

LEGAL IMPLICATIONS OF BEING A PROSTITUTE AMID COVID-19: A GENDER-BASED RESEARCH IN THAILAND

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Abstract

Prostitution is illegal under Thai law. However, the sex industry has been a critical part of the Thai economy for many years, such that sex workers have become an integral part of Thai society. Despite its status as illegal conduct, prostitution prevails across the country. Thailand is notorious for its nightlife and the drastically high number of sex workers. These sex workers have been severely affected by the Covid-19 pandemic. This paper aims to explore the legal implications regarding the rights of sex workers in Thailand amid the Covid-19 pandemic. The research is based on a qualitative methodology using key informant interviews and case studies of sex workers in Thailand. The collected data were analyzed through a SWOT analysis and thematic content analysis. The findings revealed that during the Covid-19 pandemic, sex workers have experienced a loss of income, physical abuse, mental trauma, a lack of accessibility to policymakers and financial institutions, and inadequate risk perception of Covid-19. These factors have adversely affected their livelihoods and limited opportunities to earn a living during 2020.

Keywords: Legal Instruments; Prostitution; Covid-19; Sex workers; Gender.

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INTRODUCTION

Covid-19 has interrupted all sections of society, not only in the public sector, but also the private sector. Prostitution is also one of the oldest business sectors in the world (Kipling, 1899; Selfe & Burke, 2012), but in many parts of the globe, prostitution is considered an illegal and immoral practice. Little research focuses on the perils of sex workers in social, economic and cultural contexts (Gaillard, Gorman-Murray, & Fordham, 2017). Natural disasters affect sex workers by reducing income and causing mental stress due to their reduced civil rights. This paper aims to understand and analyze the economic and social impacts on Thai sex workers during the Covid-19 pandemic in 2020.

Sex workers are often neglected by current policies and frameworks, at both global and national levels (Cianfarani, 2012). The international policy frameworks for global issues, such as the Sendai Framework for Disaster Risk Reduction, fail to provide policy addressing prostitution in their frameworks, thus leading to an absence of specific policies and planning for sex workers at national levels. There are many sex workers either legal or illegal in different parts of the world (Azam, Adriaenssens, & Hendrickx, 2021; Lam, Shih, Chin, & Zen, 2021; Chew, et al., 2021). Not belonging to any professional stream, sex workers have been dramatically affected by Covid-19, as no compensation can be received due to pandemic losses.

LITERATURE REVIEW

In Thailand, prostitution is widely reported all over the country. All types of gender and physical appearances carry out prostitution. Yet, sex workers do not have legal status in Thailand (Hennessy, 2011). Sex workers in Thailand are mainly males and females; a greater number of transgender sex workers have been reported all over the country although they do not enjoy the same opportunities and privileges as male and female sex workers. Surprisingly, sex workers are commonly found on several streets and public places. Despite their public presence, government authorities seem to ignore their existence. Several criminal offences including physical and mental abuse go unnoticed by the authorities concerned.

Sex workers are present in various sectors of the Thai economy including the tourism and service sectors. They are partial contributors toward the Gross Domestic Product (GDP), accounting for approximately 10% of the total GDP in Thailand (Ananya, 2017). These figures are assumed as it is difficult to ascertain the exact number of sex workers in Thailand due to high numbers of migrating and closeted sex workers prevailing in the market. They attract thousands of foreign tourists and provide services to all kinds of clients. During the Covid-19 pandemic, sex workers have been deprived of most of their income (Burgos & Del Pino, 2021; Prior, 2021). Despite their contributions to the economy, the

government has declined their existence and did not provide any monetary compensation during or after the Covid-19 first wave and social lockdown in 2020 (Reyes, 2021).

The unclear legal status of sex workers still aggravates vulnerabilities among them. Prostitution not only contributes to the tourism and service industry (Gallagher, 2005) but also provides employment opportunities to many individuals struggling with unemployment. Sex workers receive relatively higher incomes during the tourist season than general laborers in the labor market, attracting many young Thai citizens who join the business as sex workers. However, coerced sex work also prevails in Thailand (Baffie, 2017). Thai society is usually sympathetic towards sex workers. However, a substantial number have currently encountered social segregation.

Indeed, sex workers have encountered several difficulties in social contexts. During the Covid-19 pandemic, sex workers have found it increasingly difficult to survive without tourists in Thailand. The

procurers or pimps are legally liable for a fine of one thousand Thai baht under the Prevention and Suppression of Prostitution Act but had earned much higher amounts before the Covid-19 outbreak.

Thailand defines prostitution in its *Prevention and Suppression of Prostitution Act B.E. 2539 (1996)*, dated 14 October 1996 as:

“Section 4. In this Act, "prostitution" means the acceptance of sexual intercourse or any other act, or the commission of any other act in order to gratify the sexual desire of another person in a promiscuous manner in return for money or any other benefit, irrespective of whether the person who accepts the act and the person who commits the act are of the same sex or not;” (Khruakham & Lawton, 2012).

