allow them not only to work in safer conditions but also to seek and receive essential health services without fear, creating a more secure and supportive environment for their well-being.

## Public Healthcare

In Thailand, getting medical treatment in a hospital is not complicated, and it's easy and quick to see a doctor. This is different from some countries where it takes a long time and is expensive. The cost of treatment in Thailand is not very high, but compared to the income of service workers, it is still quite expensive. In the interview, SW2 mentioned mental health, stating that mental health care in Thailand is still not fully recognized. She hopes that mental health will receive more attention. Interestingly, she spoke about mental health in a humorous way, reflecting that her job, like any other profession, also requires care and deals with stress.

If health includes..., does it include mental health? (Laugh) Right now, you can go get checked for diseases, both for free and not for free, but there's no mental health care yet. One day, I might get so stressed that I go crazy (Laugh).

Currently, Thailand offers free test for sexually transmitted diseases at government hospitals. This includes screening and treatment; however, only Thai citizens with an ID card can access this service, which may exclude foreign workers in Thailand. Moreover, mental health is also important and should be given attention. If there are future changes to the law, mental health care should be included in the welfare benefits as well. Furthermore, J2 point out that if sex work is legalized, it could pave the way for regular health screenings for sex workers, helping to reduce the risks and prevent the spread of sexually transmitted infections (STIs). This would enhance the safety of both the workers and their clients. Importantly, it is not sufficient to test only the sex workers for STIs; screening clients as well would be crucial in preventing transmission. This approach highlights the broader need for STI awareness and regular health checks across society, emphasizing that sexual health is essential for everyone. Regular screenings for the general public could significantly reduce the overall risk of infection, fostering a healthier community. "Sex workers could receive regular health checks and use their health benefits if insured, leading to better quality healthcare" All four judges

shared the same idea that legalizing sex work would promote regular health screenings, thereby reducing the risk of sexually transmitted infections a crucial public health benefit. They recognized that the primary gain for sex workers would be access to rights, which would, in turn, lead to additional benefits like improved healthcare access. This access would enhance their safety and cover not only physical health but also emotional well-being. By being protected under the law, sex workers would be shielded from exploitation and mistreatment, fostering a safer and more dignified working environment for them.

## **Safety**

SW2 expectations primarily revolve around safety at work, in the workplace, and genuine protection under the law. Legal recognition would mean that they would have appropriate workplaces, and they wouldn't need to stand on the streets in dark, dangerous areas, where they are vulnerable to assault, robbery, and other threats. Legal protection would ensure a safer, more secure working environment for them.

Moreover, legalization would allow sex workers to report incidents to the police if they are harmed by clients, giving them the confidence to assert their rights without fear of exploitation. It would also serve as a deterrent to clients, making them more aware of legal consequences. As SW2 mentioned earlier, human trafficking often arises as a result of criminalization, but legalization could help prevent individuals from being sold into the black market or being forced to offer services at unfairly low prices. Additionally, it would protect against illegal labor exploitation and reduce the likelihood of individuals being tricked into such work if all sex workers were registered under a government system “I think it would help solve many problems if it were legalized. We would be protected, there would be less exploitation, and it would reduce other illegal activities.” Although SW1 does not hold strong opinions about the potential for change in Thailand, she still hopes for protection and safety in her life. She also wishes that the police would perform their duties more effectively,

ensuring her security and well-being. "If possible, I would like us to be safer, and for the police to actually do their job." A good life is something everyone aspires to, whether it's wealth or comfort, but success is not granted to all. For the reason, some people constantly strive to improve their circumstances. However, their efforts and final choices often clash with societal beliefs and values, preventing the law from protecting them. Legalizing such work would not only bring safety to sex workers but also benefit the public at large. It would help maintain order in certain areas, reduce violence, and lead to better police protection for everyone. According to the perspective of Judge J1, legalizing prostitution could help reduce corruption and enhance Thailand's image internationally. Legalization is seen as a path to provide greater safety for sex workers, allowing them access to labor rights and legal protection. This increased security would not only benefit the individuals involved but would also reflect positively on Thailand's global reputation, setting an example for other countries. "Legalization could also reduce corruption and improve Thailand's image internationally."

It would reduce but not eliminate exploitation, as regulations would still need to control aspects like the age of sex workers and business registration, which could still present opportunities for corruption.

Judges agree that legalizing sex work could reduce exploitation and forced labor within the industry. J2 pointed out that while legalization may lessen exploitation, it may not eliminate it entirely, as effective law enforcement and oversight would still be necessary. This regulatory need, however, could present opportunities for corruption, indicating that proper safeguards and accountability measures are essential to genuinely protect the rights and well-being of sex workers.

However, J4 emphasized that the effectiveness of any safety improvements will heavily depend on the legal framework itself. Laws need to establish clear guidelines for the sex work industry, such as minimum age requirements and regulated locations for work. These measures

would be essential to ensure the safety and protection of sex workers, creating a structured environment where their rights and well-being are prioritized. “Laws should set age limits for sex workers, define hours and locations for sex work, and ensure safety protections.”

Establishing comprehensive legal regulations for the sex work industry is crucial to enhancing safety, reducing violence, and protecting workers' rights. Such legislation should set clear standards, including age requirements and designated work areas, to ensure that sex workers and their clients operate within a safe, regulated environment. By implementing well-defined laws, exploitative practices within the industry would be reduced, as businesses and individuals would be more cautious of legal repercussions. This framework would not only safeguard sex workers from abuse but also help diminish human trafficking by deterring unlawful operators from taking advantage of legal loopholes. “They would be equally protected as those in other legal professions in terms of safety”

Moreover, Legalizing sex work could also provide financial stability for people who enter the industry out of economic need. In Thailand, where economic challenges often push people into vulnerable positions, having legal protections in place could make the industry safer and empower those involved to have better job security. Such changes would also help create a more transparent system, making it easier for the government to oversee and regulate the industry responsibly. This transparency is beneficial not just for sex workers but for the public, fostering greater trust, safety, and fairness within society.

## **Transparency**

One significant of criminalization are the corruption and bribery among law enforcement officials. As previously mentioned, that some officials exploit legal loopholes, using their authority to solicit bribes from sex workers, further entrenching corruption within the system. This misuse of power becomes a widespread issue, not only harming individuals

but also eroding public trust in law enforcement. Judges within the judicial system suggest that legalizing sex work could help curb these corrupt practices by allowing for more effective oversight of law enforcement. Legalization would enable government bodies to monitor officials' actions more transparently. "There must be strict enforcement of the laws and regulars' oversight of officials' conduct to prevent them from using this as an opportunity to gain personal benefits." J4 emphasized that legalization, strict laws must be established to prevent any abuse of authority by officials, with clear penalties for those who misuse their positions for personal gain. By addressing these systemic issues, legalization could reduce corruption and create a fairer environment for all involved.

### **Economic aspect**

From an economic perspective, legalizing sex work could offer substantial benefits, particularly through tourism revenue and tax income from legalized services, which would contribute to national development. The judges also shared economic insights, noting that legalization could open significant revenue streams through tourism. Additionally, aligning the legal framework to support and regulate this industry could lead to a more structured and transparent economy, further strengthening the country's financial position. Sex work in Thailand is already a popular for tourists, legalizing it would not only redirect illicit income into the formal economy but also boost the country's GDP. The J1 pointed out that legalization could help incorporate previously unregulated earnings into the official economy, enhancing transparency and generating substantial revenue for national growth.

Legalization would integrate the earnings of sex workers into the formal economy, contributing to the nation's GDP. The state could collect taxes from sex work and related businesses, generating funds for national development.



This represents an additional benefit of legalization, beyond the direct benefits for sex workers in terms of healthcare, safety, human rights, transparency, and fair labor practices. These reforms also offer significant economic benefits for the country and society. Undoubtedly, legalization could lead to substantial revenue. However, establishing regulatory frameworks is essential to ensure order, address potential legal loopholes, and mitigate the risk of corruption among those in power. When sex work is decriminalized and sex workers are included in the society, it creates broad-ranging benefits for society, sex workers, and the country itself. This shift promotes widespread positive impacts, enabling sex workers to live better lives and potentially improving their overall quality of life and well-being.

Although only one judge mentioned the economic benefits of legalizing sex work, it is evident that this industry has long generated substantial revenue for Thailand's tourism sector. Legalizing sex work would not only contribute to national income but also provide greater stability and security for both the workers themselves and society for everyone, leading to broader social and economic benefits. Additionally, with increased earnings, sex workers could achieve an improved quality of life, enabling them to access better living conditions and opportunities. As the result, it could bring equality to the society

## **Equality**

Respect and valuing people based on their humanity, rather than their professional status or societal position. SW2 mentioned that support from the government and the media is important, but the most crucial thing is that people need to have empathy for one another.

Overcoming these mindsets will likely take a long time and be very challenging, involving not only the government and media but also efforts to shift people's perspectives to respect and value everyone, regardless of their occupation.

SW2 mentioned about younger generations will be more adaptable and accepting of change. Younger people tend to adopt more progressive views compared to older generations, who may be more set in their ways. where younger individuals may lead efforts toward embracing diversity and equality. "Younger generations will be more open-minded." Their expectations for life are very basic. They just want to live without fear. This reflects many things, including the oppression and stress they experience from their work. However, SW2 doesn't expect people's mindsets to change easily, as it's like battling against beliefs and culture, which takes a long time to change. "I hope life will truly get better." And "I think that living without fear is enough, but when it comes to people's thoughts, it takes time." During the interview, judges reflect the fundamental needs of sex workers, and the considerable benefits legalization could bring, such as access to healthcare, safety, legal labor protections, and economic contributions to the country. Despite this, the absence of explicit mentions of rights or labor laws in the interviews suggests that sex workers may be accustomed to operating without legal protections and may not fully understand the rights they should have. Their primary concerns, therefore, center on safety and accessible healthcare essential areas that remain elusive and often unattainable for them.

