

CLMV Male Migrant Sex Workers in Bangkok: Livelihoods and Social Protection



A Thesis Submitted in Partial Fulfillment of the Requirements  
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พนักงานบริการทางเพศชายชาวกัมพูชา ลาว เมียนมา และเวียดนามในกรุงเทพมหานคร:  
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สืบเนื่องจากธุรกิจค้าบริการทางเพศในประเทศไทยได้สร้างรายได้อย่างมหาศาล สิ่งดังกล่าวได้ดึงดูดให้เกิดพนักงานบริการทางเพศที่ไม่ใช่แค่ชาวไทย แต่รวมถึงแรงงานข้ามชาติจากประเทศเพื่อนบ้าน คือ กัมพูชา ลาว เมียนมา และเวียดนาม (CLMV) ในประเทศไทย โดยค่าตอบแทนที่สูงในธุรกิจดังกล่าวเป็นแรงดึงดูดให้แรงงานข้ามชาติเหล่านี้ที่ไม่ใช่แค่เพศหญิง แต่รวมถึงเพศชาย และพวกเรารักร่วมเพศ สมัครงใจที่จะประกอบอาชีพค้าบริการทางเพศ โดย แรงงาน ข้ามชาติ ที่ มา ประกอบ อาชีพ พนักงาน บริการ ทาง เพศ เหล่า นี้ ประสบปัญหาในเรื่องของสถานภาพทางกฎหมายของแรงงานข้ามชาติมากกว่าคนไทย และเนื่องจากงานบริการทางเพศไม่ถือว่าเป็นรูปแบบการจ้างงานที่ถูกต้อง ส่งผลให้ไม่สามารถใช้สิทธิและความคุ้มครองภายใต้พระราชบัญญัติคุ้มครองแรงงานของไทยได้ พวกเขาต้องเผชิญกับความเปราะบางในด้านกฎหมาย คือ กฎหมายด้านแรงงาน กฎหมายเข้าเมือง และกฎหมายการค้าบริการ

วัตถุประสงค์ของงานวิจัยนี้คือการตรวจสอบว่าสถานะทางกฎหมายของพนักงานบริการทางเพศชายของกลุ่มประเทศ CLMV ในประเทศไทย มีผลต่อวิถีชีวิตของพวกเขาอย่างไร และวิเคราะห์วิธีการรับมือกับปัญหาและการเข้าถึงการคุ้มครองทางสังคมของพวกเขา โดยกรอบแนวคิดที่ใช้ในงานวิจัยคือ แนวทางการดำรงชีพอย่างยั่งยืน การรับมือกับปัญหา และการคุ้มครองทางสังคม ซึ่งงานวิจัยชิ้นนี้เป็นการศึกษาเชิงคุณภาพโดยการสัมภาษณ์เชิงลึกกับพนักงานบริการทางเพศชาย 14 คนที่เป็นแรงงานข้ามชาติจากกลุ่มประเทศ CLMV และสัมภาษณ์ผู้ให้ข้อมูลสำคัญ 5 ราย ทั้งจากหน่วยงานภาครัฐและองค์กรไม่แสวงหาผลกำไร และใช้วิธีการสังเกตแบบไม่มีส่วนร่วมเพื่อสังเกตการณ์ปฏิสัมพันธ์ระหว่างพนักงานบริการทางเพศด้วยกัน หัวหน้างาน และลูกค้าในสถานบริการในสามประเภท ได้แก่ บาร์อ็อกโก ร้านสปาและนวดแผนโบราณ และบาร์เบียร์

จากผลการวิจัยแสดงให้เห็นว่าการดำรงชีพของพนักงานบริการทางเพศชายจากกลุ่มประเทศ CLMV การรับมือกับปัญหาที่เกิดขึ้น รวมถึงการเข้าถึงการคุ้มครองทางสังคมในประเทศไทย ถูกจำกัดจากสถานะทางกฎหมาย เนื่องจากประกอบอาชีพค้าบริการทางเพศที่ผิดกฎหมาย การทำงานโดยใช้วีซ่าท่องเที่ยว การทำงานโดยไม่มีใบอนุญาตทำงานหรือทำงานโดยใช้ใบอนุญาตทำงานที่ผิดไปจากประเภทของงานที่ถูกกำหนดไว้