The table below refers to all the major acts and legislations related to prostitution in Thailand. In order to simplify the understanding and implementation levels of each act, the undertaking of the four primary acts and their respective implementation is analyzed through in-depth interviews in this research. (Refer Table 1).

The aforementioned acts exclude

Table 1: Laws pertaining to prostitution in Thailand

Serial Number	Laws / Cabinet Resolutions/ Government Policy Announcements / Government Projects and schemes	Implementation level for Prostitution
1	Prevention and Suppression of Prostitution Act B.E. 2539 (1996), dated 14 October 1996	Unsatisfactory
2	Service places Act B E 2509 (1966)	Unsatisfactory
3	Labour Protection Act, 1998	Unsatisfactory
4	The act on the Prevention and suppression of Human trafficking BE 2551 (2008)	Unsatisfactory

Source: (Krisdika, 2021)

sex workers in any form on account of their illegal status. There is no provision or article to empower the rights of sex workers. The labor protection act neither covers nor provides any subsidies for sex workers due to the unspecified legal employee status. However, under "Khon La Khrueng schemes", members of the Thai population could benefit from daily discounts on their shopping of up to 150 THB per day, capped at a maximum of 1,500 THB per registrant. Therefore, they are deprived of the monetary assistance available from employers and the government.

Government schemes providing support to Thailand's adult population are also beneficial for prostitutes. However, these schemes are not directly related to sex workers in Thailand. These schemes include "Rao Rak Kan" under Section 33 of the SOCIAL SECURITY ACT, B.E. 2533 (1990) (Ministry of Labor, 2021) which provided for members of Thailand's adult population who had been affected by the Covid-19 pandemic. Adults who fulfilled the criteria of contributing toward the social security scheme, and not having a total balance of more than 500,000 THB in their combined bank accounts, could receive 750THB per month for 3 months.

Another government scheme known as "Rao Mai Thing Kan" provided a subsidy of up to 30,000 THB to unemployed freelance Thai citizens. This scheme provided 5,000 THB per month for a maximum of 6 months. The registration for this

scheme opened on 28th March 2020, with unemployed adult Thai citizens expected to register under the "Rao Mai Thing Kan" scheme via the website. The criteria to register for this scheme are laid out under Section 39 of the SOCIAL SECURITY ACT, B.E. 2533 (1990) (Ministry of Labor, 2021).

The sex trade in Thailand both consensual and nonconsensual is a legal offence (Thailand Penal code, 2021). However, due to societal acceptance, the sex trade flourishes in tourist destinations varying among different towns and regions. Some of the prominent places with public accessibility to the sex trade include the Bangkok Metropolitan Area, and various Coastal Regions, including the islands of Phuket and Koh Samui, and the beach town of Pattaya, which have become some of the most famous sex trade sites.

Covid-19 began affecting sex workers from March 2020 in Thailand. Women sex workers are vulnerable to the risks of prostitution (Farley, 2020). The enhanced uncertainties arising during the Covid-19 pandemic resulted in reduced welfare, higher health risks, and the uncertain economic position of the sex workers.

Thailand's legal framework addresses Sexually Transmitted Diseases (STDs), Human Immunodeficiency Virus (HIV), and Acquired Immunodeficiency Syndrome (AIDS) when it comes to sex workers. However, it is expensive and limited to twice a year testing (Health-iv, 2021).

The number of tourists has continuously declined due to several legal formalities and restrictions for entering Thailand during the Covid-19 pandemic. The quarantine, medical insurance and other economically draining formalities required under the pandemic, have resulted in a greatly reduced number of foreigners travelling to Thailand. This has dramatically impacted sex workers who do not work in massage parlors but are picked up from bars or clubs.

The non-coverage of prostitution as a legal profession causes several cases of sex workers not being paid or remunerated by the national or provincial government in the wake of the Covid-19 pandemic. This in turn has a beneficial effect on the government expenditure and budget. However, the legalization of prostitution would enhance the tax

income and allow for utilization of an enhanced tax revenue for further development, which in turn could actually assist in suppression or reduction of prostitution itself.

The legal framework does not assist sex offenders under the Prevention and Suppression of Prostitution Act, B.E. 2539 (1996), leaving gaps and loopholes in the legal punishments and sentences issued, and enhancing the number of sex workers in Thailand. The problems of prostitutes being caught while with clients, government suppression, and procurer pressure could be diminished if sex workers were given legal status (see Figure 1).