Fundamental needs like this form the foundation of a good quality of life and a fair society right that everyone should have access to, including sex workers and individuals involved in activities currently deemed illegal. Ensuring these groups also receive full legal protections not only upholds their basic rights but also strengthens the principles of equality and justice within society.

Decriminalizing sex work can bring significant benefits to the nation and have broader societal impacts. An analysis of various studies and interviews provides insight into these benefits, which directly back to my research question 2. First, decriminalization would grant sex workers their fundamental rights and freedoms. They would be recognized under labor

laws, enabling access to legal protections and safeguards. Additionally, sex workers would receive regular health check-ups, thereby reducing the risk of overlooked health issues and the spread of sexually transmitted infections. This approach would contribute to both their personal safety and well-being.

The move toward legal recognition also enhances the social stability and security of sex workers' lives, symbolizing a shift toward social equality where no one is left behind by the law. Such measures indicate a reduction in social disparities, ultimately leading to an improved quality of life for all. A good quality of life should include physical and mental health, personal security, and a sense of financial stability.

Furthermore, the economic impact on Thailand would be substantial. Given the longstanding presence of sex work within the Thai economy, a regulated approach could amplify its contributions to the nation's financial well-being, creating additional economic benefits in a lawful and protected manner.

In Thailand, prostitution is still viewed as illegal and morally objectionable. This perspective underscores the need for comprehensive legislation to address the complexities involved without oversight or error. While legalizing prostitution offers significant potential benefits for both sex workers and society, it remains essential to establish regulatory frameworks to prevent errors and mitigate potential societal issues. Legal frameworks and guidelines play a critical role in ensuring safety and order. Developed countries such as Germany, New Zealand, and the Netherlands have implemented regulatory models for prostitution, which Thailand could consider as a reference for legislative reform.

## **Regulatory and Protective Measures**

Legalizing sex work brings potential benefits for both society and sex workers themselves. However, the establishment of clear regulations and safeguards is essential to protect society from potential exploitation and trafficking in the sex industry. This section will compare the regulatory frameworks of Germany, the Netherlands, and New Zealand to illustrate how legislation can support both sex workers and society, providing insights into how such regulations could be adapted to suit Thailand's unique context. By examining these examples, we can explore ways to ensure safety, fairness, and legal protection for all parties involved.

### **Brothel Registration**

Currently, sex work is legal in many developed countries, each implementing distinct regulations suited to their specific contexts. Thailand can learn from and adapt these international legal frameworks to address domestic needs effectively. One of the primary considerations for Thailand should be the establishment of a brothel registration system.

Sex work is a profession that several developed countries allow. If Thailand is to legalize it, we could study these countries' regulations and adapt them to suit Thailand's context.

Judges have expressed that the sex industry should require registration and appropriate work permits. Some have further advocated for the legalization of prostitution, emphasizing the need for clear regulations and licensing for all forms of sex work. "Permits should be required for businesses, with designated areas for sex work to avoid disturbing others." Additionally, they highlighted the importance of designating specific areas for sex work to avoid disturbing the public and to help prevent conflicts between the sex industry and the broader community

Germany, New Zealand, and the Netherlands serve as great models in terms of regulation framework, with well-established laws regulating the sex industry. Their frameworks comprehensively cover workplace location, safety standards, and protections against exploitation by business owners. Additionally, these regulations emphasize the importance of safeguarding sex workers from mistreatment, ensuring that clients respect their rights and that sex workers can work in safe environment. As each country approaches sex work differently, brothel registration laws vary widely in Germany, the Netherlands, New Zealand, and Thailand.

The German government regulates and legalizes brothels, which require operators to register and comply with safety and health standards.<sup>36</sup> Similarly, in the Netherlands, brothels operate legally, but licensing is managed by local municipalities, each setting its own rules for operation.<sup>37</sup> New Zealand also allows brothels to operate legally under the Prostitution Reform Act 2003. In order to operate, brothels must adhere to health and safety regulations and obtain licenses through local council bylaws.<sup>38</sup> Registered brothels are also responsible for public health and safety concerning sex workers.

In Thailand, the absence of legal recognition for sex work means there is currently no formal registration for this profession, creating opportunities for exploitative businesses to operate with little oversight. This lack of legal protection often results in financial and health injustices for sex workers. If Thailand aims to make meaningful changes, it could benefit from studying models in countries like Germany, the Netherlands, and New Zealand. Not only should sex work businesses be regulated, but the registration of individual sex workers

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<sup>36</sup> "The new Prostitute Protection Act (Das neue Prostituiertenschutzgesetz)," 2017, 2024, <https://www.bmfsfj.de/resource/blob/117624/ac88738f36935f510d3df8ac5ddcd6f9/prostschg-textbausteine-en-data.pdf>.

<sup>37</sup> "Prostitution Reform Act 2003 No 28 (as at 26 November 2018), Public Act Contents – New Zealand Legislation," 2003, <https://www.legislation.govt.nz/act/public/2003/0028/latest/DLM197815.html>.

<sup>38</sup> Justice, "Prostitution Reform Act 2003 No 28 (as at 26 November 2018), Public Act Contents – New Zealand Legislation."

may also be necessary to ensure comprehensive legal protections and fair treatment across the industry.

### **Sex Worker Registration**

When registering businesses related to the industry, it is essential to also include the registration of sex workers. One of the pressing issues arising from the lack of such registration is that the government currently has limited access to critical information regarding the health, safety, and rights of sex workers. This gap in information makes it difficult for the government to ensure that these workers receive the protections and resources they are entitled to. As a result, issues of violence and inequality persist within this sector. Addressing these challenges requires that the government take steps to secure accurate and comprehensive data on sex workers to better support their well-being and rights.

Screening measures for sex workers entering the industry in Thailand is crucial, including setting age restrictions to prevent minors or individuals who are not legally of age from entering the profession. This is particularly important because a significant portion of sex workers are currently under 18. Individuals under this age are considered legally and developmentally unable to make fully informed decisions about such work. Therefore, it is essential to have clear guidelines and defined rights for sex workers to ensure they are prepared, both physically and mentally, for the responsibilities associated with their profession.

There should be clear laws that outline the rights of sex workers, such as a minimum age requirement and ensuring they are mentally and physically capable of performing their work.

One of the critical issues with criminalizing sex work is its potential to exacerbate human trafficking. “If legalized, there should also be a minimum age requirement to prevent

child exploitation” If sex work were to be legalized without clear regulations on the minimum working age, the risk of child trafficking would remain, potentially leading to repeated cycles of exploitation involving minors.

In countries that decriminalized prostitution, regulations are in place that set a minimum working age and require sex workers to register with the government or relevant agencies. This registration provides the government with essential information and ensures the safety and protection of sex workers.

In Germany, sex workers must register; moreover, sex workers need to obtain an ID card, it regulated that sex worker need to hold the ID card with them during work as a mandatory as part of a structured regulatory framework.<sup>39</sup> This regulation helps to ensure that only legally registered sex workers can operate within the industry. Businesses that are legally engaged in sex work are also required to verify that each worker holds a valid sex work identification card, preventing unregistered individuals from entering the profession. In New Zealand, does not require sex workers to register, supporting voluntary participation and emphasizing worker rights Nonetheless, New Zealand strictly prohibits individuals under the age of 18 from engaging in sex work.<sup>40</sup> Meanwhile, Thailand currently lacks laws requiring sex workers to register as legal professionals, leaving them without legal rights or protection. In contrast, Germany mandates the registration of sex workers, providing a valuable model for Thailand. Given the large number of sex workers in Thailand, both Thai nationals and foreign individuals, implementing a registration system could help ensure their legal protections and access to other rights. For Thailand, adopting such a registration system could be a crucial step toward safeguarding the welfare and rights of sex workers.

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<sup>39</sup> Ibid 3

<sup>40</sup> Prostitution Reform Act 2003, sec.20

## **Health Regulation**

Most judges believe that if sex work is legalized, regular health screenings should be mandatory. “Regular health checks to ensure that sex workers comply with regulations and protect clients' health.” It is essential that sex workers have annual health check-ups to monitor and maintain their well-being. Regular medical assessments would not only safeguard their health but also contribute to overall public health efforts by reducing the risk of sexually transmitted infections. By incorporating health requirements as part of the legal framework, both sex workers and the community at large would benefit from a safer and more transparent system.

In Germany, it mandates that sex workers are required to get health checks for registered sex workers, including regular counseling on health and safe practices yearly.<sup>41</sup> In New Zealand and the Netherlands, there is no mandatory requirement for routine health screenings or annual medical examinations for sex workers. However, they still retain the right to access health services and undergo medical screenings whenever they choose.

## **Penalties**

Establishing penalties is crucial, both for state officials, business owners, and unregistered individuals or those involved in illicit sex work and related businesses. J1 noted in the discussion that laws should be reviewed and strengthened to protect against corruption in all forms. This approach would ensure accountability across the industry and among those in authority, discouraging unlawful practices and fostering transparency.

Typically, the law penalizes only the sex workers, leaving them solely accountable. However, to create a fairer legal system, it's essential to establish regulations that impose civil and criminal liability on state officials engaged in corruption. Such laws would ensure

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<sup>41</sup> Ibid.4



that accountability is not one-sided and that those abusing their authority face consequences, supporting a more balanced and transparent legal framework

Although J1 emphasized only the punishment of corrupt state officials, this focus highlights a valuable aspect: sentencing corrupt officials to prison and imposing fines multiple times the amount gained from exploiting sex work could deter misconduct.