งานวิจัยสรุปได้ว่า สถานะทางกฎหมายของพนักงานบริการทางเพศชายในกลุ่มประเทศ CLMV มีผลต่อการดำรงชีพ การรับมือกับปัญหาและการเข้าถึงการคุ้มครองทางสังคมในประเทศไทยในระดับที่ต่างกัน พนักงานบริการทางเพศที่ใช้วีซ่านักท่องเที่ยวมีความเสี่ยงมากกว่าแรงงานที่ขึ้นทะเบียนแรงงาน แต่อย่างไรก็ตาม ระดับความเสี่ยงนั้นขึ้นอยู่กับความสามารถในการรับมือของแต่ละคน พนักงานบริการทางเพศชายเหล่านี้ได้อาศัยแนวช่องโหว่ทางกฎหมาย อาศัยอยู่อย่างหลบๆ ซ่อน ๆ และใช้แผนการในการป้องกันตัวเพื่อตอบสนองต่อความเสี่ยงของพวกเขา การเข้าถึงการคุ้มครองทางสังคมของพวกเขานั้น ขึ้นอยู่กับสถานะการจ้างงานของแรงงานข้ามชาติ สถานะดังกล่าวทำให้แรงงานเหล่านี้สามารถเข้าถึงการคุ้มครองทางสังคมได้ ผู้ที่ถือวีซ่าท่องเที่ยวไม่สามารถได้รับการคุ้มครองทางสังคมในรูปแบบของนโยบายของรัฐได้ แต่สามารถเข้าถึงการคุ้มครองทางสังคมจากระดับชุมชน

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livelihoods, social protection, sex workers, coping strategy, migration, vulnerability, male, (il)legal status, CLMV

Ob-orm Utthasit : CLMV Male Migrant Sex Workers in Bangkok: Livelihoods and Social Protection.

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Due to the lucrative business of sex industry in Thailand, it welcomes not only Thai sex workers to engage in sex industry, but also migrant sex workers from neighboring countries including Cambodia, Lao PDR, Myanmar, and Vietnam. The high incomes of sex industry convince not only the female migrants, but also male migrants either heterosexual or homosexual identified to engage in sexual services. These migrant sex workers are experiencing more barriers than the local due to their migrants' legal status. Because sex work is not considered a legitimate form of employment, these migrant sex workers are unable to exercise their rights and protections under Thai Labor Protection Act. They are subject to vulnerabilities facing triple legal barriers including labor, immigration, and sex-work laws.

The purpose of this research is thus to investigate to what extent does (il)legal status of CLMV male migrant sex workers affect their livelihoods, and to analyze how do they manage their coping strategies and their accessing to social protection. The concepts applied in this research are sustainable livelihood approach, coping strategies, and social protection. This research is in qualitative method conducted through the use of in-depth interviews with 14 CLMV male migrant sex workers, and 5 key informant interviews from government and NGOs. The research is also adopted non-participant observation to observe their activities and interaction amongst sex-work colleagues, captains, and clients in three types of establishments: go-go bars, massage/ spa shops, and beer bars.

From the study, it finds that CLMV male migrant sex workers' livelihoods and their coping strategies of accessing to social protection in Thailand are confined by their (il)legal status from engaging in illegal sex industry, working using tourist visa, and carrying out work without a work permit or carrying out work differently specified in work permit.

With that, the paper concludes that (il)legal status of CLMV male migrant sex workers has the effects on their livelihoods and their coping strategies of accessing to social protection in Thailand in different degree. Migrant sex workers who depend on tourist visa are more vulnerable than ones who are employed. However, the degree of vulnerability depends on one's capacity to cope. CLMV male migrant sex workers adopt loophole strategy (invisibility) and protective strategy as a response to their vulnerabilities. Their accessing to social protection is based on migrants' employment status. Employment status allows migrant sex workers to get access to social protection. Visa tourist holders cannot get social protection in terms of state policies but can access to social protection through their social network from the community in the form of occupation support to maintain their sex-work career.