Women are prone to prostitution due to the open and high demand. They are put under pressure to earn a livelihood and support their family. This case is widely observed among

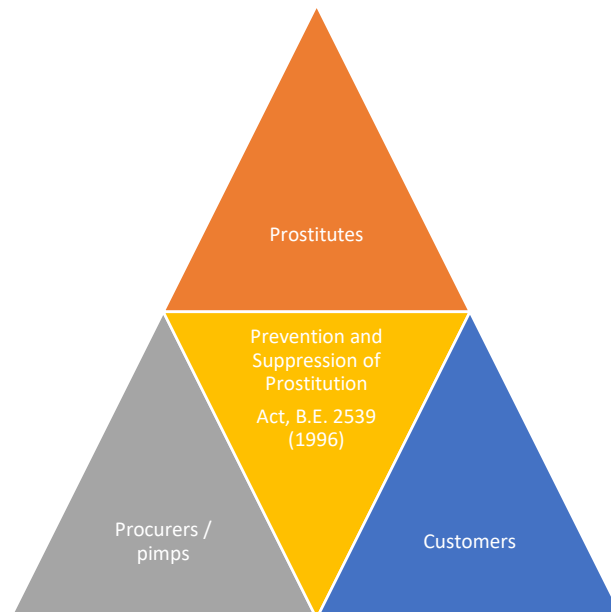


Figure 1: Legal framework narrowing offenders under the Prevention and Suppression of Prostitution Act, 1996.

many Thai households (Mensendiek, 1997). This implies that several prostitutes do not have rights despite working extensively (Janyam, et al., 2020).

METHODOLOGY

This study employed a qualitative method for exploring and analyzing the potential impacts of the Covid-19 pandemic on sex workers in Thailand. The study took place in the Bangkok Metropolitan area and surrounding provinces. The respondents worked in the Bangkok Metropolitan Area. However, their backgrounds and experiences differed due to their different origins.

Data were derived from both primary and secondary sources. Primary data were collected from 24 key informants via interview. Informants were selected using a random purposive sampling technique, with the total sample comprised of 8 males, 8 females and 8 third gender sex workers. These respondents earned their living as sex workers and suffered in many respects due to the Covid-19 pandemic. Further interviews were conducted with three individuals including one from each gender, male, female, and third gender, to develop the detailed case studies. Meanwhile, a focus group discussion was conducted with four participants working for NGOs, three participants from local government agencies, and seven sex workers. Secondary data were obtained from government departments, non-government

organizations (NGOs), and published reports and publications available online. It was noted that pseudonyms were used throughout the study to protect and conceal the personal information and identities of the interviewees. The collected data were analyzed using intensive Strengths, Weaknesses, Opportunities and Threats (SWOT) analysis and thematic content analysis about the psychological, economic, and social factors.

SWOT analysis was used in this study to explore the factors contributing to the existing legal gaps in Thailand's legal framework, as well as to investigate the legal framework preventing some careers with non-legalized status, such as prostitution, from accessing government subsidies, even though they have also suffered from this catastrophic event. The analysis might also depict the opportunities and barriers to the stigma and financial constraints faced by sex workers (Kutner, Scheibe, Lane, & Daniels, 2017; García Guerrero, Rueda López, Luque González, & Ceular-Villamandos, 2021).

RESULTS AND DISCUSSIONS

There are a great number of sex workers in Thailand. The likely factors for this are the high demand; greater opportunities, as Thailand is open to all genders in sex work; and ineffective and inadequate policies to curtail the increasing number of sex workers (Baffie, 2017). One factor behind the high incidence of

prostitution is the ease of earning money, that it provides. However, since the breakout of the COVID-19, almost all citizens have been affected, including sex workers. In addition to their vulnerability to physical violence, mental stress, trauma, and social segregation, sex workers have recently been faced with a declining number of clients. The informants for this research included male, female, and third gender sex workers affected by the Covid-19 situation. The sub-topics identified in the following section indicate the factors that were found to be significant in terms of their impact on prostitutes.

Gender

The characteristics of each individual subject varied considerably according to gender. The age of the male sex workers ranged from 19 to 28 years of age. It was observed that older male sex workers had few clients in the Thai sex industry. Not wanting to continue their studies, or forced into this trade due to financial constraints, most of the male sex workers were found to be school and college drop-outs. The income earned from each service ranged from 1500 Thai baht (\$47 USD) to 3500 Thai baht (\$110 USD) depending on the types of sexual services provided and the bargaining power of the sex worker. Several male respondents shared that they belonged to a poor family and performed unsatisfactorily in their education. The ease of earning a livelihood through sex work is what motivated them to join the prostitution profession.

The female sex workers included young and middle-aged females, ranging from 17 years to 42 years of age. According to the interview data, female sex workers older than 42 years of age remained in sex work as masseuses to earn their livelihood. 85% of female sex workers were school drop outs. The female sex workers earned a large income from their work, ranging from 2000 Thai baht (\$63 USD) to 6000 Thai baht (\$188 USD) according to the demand and clientele. In addition, they were sent an extra sum of money by some foreign tourists even after the tourists left Thailand. However, the female prostitutes tended to rely on this money which ceased to arrive after the outbreak of Covid-19. Female respondents shared that they had succumbed to the family financial situation and that in order to support their family in absence of decent paid jobs, they tended to join prostitution.