There should be a legal framework for sex work, along with a review of relevant laws to prevent public officials from exploiting the situation. It is crucial to enforce the law against public officials both criminally and civilly, including imprisonment and imposing fines that are multiple times the value of the assets acquired from engaging in acts of soliciting benefits under the offense of prostitution.

Penalizing officials who engage in corrupt practices is essential for establishing a strong legal standard and setting a clear example against misconduct. Without firm control and accountability for government officials, and if negligence is allowed to persist, the law itself loses credibility and fails to uphold the standards it is intended to enforce. Effective penalties not only reinforce the law but also serve as a preventive measure against future misconduct, ensuring that the legal framework remains respected

From the perspective of the judges, the main focus is not on legal violations related to registration of sex workers but rather on addressing corruption among officials. Effective solutions would require preventive measures and clear regulations, along with strict penalties for those in legal positions who engage in misconduct.

In Germany, the penalties apply with unregistered or failing to follow safety measures may result in fines or the closure of the business. Netherlands: Penalties exist for operating without a license or failing to comply with municipal regulations. There are also penalties for

trafficking or coercing minors.<sup>42</sup> However, penalties aimed at exploitative actions such as trafficking or coercion, rather than the act of sex work itself.

In Thailand, as noted by a judge, the primary concern lies in issues of corruption and exploitation by officials rather than focusing on regulations or protections against violations involving illegal sex work or unlicensed establishments. However, Thailand could still consider following the examples set by other countries, given the significant number of sex workers in need of protection and regulation. Adapting these frameworks to fit the Thai context could lead to more effective coverage and support within the industry.

### **Sex Workers' Prospective on Prostitution Act**

Interviews with sex workers reveal numerous challenges they face. Many have grown up in adverse social environments with limited family income, depriving them of educational and economic opportunities essential for a better life. Poverty and social inequality have denied them fair life opportunities, leaving sex work as one of the few ways to survive. However, as prostitution is illegal in Thailand, they are often socially viewed as akin to criminals, both legally and morally, which affects multiple aspects of their lives.

Sex workers often lack access to fundamental rights, including health care, despite being at high risk of contracting sexually transmitted infections and other illnesses due to night shifts and unsafe work environments. Furthermore, they face violence, either from clients or from state officials who exploit legal loopholes, thus eroding their access to justice. By criminalizing sex work, the law perpetuates a societal view that sex workers are harmful or undesirable, which adds to the social stigma and makes their lives even more difficult.

Sex workers have been affected by the criminalization of their profession for a long time, and although legal reform is discussed, SW1 expressed doubt that such changes are

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<sup>42</sup> Ibid 23

feasible. She appeared skeptical that any real legal transformation would occur. However, while reforming the law is not impossible, it also requires overcoming deeply ingrained personal values within society. For meaningful change to happen, lawmakers must believe that sex workers deserve the right to live safely and view them as equal citizens, no different from those in other professions. “I don’t think Thailand will ever change as long as the police can still take money from us.” She doubted that Thailand would see any real change, saying that as long as the police can keep taking money from them, reforms are unlikely to happen in this country. This shows a lack of trust in the system, where corruption and exploitation stand in the way of making progress for sex workers. This reflects the possibility that there may be a portion of them who believe that change in the country is either unrealistic or very difficult to achieve.

The author mentioned developed countries such as the Netherlands and Germany, where sex work has been decriminalized. In both countries, sex workers are required to register and are subject to proper regulation, with government systems in place to provide protection. This approach not only legitimizes their work but also ensures their safety and rights through official oversight and legal frameworks.

It’s a good idea. Thailand should adopt a protection system for sex workers similar to what the Netherlands and Germany have. Legalizing and registering sex work would help protect the rights of workers, reduce harassment from the police, and control the spread of diseases. It would also prevent younger individuals from having to secretly engage in the work. However, it would need to be adapted to suit our country. As for societal acceptance, we’ll have to wait and see.

SW2 expressed hope that sex workers would eventually see change and be included in society. She believes that experienced sex workers should be involved in the legal reform process to ensure that any changes address their needs directly. SW2 emphasized that those in positions of power often overlook input from those with lived experience, crafting laws they

deem “appropriate” rather than what is truly “necessary.” By involving sex workers in the process, the reforms would be more likely to meet the actual needs of the community.

Honestly, we should be involved because no one understands our problems better than we do. If sex workers were given a voice in the drafting of laws, it would likely help address the issues more effectively.

### **Judges’ Prospective on Prostitution Act**

Reforming laws in the future is a key objective of this study. The judges interviewed offered varying perspectives, but one consensus was the difficulty of changing such laws in Thai society. J1 noted the influence of power and politics, highlighting that sex workers are a marginalized group whose interests do not significantly benefit the broader population. Since they lack power and representation, legislative authorities, who derive little benefit from such reforms, are unlikely to prioritize legal changes that would support this vulnerable group. From a political perspective, those in power may avoid proposing laws to support sex work, as there remains a prevalent notion that sex work undermines human dignity.

Politicians may feel that advocating for legalization could alienate voters who hold this viewpoint, thus risking their political base. This viewpoint suggests that, beyond legal complexities, societal attitudes deeply influence policymaking, especially when these attitudes are tied to political support and voting power.

Meanwhile, J2 and J3 highlighted that religious and cultural beliefs deeply rooted in Thai society also make legal reform challenging. The long-standing societal structure, along with cultural and religious views, frames sex work as immoral, leading to widespread attitudes that oppose its acceptance. This cultural foundation interwoven with religious values creates a powerful barrier, suggesting that any attempt at legalization must also address these deeply ingrained beliefs to find broader acceptance in Thai society; moreover, Reforming the

law is a complex and lengthy process, requiring multiple stages of approval and careful consideration. In Thailand, this means that legal amendments must pass through several layers, making the path to change particularly challenging. This lengthy process often slows the implementation of necessary protections and reforms, delaying improvements for those affected, such as sex workers seeking fair treatment and legal recognition.

J4 emphasized that legal reform in this area is particularly challenging due to its impact on societal morals and sensitivities. Such reforms require thorough consideration of both the benefits and potential drawbacks, as well as careful, informed study to navigate these moral and ethical dimensions. Addressing such a sensitive issue demands a nuanced approach, recognizing the values and concerns of society while seeking fair and effective outcomes.

The perspectives shared by judges underscore the significant challenges in reforming prostitution laws, particularly due to moral, cultural, and religious values in Thai society. Many Thais hold beliefs closely tied to religion, which can sometimes overshadow considerations of individual freedoms and rights. This isn't necessarily about what is right or wrong, but it points to the need for time and understanding to overcome negative perceptions toward sex workers.

Another important aspect is the role of ethics among lawmakers. Those responsible for creating and amending laws must prioritize the common good over personal gain, avoiding policies that serve only their interests or those of close allies. Although reforming prostitution laws in Thailand is currently complex and time-consuming, there is hope that Thai values will evolve over time to support more inclusive, fair legislation for all.

## Discussion

After gathering information from interviews and relevant documents regarding international laws and regulation, now we can connect and answer the research questions:

1. How does current justice legislation affect sex workers in Thailand?
2. How does amending justice legislation for sex workers benefit the sex workers in Thailand in terms of safety and life equality
3. How does decriminalizing prostitution impact on reducing corruption in law enforcement

Thailand's current laws on suppressing and preventing prostitution do not align with their intended purpose of controlling and penalizing sex work. The laws lack comprehensive coverage and regular updates, leading to oversights that fail to reduce sex work in the country. Instead, these laws negatively impact both individual sex workers and society at large. Additionally, Thailand misses economic opportunities by not regulating sex work, which could generate revenue to support national development. Many sex workers come from marginalized backgrounds with limited financial resources, often lacking educational and life opportunities. This economic disadvantage is a major reason they turn to sex work as a means of survival.

Sex workers face limited opportunities in many areas. Anti-prostitution laws criminalize their work, pushing them into the shadows. This criminalized status denies them access to basic healthcare services they should be entitled to, such as regular screenings for sexually transmitted infections and risk assessments related to their work. Their working environments are often hazardous, filled with smoke and other unhealthy conditions, which are not conducive to safe or dignified work. Furthermore, their marginalized status makes them more vulnerable to other forms of crime and exploitation.

They are also at risk of violence and exploitation, as their precarious working conditions make them vulnerable to harm. This includes the threat of abuse from clients or coercion from those involved in the commercial sex trade, as well as unfair payment practices. Furthermore, the laws that penalize them create loopholes that allow officials to exploit their situation, demanding payments from sex workers to avoid legal action. This means they live in constant fear for their physical safety and overall stability, lacking the protections that would enable them to work securely and without threat.

The conclusion drawn from this research is that Thailand is not yet ready to amend its prostitution laws or legalize sex work due to several key factors. Thailand's predominantly Buddhist culture deeply influences its legal system and shapes public attitudes, making significant legal changes challenging. Additionally, sex workers lack the power to advocate for change or offer substantial benefits that might incentivize lawmakers to amend the laws in their favor. The power dynamics within the country favor those in positions of authority, and since sex workers neither hold sufficient influence nor provide tangible benefits to policymakers, they are often disregarded in legislative decision-making processes.

Nevertheless, amending the law or legalizing sex work would undoubtedly benefit both sex workers themselves and society as a whole. It would enable the government to collect data on sex workers, ensuring that they do not fall through the cracks and can access essential health and safety services. Judges have emphasized that legalizing sex work would restore human rights and labor rights to these individuals, allowing them to receive the same legal protections as other workers. This change would enhance safety and reduce violence and exploitation, including trafficking, within society.