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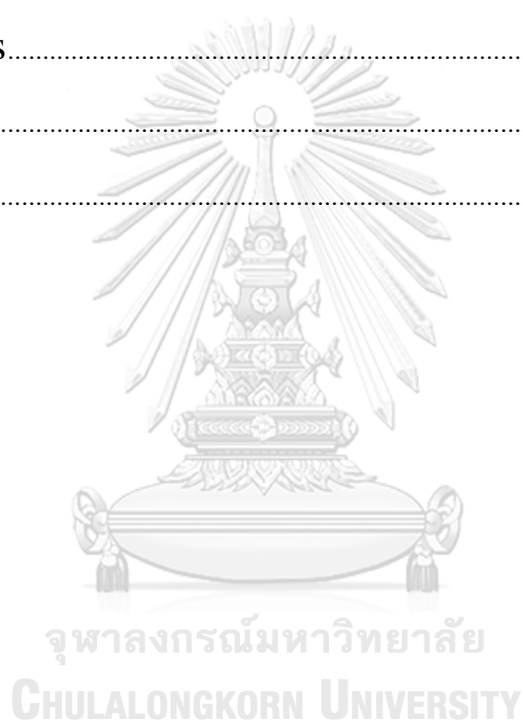
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## ACRONYMS

AHF Thailand	AIDS Healthcare Foundation, Thailand
AIDS	Acquired Immune Deficiency Syndrome
BATS	Bureau of AIDS, TB, and STIs
CLMV	CLMV countries including Cambodia, Lao PDR, Myanmar, and Vietnam
CMHI	Compulsory Migrant Health Insurance
CSMBS	Civil Servants Medical Benefit Scheme
DFID	Department for International Development
FAR	Foundation of AIDS Rights
FSWs	Female sex workers
GPF	Government Pension Fund
HISO	Health Information System Development Office
HIV	Human Immunodeficiency Virus
ILO	International Labor Organization
IOM	International Organization for Migration
MSMs	Men who have sex with men
MSWs	Male sex workers
NGOs	Non-governmental organizations
NHRCT	National Human Rights Commission of Thailand
NSF	National Savings Fund
PSTWF	Private School Teachers' Welfare Fund
SLA	Sustainable Livelihood Approach
SSA	Social Security Act
SSF	Social Security Fund
SSS	Social Security System
STIs	Sexually Transmitted Infections
TB	Tuberculosis
TGSW	Transgender sex worker
UCS	Universal Coverage Scheme
UNDP	United Nations Development Programme
UNISDR	United Nations International Strategy for Disaster Reduction
USAID	United States Agency for International Development
WCF	Workmen's Compensation Fund
WHO	World Health Organization

## DEFINITION OF TERMS

Captain	A head within an establishment who takes care male sex workers
Direct sex establishment	A place where sexual services are normally operated, for instance, brothels, and hotels
Formal workers	Employees in the private formal sector (i.e. workers in private enterprise) and employees in the public sector (i.e. state enterprise workers and civil servants)
Indirect sex establishment	A place where sexual services can be found, for instance, beer bars, go-go bars, karaoke bars, massage parlors, massage/ spa shop
Informal workers	Individual who work in informal economy and do not have employee status under the Labor Protect Act
Insertive	The act of sexual penetration upon others
Migrant sex worker	A person who is not a Thai national but stay in Thailand to engage in sex work
Memoranda of Understanding	A migrant worker from Cambodia, Lao PDR, and Myanmar (CLM) who is imported under the memorandum of understanding between Thailand and CLM
National Verification	A formerly illegal migrant worker from Cambodia, Lao PDR, and Myanmar who has changed his or her status from illegal to legal through a process of national verification and has received a temporary passport or a Certificate of Identification (CI)
Non-immigrant visa	One who wishes to enter the kingdom for several purposes, except tourism purpose
Non-immigrant visa (L-A)	L-A or Labor Approved is a type in non-immigrant visa for laborers from neighboring countries including Cambodia, Lao PDR, Myanmar, and Vietnam

Sex work	Activities relating to the exchange of money for the provision of a sexual service
Sex worker	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
Street-based sex worker	Freelance sex worker
Tourist visa (TR – 30)	One who enters Thailand for tourism purposes. Period of stay is not exceeding 30 days.