Third gender sex workers were found to be most affected among the sex workers. It was found that they may join the trade as early as 16 years of age and can remain in this trade until 55 years of age. However, they experience a lower demand and tough competition among themselves due to the availability of affordable beauty surgery. In order to attract clients, they are required to use extensive make-up, expensive attire and other accessories, often in addition to beauty surgery. This means that they are likely to spend additional investment but earn less in relation to their female and male counterparts. They achieve lower earnings of 1000

Table 2: Characteristics and services provided according to demand for sex work in Thailand

Gender	Age	Services	Demand	Clientele
Male	19-28	Massage/Sex	Moderate	Male and Female
Female	17-40	Chatting/Guide/Massage/Sex	High	Male, rarely Female
Third/Transgender/Kathoeay	16-55	Guide/Massage/Sex	Low	Male

Source: field.

Thai baht (\$31 USD) to 3000 Thai baht (\$94 USD). However, they earn extra services by being a tour guide. The information provided by the third gender respondents signified their turmoil in finding a job and lacking receptive acceptance in other workplaces, making them more inclined towards prostitution.

The demand and ease of starting trade varies according to the gender of sex workers (see Table 2). While male and female sex workers are barely required to invest money to begin their trade, this is completely opposite to transgender sex workers who are unnecessarily forced to invest in sex change and other surgeries to improve bodily attractions before starting work. A variety of services are provided by the sex workers, including massage, tour guide services, escort services, or delivering sexual services, depending on the demand of clients. Male and female sex workers have maintained some bargaining power even during Covid-19, while transgender sex workers find it difficult to receive adequate income due to the lower or even negligible demand.

Government

Regarding prostitution, the government attitude in Thailand suffers considerable variation and contradiction. The illegal status combined with free availability of prostitution is contradictory. However, in terms of the Covid-19 pandemic, sex workers have been among the most affected, due to their illegal status and social unacceptance. The government officials among the study respondents understood the situation, sharing their incapacity to ascertain real monetary damage and loss assessment among sex workers. It was also found that there is a prevalence of unknown sex workers, resulting in unrealistic assessment of employment and pandemic impacts.

The female respondents shared their experiences of enormous pressure in respect of supporting their families, meeting the educational expenses of their children, and the loss of employment opportunities due to their social impressions among community members, which in turn resulted in fewer employment opportunities. Several respondents provided similar experiences of physical and mental abuse by their

clients, if any, during the Covid-19 pandemic. Their illegal status was found to be a major factor affecting their economic and social limitations.

This was found to be worse among the transgender sex workers, who frequently faced bullying and eve-teasing. During the Covid-19 pandemic, sexual assault and abuse were found to be more common. Most of the transgender respondents were found to support prostitution as it provides them with decent earning opportunities, but these have been drastically reduced during the Covid-19 pandemic.

Since the outbreak of Covid-19, the local level government has not launched any measures, schemes, or plans to support or alleviate problems for certain genders, minority groups, or marginalized groups. This poses difficulties, particularly for sex workers, as they are not eligible to receive subsidies under the labor or business section. Indeed, several NGOs have attempted to provide support for sex workers; nevertheless, the government has failed to make NGOs fully understand the situation, and as such they have been unable to really influence sex workers, even during or after the devastating impacts of Covid-19.

Stakeholders

Several NGOs have been actively working in Thailand to ensure equality and safe sex among sex workers. However, a negligible number of NGOs are working to assist sex workers in terms of helping them to survive through this pandemic

situation. This may be because the NGOs would rather place their emphasis on such issues as HIV/AIDS prevention or other transmitted diseases among sex workers, violence and social discrimination against sex workers, and corruption and human trafficking. Moreover, it is the case that some NGOs are concerned about their own survival amid the pandemic situation; thus, ignoring sex workers at the current time. This lack of support and concern results in huge economic and psychological impacts among sex workers.

Several NGOs are working on medical safety and distribution of sexual contraceptives among sex workers. Their perception and observations indicate that the Covid-19 pandemic has been a catastrophic event among sex workers. The fact that tourism was adversely impacted resulted in a much-reduced clientage among sex workers. This was found to be true in the major towns, as well as in the home villages of the sex workers.

Considering the level of government policy, the livelihood of sex workers has always been neglected, particularly regarding ACT drafting by policymakers. One NGO officer showed disregard of the prostitution issue during Covid-19, while most NGO representatives and other stakeholders among the respondents understood the repercussions of an absence of any legal status among sex workers.

All the participating NGOs confirmed that due to little interest among donors and government

authorities during Covid-19, mismanagement at the department level, and absence of demand, Covid-19 had greatly worsened the situation of sex workers. The combined NGOs cover a vast network among sex workers, meaning that they could be beneficial in spreading awareness of their lack of rights and in planning for the better living conditions of sex workers.