Moreover, with greater oversight, law enforcement officials would be more accountable and less likely to engage in corruption or harassment of sex workers. The positive effects of legalizing sex work would extend beyond the individual level to national

benefits, as judges have pointed out that the government could increase its revenue through taxation of legal sex work. Given that the sex industry has long been a notable aspect of Thailand's economy, legalizing it could generate substantial income for the country while establishing better standards for the industry.

Certainly, the benefits of legalizing prostitution necessitate clear regulations not only for sex workers and businesses in the sex industry but also for law enforcement officials, who should be made more accountable under the law. Interviews with judges suggest that implementing a registration system for sex workers and regulating the age of those involved can help reduce child prostitution. Furthermore, requiring all forms of businesses related to sex work to register will allow the government to monitor and oversee the industry more effectively, reducing the potential for exploitation of sex workers by brothel owners.

Additionally, serious measures must be taken to penalize officials both criminally and civilly who engage in corruption or accept improper payments while performing their duties. Such regulations would not only protect the rights and safety of sex workers but also enhance the integrity of the legal framework governing the industry.

Germany, the Netherlands, and New Zealand have instituted legal frameworks to protect sex workers. Germany's Prostitution Act, for instance, provides comprehensive coverage for public health, worker safety, insurance, and welfare provisions for individuals in the sex industry. This regulatory approach offers a model that Thailand could consider, as it includes formal licensing of sex work establishments and a clearly defined minimum working age. On the other hand, New Zealand and the Netherlands emphasize strict protections against involuntary prostitution and child exploitation, policies which Thailand might adapt to address similar concerns.

According to the scholars previously analyses indicate that legalization alone may not fully meet the complex needs of sex workers and may overlook significant aspects of their



welfare. Existing regulations often fail to encompass the nuanced realities faced by sex workers. In the Thai context, ensuring that laws are systematically reviewed and updated is essential to prevent regulatory gaps. Rigorous oversight is crucial to uphold sex workers' rights, reduce corruption, and safeguard state revenue, thereby preventing resource diversion and misuse.

However, reforming prostitution laws in Thailand remains a challenging task due to deeply rooted beliefs and attitudes shaped by religion and societal norms that stigmatize sex work. Despite these obstacles, it is believed that legal reforms could gradually shift public perceptions over time. If sex work were to be legalized and the positive benefits for the country become evident, it is likely that attitudes among the Thai people will begin to change as well, leading to a more accepting and understanding perspective in the near future.

## CONCLUSION

This research makes a valuable contribution to understanding the potential impact of decriminalizing prostitution on sex workers' rights, safety, and health in Thailand. By focusing on the experiences of sex workers in Bangkok and contrasting Thailand's approach with countries that have successfully implemented decriminalization models, this study reveals critical challenges and opportunities for legislative reform.

While this research is limited to a small sample and conducted only in Bangkok, its findings still highlight systemic barriers faced by sex workers, such as social stigma, economic necessity, lack of healthcare access, and vulnerability to exploitation and violence. By recognizing these barriers, the study emphasizes the importance of policy reforms aimed at reducing the disadvantageous conditions associated with criminalization.

This research aimed to explore; How does current justice legislation affect sex workers in Thailand, How does amending justice legislation for sex workers benefit the sex workers in Thailand in terms of safety and life equality, and impact on reducing corruption in law enforcement. , Therefore, this research process and data analysis bring us to the conclusion, Sex workers are often marginalized by legal frameworks that aim to prohibit and suppress. However, current laws fail to achieve their intended purpose; rather than effectively reducing the number of sex workers, they primarily harm those involved in the trade. These laws attempt to address the issue superficially, focusing on symptoms rather than causes, and thereby fail to improve the situation. Consequently, existing legislation negatively impacts public health and safety and creates opportunities for corruption among law enforcement officials.

Judges in this study emphasized that the potential benefits of decriminalization for enhancing rights and safety but acknowledged the complexities of implementation. Although such policies could reduce corruption, improve health and safety regulations, and foster

social acceptance, structural challenges like deeply ingrained stigma and political resistance may complicate efforts to translate these recommendations into practice. Moreover, the government should actively participate in monitoring and regularly reviewing these laws to ensure their effectiveness and maintain standards, while updating provisions to prevent potential legal loopholes. Changing public attitudes is also crucial, and it is believed that legalizing sex work could gradually shift societal perspectives toward greater acceptance over time.

For the future research should incorporate perspectives across diverse regions and demographics of sex workers in Thailand to provide deeper insights into the societal implications of decriminalization. In conclusion, this thesis demonstrates that decriminalization has the potential to pave the way for an equal and humane approach to sex work in Thailand, advancing social justice and improving the quality of life for this vulnerable group within Thai society.

## APPENDIX A

### Interview Guideline for Sex worker

#### *Introduction*

Thank you for your time and willingness to contribute to this important research. My name is Parima Pungprasit. I am a third-year student in the Department of International Affairs at Wenzao Ursuline University of Languages. I am researching the potential benefits of decriminalizing prostitution for justice for sex workers in Thailand. Thai prostitution law is complex and significant, both in terms of its ethics and legal status. In the current legal framework, sex workers are often subjected to human rights violations, are limited in their access to health care, and are stigmatized by society. My goal is to shed light on how legislation can improve sex workers, safety, well-being, and justice. Your insights and experiences are invaluable in helping to understand the real-world impacts of these laws and how they might be improved to support justice and human rights. As a result, it is important that you are informed about the interview process and give your consent to participate. For the purposes of accuracy, this interview will be recorded, either in audio or video format, according to your preference and with your permission. To protect your privacy, all information shared will be kept confidential, and identifying details will be anonymized in the final report.

#### *Open-ended Questions*

1. Can you please introduce yourself?
2. Can you explain about your job? How long? And why?
3. Have you ever experienced violence or exploitation from work? (BY polices, clients, owner, or anyone?)
4. In your opinion, what are some of the human rights issues faced by sex workers under the current legal system?
5. How do the current laws affect your work? Did it make you scared?

6. Did you feel oppressed by the laws or what made you feel?
7. In your opinion, how does society see you? Have you experienced any discrimination?
8. How do you think the current laws affect the safety and well-being of sex workers?
9. How do you think decriminalizing prostitution could improve the legal standing and rights of sex workers?
10. What potential benefits do you see for sex workers if prostitution were decriminalized? In what ways?
11. How might decriminalization influence the relationship between sex workers and law enforcement?
12. How do you think decriminalization would impact the legal protections available to sex workers, such as protection from violence or exploitation?
13. What role do you believe the Thai government should play in regulating the sex industry if it were decriminalized?
14. What challenges do you anticipate in the process of decriminalizing prostitution in Thailand?
15. What specific changes to the current laws would you recommend to effectively decriminalize prostitution in Thailand?
16. Is there anything else you would like to share about your experiences or views on this topic that we have not covered.

### *Conclusion*

I appreciate you sharing your valuable insights and experiences with me today. The contributions you make to this research are very important, and they will help us better understand the potential benefits and challenges associated with decriminalizing prostitution. I would like to remind you that everything you shared will be kept confidential, and I will

anonymize any identifying information in the final report. Please do not hesitate to contact me if you have any questions or concerns after this interview.

## Interview Transcript of Researcher with Sex Worker Interviewee 1

**Interviewer(R):** Could you please introduce yourself? Where do you mostly work now?

**SW1:** My name is SW1. I don't really like talking about myself much, but I've been working in this line of service for many years.

**Interviewer:** Why did you choose to do this work?

**SW1:** Honestly, it wasn't something I wanted to choose. My family struggled a lot, and money was hard to come by. Plus, I have the responsibility of raising a child. This job earns money faster, and I don't have any formal qualifications, so office jobs weren't really an option. I chose this to survive; it's the easiest way to make money and doesn't require much thinking.

**Interviewer:** How long have you been doing this work?

**SW1:** It's been around 7 years now. I started when I was younger and have continued until now. There were breaks here and there, like when my child was sick or when I faced some major problems.

**Interviewer:** Why did you choose this specific area to work in?

**SW1:** Clients here tend to pay well. This area is known for having these kinds of services, and it's also close to my home, so it's convenient to travel to.

**Interviewer:** Could you explain a bit about what the work entails?

**SW1:** I have to provide sexual services to clients in different ways. Some days I'm lucky and get respectful clients, but other times it's tough with clients who aren't respectful. There's always the need to be cautious

about diseases, unintended pregnancies, and sometimes dealing with clients who like to use force.

**Interviewer:** What are some challenges you face in this job?

**SW1:** The challenge is that I never know what I'll face each day—there's the risk of sexually transmitted diseases, unplanned pregnancies, and even physical violence. Plus, sometimes there's trouble with the police, who might demand money from us.

**Interviewer:** Have you ever been physically harmed, or experienced other types of abuse?

**SW1:** Yes, I have. Some clients have hit me or refused to pay. And the police don't always help; sometimes they're the ones demanding money. It often feels like there's no law to protect us at all.

**Interviewer:** How do you feel about the current laws that don't support sex workers?

**SW1:** I'm not really scared of anything; my life has been like this for a long time. Whatever the law decides to do, I just keep working and surviving.

**Interviewer:** Do the laws make you feel afraid in any way?

**SW1:** Yes, I'm afraid of being arrested, extorted by the police, and having no one to help if I get hurt. Our work isn't legal, so when things happen, we have nowhere to turn.

**Interviewer:** Since the law itself is a problem, what changes would you like to see? Would you want protection?

**SW1:** Changing the law won't make much difference; I'll just keep working to earn money as I always have.



**Interviewer:** Do you think legalizing sex work would benefit society?

**SW1:** What difference would it make? My work would stay the same, and people would still view us the same way.

**Interviewer:** Do you think legalizing it would improve your quality of life?

**SW1:** Definitely. If there were protections and health care, it would improve our lives. We wouldn't have to worry so much about diseases or being arrested or extorted without any recourse.