Vulnerabilities

Various physical, economic, social, and mental vulnerabilities, have been found to have arisen during the Covid-19 pandemic. Several respondents shared examples of sexual abuse, experiences of assault, and their inability to report these cases due to social unacceptance and public shame. They are sex workers and sexual abuse is considered as an associated risk of the trade. This has resulted in increased physical and mental trauma among sex workers. The Covid-19 pandemic has increased their vulnerabilities due to a lack of government assistance.

The level of discrimination against sex workers is reported at different rates based on gender. Male and female sex workers face less abuse in comparison to third gender or transgender sex workers (Dominey-Howes, Gorman-Murray and Mckinnon 2014). It is also the case in Thailand, where such discrimination has been found to be relatively high. Transgender or Kathoey sex workers are easily spotted on the streets and in various locations as they cannot enjoy employment at bars and pubs. As

such, they are more exposed to eve-teasing and bullying which may lead to physical and mental abuse.

During Covid-19, sex workers have also faced discrimination against themselves. There has been a lack of unity among sex workers, resulting in diminished empowerment and negligence by the government and society. Local level government officials understood the situation as sex workers lacking unity among themselves. This is in line with the enhanced competition among sex workers due to the pandemic, which has in turn increased their vulnerabilities in terms of social and economic scenarios.

The findings depict the lack of communication and collaboration among the stakeholders involved, namely sex workers, government bodies, and NGOs. Sex workers, despite their considerable numbers, have failed to establish a platform where they can reflect their needs or request assistance during Covid-19.

Several respondents, living in provinces adjacent to Bangkok, have experienced financial difficulties during Covid-19. Thai sex workers have developed a better understanding of the vulnerabilities of life following the Covid-19 pandemic. 95% of the respondents acknowledged the importance of legalizing prostitution and the associated registration of sex workers.

The adverse effects of the Covid-19 pandemic on sex workers have been severe due to several factors. Sex workers have encountered reduced income, restricted access to financial

sources, Covid-19 infection, and increasing violence both inside and outside the home, thereby leading to other ailments such as mental trauma, stress, and depression. HIV-AIDS have been the focus of both the government and NGOs regarding sex workers. However, mental and physical abuse remain unexplored and few agencies and authorities have adopted any essential policies or initiated any protection against these issues regarding the sex industry in Thailand.

CASE STUDIES

Interviews were conducted with three individual cases, to provide a case study for each gender, namely male, female, and transgender, allowing for a deeper investigation into the social, economic, and psychological impacts of the Covid-19 pandemic.

Case Study 1: - Mr. Boy is a male sex worker, working in the *Silom* area of Bangkok and delivering services for both male and female clients. He works primarily as a masseuse in a massage spa and provides sexual services according to the demand of clients. He prefers to deliver services to foreign tourists. In 2020 he lost his job for seven months, due to Covid-19. He shared the experience that his family were against his work as a sex worker and had abandoned him. He was therefore unable to go back to his home village due to shame and unacceptance by his family. Social stigma has been a

constant cause for his dilemma and enhances his depression. Even his friends and other community members have become alien to him. It was hard for him to travel and he has found it difficult to survive during the Covid-19 pandemic. He finally recovered from the Covid-19 situation in January 2021, when tourism resumed in Thailand. He returned to his job but remains uncertain of the future on account of Covid-19.

Case Study 2: - Miss Kitty is a female sex worker in Bangkok, delivering services to male customers. She began working at the early age of 18 years due to the financial burden of her family as her father had left the family. She suffers from acute depression and anxiety from financial uncertainty. Some clients used to send her money through bank transfer, but during the pandemic, the frequency of money transfer has reduced considerably. Along with financial pressure and social stigma, the overall experience of Covid-19 has been catastrophic for her life. Covid-19 has caused unemployment, and due to the closure of the borders, clients have stopped sending her money. She then struggled to pay rent, leading her to mental abuse in her vicinity. However, the NGOs working in her vicinity have provided medical assistance and contraceptives inclusive of condoms and the birth control pill. She was required to partake in prostitution as soon as clients were interested. This was found to be an opportunity exclusive to female sex workers, as her

transgender and male counterparts were unable to return to prostitution during the Covid-19 situation and encountered elongated financial difficulties. Due to high demand, the female sex workers have found it comparatively easy to earn money; nevertheless, the monetary incentives of prostitution keep them away from finding new opportunities and socially accepted jobs.

Case Study 3: - Thunder, a transgender sex worker, also known as *lady boy* or *Kathoey* in the Thai language, performs in a cabaret show, also delivering sex services, usually to male clients. Transgender sex workers were found to be more comfortable with being prostitutes. This is due to the ease of earning money and transforming social unacceptability into a job opportunity. Their earnings were reduced considerably during the Covid-19 pandemic due to a fall in the number of clients. It was found that during the first quarter of 2020, the tourism sector in Thailand was on the decline. Therefore, the number of clients also declined, in turn affecting the overall livelihood of the sex workers. The transgender community was reluctant to see clients while wearing facemasks as they were frequently abused by clients who felt they were concealing their true identities. Transgender sex workers predicted the high probability of having limited job opportunities during the Covid-19 pandemic. They

have faced social discrimination, public sexual harassment, and mental and physical abuse during the Covid-19 situation.

Poor communication among sex workers and a lack of common platforms has potentially increased the gap within the sex worker community. Therefore, occupational harmony among sex workers was considered a major hurdle in solving the inaccessibility towards Covid-19 reduction measures.

Vulnerabilities during Covid-19 are further complicated by an absence of adequate legalization and limited registration among marginal groups including sex workers. The case studies demonstrate how the lack of policy has implications for safeguarding sex workers during Covid-19. The worst-case scenario probably remains, as Covid-19 may indefinitely delay legal instruments for protecting this career group, as Thailand currently has no practical planning or government mechanisms to provide them with even basic items of necessity.

SWOT ANALYSIS

Strengths, Weaknesses, Opportunities, and Threats (SWOT) analysis was conducted to acquire an understanding of the situations of these sex workers and their future social security in Thailand during Covid-19 (see Figure 2).

Strengths: The relative strengths

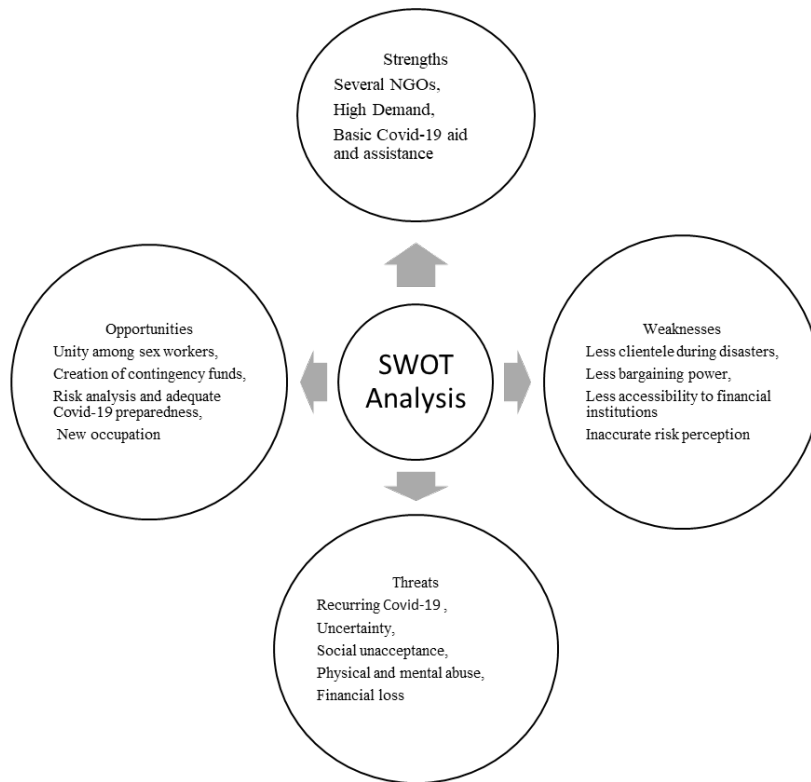


Figure 2: SWOT analysis

include the extensive assistance provided regarding basic needs, which has been provided by several NGOs during Covid-19, to ensure medical safety and safeguarding against human trafficking. Another strength is that the demand for sex workers in and around Bangkok and other tourist destinations has remained relatively high. This demand resumed within a few months after the first Covid-19 local epidemic in 2020. Another strength is the access to basic aid and assistance provided by the Thai government to general employers and society.

Weaknesses: Their non-legal status deprives sex workers of the financial assistance offered by the

government and financial institutions to other citizens. Economic and monetary losses are exacerbated by the reduced or even negligible demand of sex workers during Covid-19. Another weakness is the decreasing size of the clientele, including both former clients and overseas clients who used to provide financial assistance before the outbreak of Covid-19. It was observed that new clients tended to take advantage of the vulnerabilities of sex workers, taking advantage of their loss of bargaining power. Another weakness included an unawareness and lack of Covid-19 risk perception among the sex workers.

Opportunities: Hope paves the way for sustainability and resilience for sex workers in Thailand. The formation of a union among sex workers could enhance their presence in government policy framework and the agendas of NGOs. The establishment of a union for sex workers would enable them to truly understand their risks and to prepare them for the dynamics of situations such as Covid-19.