**Interviewer:** Do you think violence in the workplace would decrease?

**SW1:** Yes, I think it would. If we had legal protection, we wouldn't have to be afraid of reporting incidents or asking the police for help. Work would be safer, and clients might show more respect.

**Interviewer:** Do you think sex workers should have a say in creating laws about the industry?

**SW1:** No opinion. Whether we have a say or not, it won't make a difference. The people who write the laws don't understand our lives anyway.

**Interviewer:** Is there anything you'd like to add about cultural, social, or legal expectations?

**SW1:** I wish society would change its view of women who do this kind of work. We don't do it because we want to; we do it because we have to survive. I wish there were more understanding and respect for that.

## Interview Transcript of Researcher with Sex Worker Interviewee 2

**Interviewer:** Could you please introduce yourself?

**SW2:** Hello, my name is SW2. I'm 34 years old.

**Interviewer:** Why did you decide to take up this line of work?

**SW2:** I needed to support myself and my family, and at that time, I was dealing with severe financial problems debts and family expenses. My mother had borrowed a significant amount of money from informal lenders to pay for my education. However, I eventually had to drop out of school when I was only 14 years old just as I was starting junior high school because the debt kept increasing, forcing us to cut out everything unnecessary. As a result, I did not receive a high level of, which limits my choices. So, I entered this line of work as a last resort to survive.

**Interviewer:** How long have you been working in this field?

**SW2:** I've been doing this for about 10 years now. I started part-time, but after a while, I couldn't find other work, so I gradually got involved in this industry full-time.

**Interviewer:** Were you afraid when you first started?

**SW2:** Yes, I was. I didn't really know what to expect or how to do things, but I had no choice.

**Interviewer:** Why did you choose this particular area?

**SW2:** I chose this area because it's a tourist spot with a lot of visitors, and it's generally safer than other places. I was still nervous,

but since I've been here a while, I feel okay now. Initially, there were people who had already been working in the area, so I stood nearby, watching them make money.

**Interviewer:** Did the locals give you a hard time at first?

**SW2:** Yes, they did, in small ways, like pestering or teasing me, but nothing too harsh. Sometimes they'd ask for a little money, maybe 10 or 20 baht.

**Interviewer:** But there was no physical harm, right?

**SW2:** No, nothing like that. Just light teasing. They understand that none of us have much, so it doesn't get serious. Plus, they're afraid of causing trouble that would attract police.

**Interviewer:** Could you explain a bit about your work?

**SW2:** This work involves providing sexual services, primarily at night. I usually find my own clients, though sometimes a middleman introduces them, but they take a big cut. So, sometimes I find clients on my own to make more money.

**Interviewer:** Where are your clients typically from?

**SW2:** I get both Thai and foreign clients. There are a lot of Westerners, Americans, and Chinese tourists.

**Interviewer:** What challenges do you face in your work, like handling clients, police, or any risks?

**SW2:** The biggest challenge is the risk of encountering bad clients who don't respect me, who may try to use force or don't stick to our agreements. I also have to be constantly vigilant about diseases

because some clients resist using protection, which puts me at risk of pregnancy. Sometimes it's not worth it, as they don't take responsibility, and I end up taking birth control myself.

**Interviewer:** So, do you have to buy birth control on your own?

**SW2:** Yes, I pay for it myself, which adds up.

**Interviewer:** And what happens if there's a police raid?

**SW2:** If the police show up, we may not make any money at all. We must run, or else we could end up paying them off to avoid going to the station.

**Interviewer:** So, the police know you work in this area? Do they ever harm or take anything from you?

**SW2:** Yes, they're aware and sometimes demand money from us. They come randomly, so we can't predict it. Usually, they just threaten to take us to the station, which scares us, so we pay. They don't physically harm us but might make inappropriate comments.

**Interviewer:** Have you ever been physically harmed by clients or in other situations?

**SW2:** Yes, sometimes clients get drunk and get aggressive, slapping or forcing me to do things I don't want to. Occasionally, they bring friends who join in or try to harm me if I refuse. It can leave me bruised, and some just don't pay and run away. There's also harassment from the police, as I mentioned.

**Interviewer:** As you know, current laws don't protect sex workers. How do you feel about this?

**SW2:** The laws make me feel like I'm always in the wrong. We have no rights to protect ourselves, which isn't fair because we're just trying to make a living. Life is hard enough, but the laws make it even harder. Even if we report harm, the police often dismiss us or look down on us.

**Interviewer:** Does that make you feel scared?

**SW2:** Yes, I'm afraid of being arrested, fined, or getting a criminal record, as well as being exploited by the police. I feel like I have to hide just to survive.

**Interviewer:** How do you respond to people who say there are many jobs available, and you could do something else?

**SW2:** I understand that people who haven't experienced this don't understand my situation. People say there are plenty of jobs, but not everyone has the same opportunities. Some people lack education, have family or financial constraints, or mental health issues. Those "plentiful" jobs often don't cover basic expenses. This work offers fast income that many other jobs can't match. People who say these things may not have faced financial pressures or family responsibilities like we do. People say everyone has the same opportunities, but I don't believe that; I've worked nonstop and am still here. I didn't choose this job because I wanted to—I'm here because sometimes it's the only option to survive.

**Interviewer:** Considering that laws are an issue, what would you like to see changed? Would you want health or safety protections?

**SW2:** I'd like to see laws that protect us instead of making us criminals. Laws should protect us like any other worker so we can feel safe and not be exploited. If health includes... does it include mental health? (Laugh) Right now, you can go get checked for diseases, both for free and not for free, but there's no mental health care yet. One day, I might get so stressed that I go crazy (Laugh)

**Interviewer:** In what direction do you think laws should focus to help?

**SW2:** I think laws around sex work should focus more on protecting us instead of punishing or criminalizing us. They should consider why we work in this field instead of finding ways to penalize us.

**Interviewer:** In some countries, like the Netherlands or Germany, sex work is legal, and sex workers are registered and fully protected. Do you think Thailand should follow this example?

**SW2:** Yes, Thailand should consider a protection system like in the Netherlands or Germany. Legalizing and registering would give us rights, reduce police harassment, control disease, and prevent young people from secretly entering the field too early. But it has to fit our society. Social acceptance would take time, though.

**Interviewer:** Who are the younger people you mentioned?

**SW:** Those around 18, 19, or 20—they're young, with little experience, and get tricked easily.

**Interviewer:** Is human trafficking an issue in your area?

**SW2:** Yes, there's a lot of it. Some are tricked into this work with promises of easy money and then end up across borders. We try to look out for each other, but it's tough.

**Interviewer:** So, would legalizing sex work benefit society?

**SW2:** I think it would help solve many issues. If sex work is legal, we'd get protections, reducing exploitation and illegal activities.

**Interviewer:** Do you think your quality of life would improve if sex work was legal?

**SW2:** Yes, it would improve access to healthcare. Right now, I only get basic treatment, but not for everything. Legalization would also reduce the risks of violence and being cheated, and it would provide more stable income.

**Interviewer:** Do you think workplace violence would decrease?

**SW2:** Yes, if it's legal, clients would likely respect the law more, and we could report violence with police protection.

**Interviewer:** Should sex workers have a say in law-making?

**SW2:** Absolutely. No one understands our problems better than we do. Allowing us to share our experiences would help create more effective laws.

**Interviewer:** Regarding cultural and religious values in Thailand, have you experienced prejudice or discrimination?

**SW2:** Yes, very often from society and even loved ones. People sometimes make us feel worthless or immoral, which is hurtful because we're just making a living. In Thai society, moral values are rooted in religion, so our work is often seen as wrong. Educating people on rights and equality could gradually change social attitudes, but it will take time. Government, media, and society must all learn to respect everyone.

**Interviewer:** Is there anything else you'd like to add about cultural, societal, or legal expectations?

**SW2:** Society still views us negatively and pressures us, sometimes even our own families don't accept us.



## **Interview Guideline for Judges**

### *Introduction*

Thank you for your time and willingness to contribute to this important research. My name is Parima Pungprasit. I am a third-year student in the Department of International Affairs at Wenzao Ursuline University of Languages. I am researching the potential benefits of decriminalizing prostitution for justice for sex workers in Thailand. Thai prostitution law is complex and significant, both in terms of its ethics and legal status. In the current legal framework, sex workers are often subjected to human rights violations, are limited in their access to health care, and are stigmatized by society. My goal is to shed light on how legislation can improve sex workers, safety, well-being, and justice. Your insights and experiences are invaluable in helping to understand the real-world impacts of these laws and how they might be improved to support justice and human rights. As a result, it is important that you are informed about the interview process and give your consent to participate. For the purposes of accuracy, this interview will be recorded, either in audio or video format, according to your preference and with your permission. To protect your privacy, all information shared will be kept confidential, and identifying details will be anonymized in the final report.

### *Open-Ended Questions*

1. Could you please introduce yourself? How many years have you been a judge?
2. Throughout your career, have you handled many cases related to prostitution?
3. What kinds of penalties are typically imposed in these cases?
4. Are there instances where individuals are sentenced to prison?
5. In your opinion, what factors drive individuals to work in this field?
6. Could you share your views on the laws criminalizing prostitution in Thailand?
7. What do you believe are the issues within these laws?