Threats: These threats include uncertainty due to the lack of legality in protecting sex workers, and an unstable political system including a military coup, which could potentially affect their future. Thai governments have continuously failed to introduce the positive aspects of sex workers into the structure of Thai society (Nuttavuthisit, 2006). Inaccessibility of financial support also greatly diminishes the financial stability of the sex workers.

Covid-19 provided sex workers with substantial opportunities to change their livelihood from prostitution. It is a cumulative effect of adequate governance, appropriate utilization of all stakeholders including government authorities, policy implications, NGOs, awareness generated among society, and the self-motivation of sex workers (Shaw 2014). The out-of-job status during Covid-19 allowed sex workers to explore their alternative abilities or livelihood options. However, they require support from the government, NGOs, or financial institutions. In addition to financial support, sex workers also require social acceptance

for their mental and physiological stability and sustainability.

Avoiding gender segregation and bias attitudes towards sex workers would enable them to be more vocal in sharing both their issues and achievements. It is essential to acknowledge the contributions of sex workers as a labor force working to provide services to society. Some of the respondents explored their professional skills while at home during the Covid-19 pandemic. These respondents shared that, skills such as make-up artist or barber skills for work in a salon, packaging skills, and even farming skills, were learnt during the covid-19 pandemic lockdown period. Some of the respondents would prefer to take up a low paid respectful job rather than continuing their job as a sex worker. On the other hand, some respondents were waiting for prostitution to recommence as the earnings were much higher than ground level jobs.

Their legal status is also important for acknowledging their contributions to the GDP and the economy. A female sex worker shared the idea of the legalization of prostitution in Thailand during a focus group discussion. Several respondents presented that they contribute towards the Thai economy in the same way as other sectors. They do not understand why their trade cannot be legalized to provide more security and legal working status.

However, the comprehensive process for redefining their lives involves achieving Covid-19 resilience, reducing vulnerabilities

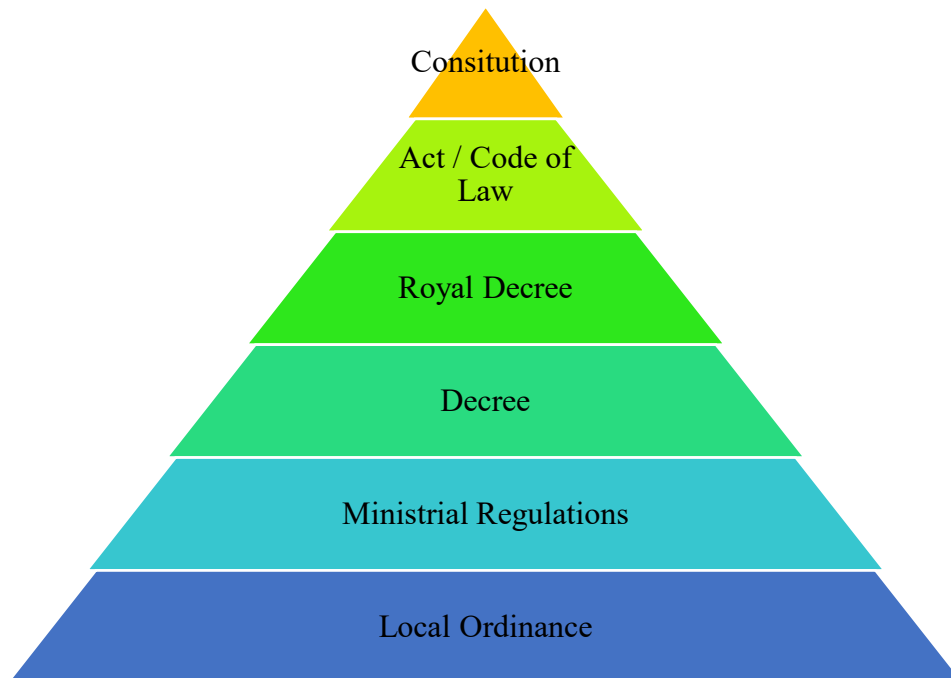


Figure 3: Hierarchy of Legal framework in Thailand

Source: Adapted from (Thinthalang, 2021).

including financial and social security, understanding disaster risk, and being prepared for an uncertain future in case of a future disaster.

Amendment to the existing acts in Thailand

Thailand has a government that functions along with the Thai constitution at the helm of its policy implementations. The hierarchy of the enactment or amendment as per Chapter I, Section 3 of the current constitution of Thailand involves the national assembly or parliament, which consists of 700 representatives of the people, a council of ministers (35 ministers and 1 Prime Minister), and the cabinet of the current government and the court (Court of

Justice) with essential approval exercised by the King of Thailand (Constitution Drafting Commission, 2021). One example of such an amendment is the amendment of the laws regarding the criminal code, which was revised in terms of rape offences in Thailand (Yusawat, 2019). The Criminal Code (No. 27), B.E. 2562, which came into effect on 28 May 2019.