8. How do the current provisions in the Thai Criminal Code affect the rights and safety of sex workers?
9. Do you think these laws have more disadvantages than advantages?
10. interviews with sex workers, they mentioned instances of police officers demanding bribes or small payments. Do you think this issue can be resolved?
11. What benefits might sex workers gain if the law were reformed (e.g., in terms of health, security, safety, etc.)?
12. Do you think social equality would increase as a result?
13. Do you believe that amending these laws would be challenging?
14. From a legal perspective, what measures could be taken to ensure that decriminalization protects sex workers from exploitation and abuse?
15. In your opinion, what is the most essential legal protection for sex workers in the future?
16. How do you think decriminalization might impact society or other areas?
17. Do you believe that decriminalization could help protect against violence or exploitation by those in positions of legal authority?
18. What challenges do you anticipate in the process of decriminalizing prostitution in Thailand?
19. Is there anything else you would like to share regarding your experiences or perspectives on this topic that we have not covered?

### *Conclusion*

I appreciate you sharing your valuable insights and experiences with me today. The contributions you make to this research are very important, and they will help us better understand the potential benefits and challenges associated with decriminalizing prostitution. I would like to remind you that everything you shared will be kept confidential, and I will

anonymize any identifying information in the final report. Please do not hesitate to contact me if you have any questions or concerns after this interview.

## Interview Transcript of Researcher with Judge Interviewee 1

**R:** Hello, I'm Prima Pungprasit. I would like to ask for your permission to conduct an interview on the issue of prostitution in Thailand. The purpose is to explore ways the law could be amended to help improve the quality of life for sex workers. I'm also interested in your thoughts on whether legalizing prostitution could benefit the workers themselves or the country.

**J1:** Hello, yes, of course. I'd be happy to participate.

**R:** How long have you been serving as a judge?

**J1:** I have been a judge for thirty-five years. It is very long time, isn't it. And I will be retired soon (Laugh). But you are going to start the real life soon, right?

**R:** Yes, Sir (Laugh)

**J1:** (Laugh) I am sorry, you can continue

**R:** Approximately how many cases related to prostitution have you presided over?

**J1:** I think around fifty cases.

**R:** Have you ever sentenced sex workers to imprisonment?

**J1:** No, I have not.

**R:** How do you typically sentence sex workers who are convicted of engaging in prostitution?

**J1:** Most of the time, they're fined usually around 1,000 baht, which can be reduced by half to 500 baht, depending on the specifics of the case. Generally, the punishment isn't very severe.

**R:** In your opinion, what are the main factors that lead women to become involved in sex work?

**J1:** There are actually many factors. Often, it's because they lack other opportunities. Many of these women haven't had good lives to begin with. Some women feel compelled to earn money to support themselves and their families. Others have had limited educational opportunities—perhaps they couldn't afford school, or their parents didn't encourage them to continue their studies because they didn't see it as necessary. This makes finding jobs requiring knowledge or skills challenging. Many companies, as we know, look for employees with educational credentials. Nowadays, even a bachelor's degree is often considered insufficient, as companies tend to prefer highly educated and skilled people. So, for these women, becoming a sex worker might be one of the few options available to earn a living. Some women may see sex work as a way to earn higher income without needing specific qualifications, or they may feel that age limits their work opportunities. As they grow older, physical labor jobs become less feasible, and with a pressing need for income, they turn to sex work. For others, the appeal is that it doesn't require a financial investment, unlike starting other

types of businesses. Some women enter sex work while still young, seeing it as a way to earn money to eventually support a different career or business when they're older. It's important to note that not all women want to do this work. Many come from poor families or difficult backgrounds, and they may feel trapped. Society doesn't offer them much support or guidance, so some see no alternative but to engage in sex work, even though it's not their preferred choice.

**R:** What are your thoughts on Thailand's laws that criminalize sex work?

**J1:** I see it as a restriction on personal rights and freedoms, particularly in terms of choosing an occupation to earn a living, which is a fundamental right. There are legal loopholes, and many people are aware that corruption is prevalent. These gaps in the law allow government officials and others involved to exploit sex workers for personal gain. And because sex work is illegal, those involved often need to hide, which prevents the government from gathering adequate information on sex workers' welfare and health.

**R:** Do you think these laws that penalize sex workers negatively affect society?

**J1:** Yes, they create situations where state officials can extort money from sex workers under the threat of arrest. This leads to unfair advantages for corrupt officials, and it fosters the notion that corruption is acceptable. We see this with various officials, whether they're police or other public servants, taking advantage of working-class people, not just

sex workers but also street vendors and small business owners. Additionally, because the government doesn't track income from sex work, it can't collect taxes on it, missing a revenue source that could benefit the country. And because sex work remains illegal, the government can't provide welfare or health services to these workers, which increases the risk of sexually transmitted diseases spreading in society.

**R:** How do you think criminal laws impact the rights of sex workers?

**J1:** In several ways. They prevent sex workers from performing their jobs legally, so they lack rights to their earnings and often have to share part of their income with corrupt officials, which is unfair. They're also denied rights under labor laws.

**R:** What are the main drawbacks of criminalizing sex work?

**J1:** Criminalization encourages officials and other actors to exploit sex workers unlawfully. It restricts the rights of women who choose to use their bodies as a means of earning a livelihood and diminishes their human dignity. We're spending resources to prosecute these individuals when they aren't harming society in any significant way. Legalizing sex work would save the state time and money and could potentially redirect resources to more pressing societal issues.

**R:** What measures would you suggest protecting sex workers from exploitation

**J1:** Since Thailand is a nation governed by laws, the protection of sex workers must be rooted in legal measures. This will require legislative changes, but until that happens, government officials must strictly enforce the current laws and take decisive action against those who exploit sex workers and there should be a legal framework for sex work, along with a review of relevant laws to prevent public officials from exploiting the situation. It is crucial to enforce the law against public officials both criminally and civilly, including imprisonment and imposing fines that are multiple times the value of the assets acquired from engaging in acts of soliciting benefits under the offense of prostitution.

**R:** What do you believe should be the most important law for protecting sex workers?

**J1:** There should be clear laws that outline the rights of sex workers, such as a minimum age requirement and ensuring they are mentally and physically capable of performing their work. Laws should be created with strict standards, but since laws will always have loopholes, there must be continual updates and improvements to close these gaps and ensure effectiveness. There should also be stricter laws to protect vulnerable groups, including the poor, children, and the elderly, and impose severe penalties for coerced sex work.

**R:** What impact do you think legalizing sex work might have on society, morality, or other areas?



**J1:** There might be some impact, but it likely wouldn't be too severe. Many developed countries have legalized sex work, and they seem to manage any issues that arise.

**R:** If sex work were legalized, do you think it would help prevent state officials from exploiting sex workers?

**J1:** Legalization should reduce the opportunity for exploitation. If officials remember their duty to uphold the law, it could substantially curb corruption.

**R:** What benefits do you think would arise if sex work were legalized in Thailand?

**J1:** It would allow women to choose a profession that suits them and could boost both domestic and international tourism. Legalization would integrate the earnings of sex workers into the formal economy, contributing to the nation's GDP. The state could collect taxes from sex work and related businesses, generating funds for national development. Moreover, legalizing sex work would grant rights and freedom to sex workers, allowing them and those connected to the industry to earn fairly. Legalization could also reduce corruption and improve Thailand's image internationally.

**R:** And this is the last question (Laugh)

**J1:** oh, time flies so fast (Laugh)

**R:** Finally, do you have any suggestions for legal reform on this issue?

**J1:** Sex work is a profession that several developed countries allow. If Thailand is to legalize it, we could study these countries' regulations and adapt them to suit Thailand's context.

**R:** Thank you so much for your time today and for providing such valuable insights.

**J1:** You're welcome.

## Interview Transcript of Researcher with Judge Interviewee 2

- R:** Hello, I'm Ms. Parima Pungprasit. I would like to interview you, Judge, to gather information for a report on prostitution in Thailand. The focus is on finding solutions for the sex industry in Thailand and exploring how legalizing it might benefit both the country and individuals.
- J2:** Hello, nice to meet you. Feel free to ask anything.
- R:** How long have you been a judge?
- J2:** I've been a judge for 15 years.
- R:** Approximately how many cases related to prostitution have you handled?
- J2:** None.
- R:** Have you ever sentenced a prostitute to prison?
- J2:** No, I haven't.
- R:** What methods have you used to punish those involved in prostitution?
- R:** In your opinion, what factors lead women to enter sex work?
- J2:** Many factors, including economic status, as the current Thai economy is struggling, and family issues like a lack of warmth and support. Family plays a key role in shaping a person's character. In some cases, parents may not provide adequate care, which can affect values around consumerism and ownership. Modern technology has led to excessive spending, with people increasingly desiring to keep up with others. In

some cases, money isn't the primary reason for entering prostitution; some may already have money but engage in sex work to supplement their income.

**R:** What is your opinion on Thailand's laws that penalize sex workers?

**J2:** Personally, I think these laws do not effectively address the issue of prostitution as intended. The laws focus on control and suppression rather than covering the current social context. Attempts to eradicate prostitution have not been effective, and the law's limitations leave gaps. Given changes in society and the economy, consumerism and the use of modern technology for convenience are no longer aligned with income from regular work, which has led more people into prostitution.

**R:** Do you think the current law criminalizing sex work causes social issues? If so, how?

**J2:** Yes, it causes significant issues. Because prostitution is illegal, sex workers are left without full legal protections, making them vulnerable to crime. When sex workers suffer harm to their property, body, or mental health due to their work, they may hesitate to report it because doing so could incriminate them for prostitution.

**R:** How does the criminalization of prostitution affect the rights of sex workers?

**J2:** It has sex work an illegal profession, so sex workers cannot receive labor protections like fair wages, compensation, or social security, which everyone should have if they are working. This situation isolates them from society.

- R:** What are the drawbacks of laws criminalizing prostitution?
- J2:** They have sex workers vulnerable to exploitation by employers who operate brothels. Since their work is hidden, it is hard to monitor, and if clients exploit or harm them, they cannot defend themselves. This puts sex workers at risk of being exploited in terms of wages, forced labor, or even physical harm, without the courage to report it due to fear of legal repercussions.
- R:** How can the issue of state officials exploiting prostitution laws for personal gain be addressed?
- J2:** By revising the law to have sex work open and regulated by the state, taxes and fees could be collected transparently, closing avenues for officials to exploit the system for personal gain.
- R:** If prostitution were legalized, what benefits would there be for sex workers, for instance, in terms of health, safety, and life stability?
- J2:** Legalizing prostitution would benefit sex workers in many ways. Health-wise, clients could be more thoroughly screened, reducing the spread of sexually transmitted diseases. Sex workers could receive regular health checks and use their health benefits if insured, leading to better quality healthcare. They would be equally protected as those in other legal professions in terms of safety. For stability, they could receive fair compensation from clients and benefits if employed in licensed establishments, reducing the prevalence of illegal operations and violence against sex workers.
- R:** Would legalizing prostitution promote social equality?

**J2:** I hope it would increase social equality for sex workers and society at large, though it may not be perfect. It would undoubtedly improve the quality of life for sex workers.

**R:** Would it be challenging to amend the laws to allow prostitution, and why?

**J2:** I believe it would be challenging due to societal structures, culture, religious beliefs, and the general public's attitude against prostitution. People view prostitution as immoral, and our society, being predominantly Buddhist, is deeply rooted in beliefs about respectability, making legal reform difficult. Adjusting the law to align with evolving views could be done, but it would take time to shift societal attitudes.

**R:** As a legal professional, what measures would you suggest protecting sex workers from rights violations and exploitation?

**J2:** Prostitution should be legalized, with clear regulations and licensing requirements for businesses. Sex workers should be registered, age restrictions should be set, and designated areas for sex work established to ensure safety. Health checks should be regularly scheduled to prevent disease transmission. There should be strict penalties for those who coerce minors or otherwise violate these regulations. Sex workers should have the same protections under labor laws as other workers.

**R:** For example, Germany and New Zealand have legalized prostitution, implementing regulations, and licensing for sex work. Should Thailand consider adopting a similar model?

- J2:** Yes, indeed. Many countries have legalized prostitution, and Thailand should consider following their example, adapting regulations to fit our local context. Thai society is becoming more open, and I hope it will become more accepting of sex work in the future.
- R:** In your opinion, what is the most essential law needed for sex workers?
- J2:** There should be a legal registration system for sex work businesses, health check requirements, an age limit for sex workers, and labor protections such as fair wages, leave, compensation, and social security.
- R:** If prostitution is legalized, what would be the societal, moral, or other impacts?
- J2:** Legalization could have multiple impacts, including social and moral implications. It might lead to family conflicts, such as between spouses or parents and children, and could encourage some women to enter sex work, affecting long-term national development.

**R:** If prostitution is legalized, do you think it would prevent exploitation by state officials?

**J2:** It would reduce but not eliminate exploitation, as regulations would still need to control aspects like the age of sex workers and business registration, which could still present opportunities for corruption.

**R:** Finally, what are your recommendations for legal reform to allow prostitution in Thailand?

**J2:** Permits should be required for businesses, with designated areas for sex work to avoid disturbing others. Sex workers should be registered, and an age limit set to prevent exploitation and underage prostitution. Regular health checks are necessary to prevent disease, and there should be clear penalties for those who coerce others into sex work. Sex workers' rights should be protected just like those of other workers.

**I:** Thank you very much for your valuable insights and perspectives.

**J2:** Thank you as well. It was a pleasure.



### **Interview Transcript of Researcher with Judge Interviewee 3**

**R:** Hello, my name is Ms. Parima Pungprasit. I am here to inquire about the legal perspectives and opinions of judges on prostitution in Thailand, as well as the potential benefits of legalizing prostitution. Specifically, I'd like to understand how legalization could impact Thailand, both positively and negatively. If I may, I'd like to begin with the first question.

**R:** How long have you been working as a judge?

**J3:** I have been serving as a judge for 22 years.

**R:** Approximately how many cases have you presided over that involved offenders in prostitution-related crimes?

**J3:** I would estimate around 10 cases.

**R:** Have you ever sentenced a sex worker to prison for offenses related to prostitution?

**J3:** No, I have never done so.

**R:** How do you typically penalize offenders involved in prostitution?

**J3:** The punishment is usually a fine, but it depends on the specifics of each case.

**R:** In your view, what factors drive women to enter the sex industry?

**J3:** Financial hardship is a significant factor leading many into prostitution. Most sex workers come from impoverished backgrounds and lower social classes. Some are also influenced by the notion that prostitution

provides an easy way to earn a living, making it an attractive option for some. This belief is reinforced within certain groups, leading to a steady increase in prostitution.

**R:** What are your thoughts on Thai laws that penalize sex workers?

**J3:** Legally speaking, prostitution and the act of providing sexual services shouldn't be treated as crimes since it can be considered a legitimate occupation. The focus should instead be on protecting the income of sex workers and ensuring they are not exploited, as this is common in the industry. Additionally, there should be designated areas for sex work, but not overly publicized, to avoid influencing younger generations' career choices. The reality, however, is that this profession remains illegal in Thailand at present.

**R:** Do you think criminalizing sex work contributes to social problems? If so, how?

**J3:** Criminalization doesn't solve the problem; in fact, it drives sex work underground, which encourages unregulated and illegal practices. Current laws target symptoms rather than root causes and fail to uphold the core intent of curbing prostitution-related issues. This approach has led to other problems, such as trafficking, where women, children, and youth are often forced into sex work, contributing to human trafficking. Without stricter regulations that tackle the systemic issues, addressing this problem effectively will be difficult.

**R:** How do current criminal penalties impact the rights of sex workers?

**J3:** Many sex workers, including those operating independently and those affiliated with massage parlors or entertainment venues, face various forms of exploitation. They often earn less than they deserve, and some face threats or even violence. Due to a lack of other options, many endure oppressive conditions. Additionally, to avoid legal repercussions, some sex workers are forced to pay bribes to government officials, which further perpetuates exploitation.

**R:** What disadvantages do criminal penalties for prostitution bring?

**J3:** As I mentioned, criminal penalties create opportunities for corrupt officials to exploit sex workers. Since sex workers have limited choices and fear prosecution, they end up paying these officials to avoid legal trouble. This fear leads them to endure extortion and exploitation, pushing prostitution further underground and out of the government's oversight. Consequently, this limits the access of sex workers to healthcare, labor rights, and welfare protections.

**R:** What steps should be taken to prevent officials from exploiting sex workers under current laws?

**J3:** First, establish clear policies to regulate both buyers and sellers in the sex industry. Second, implement strict penalties for officials who exploit sex workers. Lastly, the government should regulate the sex industry in a structured and transparent manner. This approach, in addition to other supporting laws, would help reduce instances of illegal activities and exploitation by authorities.

**R:** If the law were amended to allow prostitution, what benefits do you think it would bring to sex workers, specifically regarding health, safety, and job security?

**J3:** Legalizing prostitution would grant sex workers basic rights similar to those of other citizens, including access to welfare and healthcare services. It would also ensure fair compensation and labor protections, allowing sex workers to work safely and without exploitation.

**R:** Would legalizing prostitution contribute to greater social equality?

**J3:** Yes, I believe that recognizing sex work as a legitimate occupation would increase social equality.

**R:** Would amending the law to allow prostitution to be challenging? Why or why not?

**J3:** Amending the law would be difficult due to long-standing social prejudice. Many people still view prostitution as inappropriate and incompatible with Thai culture. However, it is not impossible, though the legal process would be complex and time-consuming.

**R:** As a legal professional, what measures would you suggest protecting the rights of sex workers and prevent exploitation by others?

**J3:** Laws should be established to officially recognize sex work as a legal profession. This would allow sex workers to enjoy legal protections and equal rights, just like any other occupation.

**R:** What is the most important type of legal protection for sex workers?

- J3:** First, labor rights must be secured. Second, sex workers should receive welfare benefits similar to those of other occupations. If legalized, there should also be a minimum age requirement to prevent child exploitation, as well as clear regulations on where sex work is permissible to prevent exploitation by others or by government officials.
- R:** If prostitution were legalized, what societal, moral, or other impacts might result?
- J3:** Personally, I think legalizing prostitution could lead to increased interest in the profession among certain groups, potentially straining family relationships. There may also be an increase in the prevalence of people excessively focused on sexual pursuits.
- R:** Would legalizing prostitution reduce the potential for government officials to exploit sex workers?
- J3:** It might help reduce such cases if the protections and legal coverage are sufficiently comprehensive.
- R:** What benefits would be legalizing prostitution bring to Thailand?
- J3:** Legalization could decrease prostitution-related crimes since sex work is currently conducted in environments prone to crime, putting workers and others at risk. Legalizing and formalizing the industry would also generate revenue for the country.
- R:** Finally, as a legal expert, what recommendations would you offer regarding the legalization of prostitution in Thailand?

- J3:** First, make it a legal profession to protect the rights of those voluntarily involved. Second, strictly suppress any forced prostitution and designate specific zones for sex work. Third, impose criminal penalties on those who violate laws regulating the sex industry, in line with international standards. Lastly, the government plays an essential role and must support this effort, including setting up legal assistance services and supporting the professional development of sex workers.
- R:** Thank you very much for your time today. Your insights are incredibly valuable for my research, and I greatly appreciate your help.
- J3:** My pleasure. Feel free to reach out if you have additional questions.