The above-mentioned hierarchy follows the enactment of any amendment through petition by a minimum of 10,000 adult individuals (Thai citizens only) over the age of 18 years who may or may not have voted in previous elections. Such a petition can be submitted to the house of representatives under Section 133 of the Thai constitution (Refer Figure 3).

Section 133 of the Thai constitution provides the procedure and hierarchy for the approval of such a bill.³

The above is an example of one potential procedural framework for change. However, following the findings of this research, there are several recommendations which should be highlighted for improving the current situation.

The following list provides the recommendations for adoption by Thai legislation and for the empowerment and assistance of sex workers in Thailand, particularly considering the necessity for recovery following Covid-19.

1. The government must legalize sex workers in recognition of their contributions to the economy under the Prevention and Suppression of Prostitution Act B.E. 2539 (1996), dated 14 October 1996.
2. The government must provide Covid-19 compensation to sex workers, similar to that provided for small business owners and entrepreneurs under the Service Places Act BE 2509 (1966).
3. The government must provide medical assistance during Covid-19 particularly for reducing sexually transmitted diseases such as HIV AIDS and other infections

under the Labour Protection Act, 1998.

4. The government must collaborate with NGOs for enhancing Covid-19 awareness and training for resilience among sex workers.
5. Government agencies in collaboration with NGOs must take action to prevent mental and physical abuse against sex workers through adequate policy implementation.
6. Sex workers must be vigilant and aware of their vulnerabilities during Covid-19 through higher participation and collaboration with NGOs and government agencies under the act on the Prevention and Suppression of Human Trafficking BE 2551 (2008).
7. Sex workers must be connected through a union to discuss, analyze, and voice their similar concerns, both during and after Covid-19 for potential amendment under Section 133 of the Thai constitution.
8. Sex workers must explore other occupations according to lessons learned during Covid-19 to recover faster from disruptive events.

Table 3 depicts the thematic content analysis for this research.

³ “Section 133. A bill shall be first submitted to the House of Representatives and may be introduced only by the followings:

- (1) Council of Ministers;
- (2) Members of the House of Representatives of not fewer than twenty in number;
- (3) persons having the right to vote of not less than ten thousand in number who submit a petition to introduce a bill under Chapter III Rights and Liberties of the Thai People or Chapter V Duties of the State and in accordance with the law on the public submission of a bill.

If a bill introduced by persons under (2) or (3) is a money bill, it may be introduced only with the endorsement of the Prime Minister.”

Table 3: Thematic Content Analysis

Factors	Corresponding laws	Corresponding Recommendations	Implications	Impacts	Sub theme	Theme
Psychological	Prevention and Suppression of Prostitution Act B.E. 2539 (1996), dated 14 October 1996	1	Enhanced self-confidence	Dignity and Mental peace	Psychological reconciliation	Legalization of Prostitutes / sex workers by the government
Economic	Service places Act B E 2509 (1966) & Labour Protection Act, 1998	2, 3, 7 and 8	Enhanced standard of living	Reduced physical abuse	Financial aid and assistance	
Social	The act on the Prevention and suppression of Human trafficking BE 2551 (2008)	1, 4, 5 and 6	Social acceptance and self-help	Decriminalization	Ratification / Legitimization	

Source: Authors

The table depicts the comprehensive implications of each sub-thematic layer under the content analysis of this research (see Table 3). The overall objective of legalization of sex workers is supported by the qualitative data collected from the respondents. The impacts and implications are focused on strengthening of the existing social, economic, and psychological position of the prostitutes and other sex workers in Thailand. Direct implications would involve a rise in the social status and economic security as well as the overall sustainability of prostitutes irrespective of their gender or sexual preferences.

CONCLUSION

The findings of this research demonstrate the adverse impacts of the illegal status of prostitutes in Thai society. The physical, mental, economic, and social vulnerabilities they encounter normally, are enhanced by unexpected disasters such as the Covid-19 pandemic. The longer the disaster period, the higher the impact on the sex workers in Thailand. Stakeholder involvement with the sex workers is not linked with government agencies, therefore, the overall response and recovery mechanism remains inefficient. The study provides recommendations towards the revision of relevant sections of national level legal acts in

terms of incorporating sex workers as a part of the legal labor force. The amalgamation of the stakeholders will enhance the development of professional skills among the sex workers, which in turn can open opportunities to work as employees under legal professions in Thailand.

Sex workers remain one of the most affected groups under the Covid-19 pandemic. Losses in terms of economic, social, and mental peace, have worsened due to the elongated months of the situation after 2020. However, there is hope to recover and find a new horizon for sex workers. Covid-19 has provided an opportunity to start afresh, enabling some sex workers to attain social acceptance and self-rendition.

Apart from these, the social acceptance of sex workers within their community is crucial for coping with the impacts from Covid-19 and the ease at which this can occur.

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