## Interview Transcript of Researcher with Judge Interviewee 4

**J:** ok, let start (Laugh)

**R:** Ok sir(Laugh),How long have you been working as a judge?

**J4:** I have been working as a judge for over 16 years.

**R:** Approximately how many cases have you presided over that involved offenders in prostitution-related crimes?

**J4:** It's difficult to give an exact number because prostitution cases are quite frequent.

**R:** Have you ever sentenced a sex worker to prison for prostitution-related offenses?

**J4:** No, I have not.

**R:** How do you typically penalize offenders involved in prostitution?

**J4:** The punishment depends on the specifics of each case. For younger offenders or first-time offenders, we tend to consider giving them another chance.

**R:** In your view, what factors drive women to enter the sex industry?

**J4:** I believe financial necessity is the primary factor. Many come from low-income families and need to support themselves and their families. Additionally, some women are lured or forced into this industry, especially children and youth who fall victim to human trafficking.

Although there are cases where individuals may choose this profession voluntarily, those cases are in the minority.

**R:** What are your thoughts on Thai laws that penalize sex workers?

**J4:** From a moral standpoint and to maintain social order, I think there is a need for laws regulating the sex industry. However, I also believe the current situation calls for adjustments to better address inequality and provide support to those involved in this business.

**R:** Do you think criminalizing sex work contributes to social problems? If so, how?

**J4:** It may contribute to social inequality, particularly for those who lack other employment options and are driven into sex work due to limited alternatives. In this regard, the law should be flexible in helping such individuals, rather than focusing solely on punishment.

**R:** How do criminal penalties impact the rights of sex workers?

**J4:** Current laws restrict the freedom of sex workers to choose this profession openly, as it's considered illegal. This lack of legal recognition leaves sex workers without stability in life and makes them vulnerable to exploitation by others.

**R:** What disadvantages do criminal penalties for prostitution bring?

**J4:** A major disadvantage is that it drives sex work into secrecy, often in hidden locations where certain officials may exploit sex workers. This hidden environment is hard to control and opens opportunities for corruption by officials who may take advantage of sex workers.



- R:** What should be done to prevent officials from exploiting sex workers under current laws?
- J4:** There must be strict enforcement of the law and regular oversight of officials' conduct to prevent them from using this as an opportunity to gain personal benefits.
- R:** If the law were amended to allow prostitution, what benefits do you think it would bring to sex workers, specifically regarding health, safety, and job security?
- J4:** If the sex industry were well-regulated and legal, sex workers would have better hygiene, safer working conditions, and more security in life, as they would be able to access services provided by the state.
- R:** Would legalizing prostitution contribute to greater social equality?
- J4:** It might to some extent, but we would also need to consider other factors, as equality in society is not solely based on laws but also on social morals.
- R:** Would amending the law to allow prostitution to be challenging? Why or why not?
- J4:** It would likely be quite challenging due to its sensitivity within society. Changing this law would require thorough research and the opportunity for society to provide feedback.
- R:** As a legal professional, what measures would you suggest protecting the rights of sex workers and prevent exploitation by others?

**J4:** The state must enforce the law fairly, equitably, and transparently. Additionally, there should be social support measures to ensure that sex workers have clear rights and protections.

**R:** What is the most important type of legal protection for sex workers?

**J4:** Laws should set age limits for sex workers, define hours and locations for sex work, and ensure safety protections.

**R:** If prostitution were legalized, what societal, moral, or other impacts might result?

**J4:** There might need to be licensing, registration, and regular health checks to ensure that sex workers comply with regulations and protect clients' health.

**R:** Would legalizing prostitution help reduce the potential for government officials or officials to exploit sex workers?

**J4:** It would allow better oversight of government officials' actions.

**R:** What benefits would be legalizing prostitution bring to Thailand?

**J4:** A clear benefit is that the state could collect taxes from the income of the sex industry, which could be used to develop public infrastructure and services for citizens. It would also allow sex workers to access various benefits and legal protections provided by the state, helping them to have greater stability, rights, and freedoms in life.

**R:** As a legal expert, what recommendations would you offer regarding the legalization of prostitution in Thailand?

**J4:** Legislative changes in this area should be based on thorough research. The impact of any changes should be carefully considered to ensure fair and effective reform, rather than simply adjusting the law based on trends. It's also crucial to inform and involve the public in understanding the issues sex workers face today. Without public support, the changes may not be well-received. Additionally, there should be clear measures and regulations to ensure that the sex industry operates safely and does not allow officials to exploit their authority.

**R:** Thank you very much for your time today. Your insights are incredibly valuable for my research

**J:** You're welcome

## **APPENDIX B**

### **Consent Form**

Wenzao Ursuline University of Languages

Department of International Affairs

900 Mintsu 1st Road Kaohsiung 80793, Taiwan

#### **CONSENT FORM:**

Before we proceed with the interview, please read the following information and ask for clarification if necessary.

#### **TITLE OF STUDY:**

Amending Legislation for Justice: Analyzing the Potential Benefits of Decriminalizing Prostitution on Justice for Sex Workers in Thailand

#### **RESEARCHER:**

Parima Pungprasit +88 905 148 978 +66 92 389 7188 parimaprema@gmail.com

#### **PURPOSE OF THE STUDY:**

This research aims to assess the impact of criminal prosecution on the lives of sex workers, focusing on how it contributes to exploitation, abuse, and poverty. It seeks to promote justice, equality, and empowerment for Thai sex workers by providing policy recommendations to guide legal reforms, ensuring fair laws that protect their rights and improve working conditions. Decriminalizing sex work in Thailand is emphasized as a necessary step toward achieving these goals.

#### **STUDY PROCEDURES:**

This interview will be audio recorded and transcribed later for data analysis. The researcher will use this information in the research. Your opinions may be directly quoted, summarized, paraphrased, or otherwise cited anonymously; however, your identity will not be released. You may refuse to answer any or all questions at any times, and you may withdraw at any moment.

#### **CONFIDENTIALITY:**

All data collected during this study will be kept confidential. Your privacy will be protected through assigning codes for citations in the research paper.

#### **CONSENT:**

I have read and understand the material presented, I understand that my involvement is entirely optional, and that I am free to leave at any time. I freely consent to participate in this study.

Participant's signature: \_\_\_\_\_ Date: \_\_\_\_\_

แบบฟอร์มยินยอม:

ก่อนที่เราจะดำเนินการสัมภาษณ์ กรุณาอ่านข้อมูลต่อไปนี้และสอบถามเพื่อขอคำชี้แจงหากจำเป็น

**หัวข้อของการศึกษา:** Amending Legislation for Justice: Analyzing the Potential Benefits of Decriminalizing Prostitution on Justice for Sex Workers in Thailand

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**วัตถุประสงค์ของการศึกษา:**

การศึกษานี้คือการประเมินผลกระทบของการดำเนินคดีอาญาต่อชีวิตและความเป็นอยู่ของผู้ค้าบริการทางเพศ โดยการตรวจสอบบทบาทที่การดำเนินคดีอาญามีต่อการแสวงหาประโยชน์ การล่วงละเมิด และความยากจน นอกจากนี้ เพื่อส่งเสริมความยุติธรรม ความเท่าเทียม และการเสริมอำนาจให้แก่ผู้ค้าบริการทางเพศชาวไทย โดยให้คำแนะนำและข้อมูลเชิงลึกเกี่ยวกับนโยบายที่จะให้ข้อมูลและขึ้นการปฏิรูปกฎหมาย โดยให้แน่ใจว่ากฎหมายที่เป็นธรรมจะนำไปใช้กับผู้ค้าบริการทางเพศทุกคนในประเทศไทย เพื่อให้บรรลุความยุติธรรมสำหรับผู้ค้าบริการทางเพศ ส่งเสริมสิทธิมนุษยชน และปรับปรุงสภาพการทำงานของผู้ค้าบริการทางเพศ เราจะต้องสนับสนุนให้มีการออกกฎหมายและแก้ไขกฎหมายเพิ่มเติมเพื่อให้การค้าประเวณีไม่ถูกกฎหมายในประเทศไทย

**ขั้นตอนการศึกษา:**

การสัมภาษณ์นี้จะถูกบันทึกเสียงและถอดความในภายหลังเพื่อการวิเคราะห์ข้อมูล นักวิจัยจะใช้ข้อมูลนี้ในการวิจัย ความคิดเห็นของคุณอาจถูกอ้างอิงโดยตรง สรุปรายย่อ หรือกล่าวถึงโดยไม่ระบุชื่อ อย่างไรก็ตาม ตัวตนของคุณจะไม่ถูกเปิดเผย คุณสามารถปฏิเสธที่จะตอบคำถามใดๆ ได้ทุกเมื่อ และสามารถถอนตัวออกจากการศึกษานี้ได้ตลอดเวลา

**ความเป็นส่วนตัว:**

ข้อมูลทั้งหมดที่เก็บรวบรวมระหว่างการศึกษานี้จะถูกเก็บเป็นความลับ ความเป็นส่วนตัวของคุณจะได้รับการปกป้องผ่านการกำหนดรหัสในการอ้างอิงในงานวิจัย

**การยินยอม:**

ฉันได้อ่านและเข้าใจเนื้อหาที่นำเสนอ และเข้าใจว่าการเข้าร่วมเป็นสิ่งที่มีเกียรติทั้งหมด และฉันสามารถออกจากการศึกษาได้ทุกเมื่อ ฉันขอให้ความยินยอมในการเข้าร่วมการศึกษานี้อย่างอิสระ

ลายเซ็นของผู้เข้าร่วม: \_\_\_\_\_ วันที่: \_\_\_\_\_

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