## CHAPTER I

### INTRODUCTION

#### 1.1 Problem of Statement

Due to the lucrative business of sex industry in Thailand that estimated to be valued up to \$22.5-27 billion a year (ILO, 1998), it welcomes not only the local sex workers to engage in sex industry, but also the migrant sex workers. Even though sex work is illegal in Thailand, such lucrative business remains to be one of the main sources of Thai economic growth. Its economic liberalization in the past few decades has transformed sex industry not only in terms of type of sex establishments, but also location of sex industry, and sex providers.

Sex establishments are changed from direct to indirect type of sex providing, meaning that indirect sex establishments nowadays involve more on entertainment places, for instance, beer bars, go-go bars, karaoke bars, massage parlors, massage/spa shop, etc. The clandestine sex industry in the form of entertainment places entails the complexity compared with direct sex establishment, for instance, brothel, where some can disguise themselves in entertainment place, and offer sexual services.

Location of sex establishments is diverse in Thailand ranging from the main hotspots like Bangkok, Pattaya, Hat Yai, or Phuket, to border areas (Warr, King, & Risser, 1996). It cannot be denied that Thailand is well known for sex tourism, which is a target for many foreigners in travelling to Thailand. Bangkok alone accounts a high number of sex workers and sex establishments (Department of Disease Control, 2015). Multiple red-light districts in Bangkok are, for instance, Patpong, Soi Cowboy, Entertainment Nana Plaza, etc. (Boonchalaksi and Guest, 1994; Warr et al., 1996). Such high number both in terms of sex workers and sex establishments represents a high demand and supply in sex industry in Bangkok, entailing the more attention in investigating in such area.

It should in addition be acknowledged that sex workers in Thailand are not only Thai, but also migrant sex workers. It is also to be aware the current situation of Thai

sex industry that not only are female engaging in sexual services, but also male. Mutchler (2005) supported that male sex workers (MSWs) are in multiple entertainment establishments including gay bars, go-go boy clubs, massage parlors (relaxing massage that includes sex), bathhouse, etc. He in addition stated that the change in sex industry in Thailand is due to the consumers from Western nations. Dennis (2008) also argued that there are extensive discussions on female sex workers (FSWs) by using the terms such as “she”, “her”, “the woman”, ignoring the fact that male also engage in sexual services. It is the public discourse of sex industry that depicts the archetypes of women as sellers and men as buyers (Minichiello, Scott, & Callander, 2015). The study of male migrant sex workers is thus underrepresented even though there is an increase rate of such population. The lack of attention in male migrant sex workers deserves more investigation to represent the current situation of Thai sex industry.

Even though it is difficult to enumerate the exact number of sex workers either Thai or non-Thai due to its illicit nature of sex industry, it is likely to represent that migrant sex workers are from neighboring countries including Cambodia, Laos, Myanmar, and Vietnam. Generally, Archavanitkul and Guest (1994) argued that these migrants are restricted to a low-paid manufacturing and service-sector occupations, and sex sector is one of the few areas where it offers high income. Since it is difficult to document the number of migrant sex workers, potential number is traced from the service sector where they potentially work in a disguise in entertainment places. In Thailand, the term ‘service sector’ is broad that can be ranged from low-end services to high-end services. According to Department of Employment, CLM migrant workers who enter through National Verification<sup>1</sup> and MOU<sup>2</sup> process to work in services accounted for 154,941, and 85,257 migrant workers respectively (Department of Employment, 2018). Vast majority of Vietnamese migrant workers also enter to Thailand to work in service sector (Malikaew, 2016). However, it is to note that the service sector only reflects the potential where migrant sex workers might engage with in entertainment places. It is to aware that the complexity in enumerating the number

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<sup>1</sup> National verification is a process of changing status from illegal to legal that opens to migrant workers from Cambodia, Lao PDR, and Myanmar.

<sup>2</sup> Thailand has signed MOU with four countries to manage labor migration, but MOU with Vietnam has not yet been implemented.

of migrant sex worker is due to illicit nature of sex work as well as complexity in laws that allow migrant sex workers to work disguisedly in entertainment places. It remains ambiguous regarding migrant sex worker's legal status whether they are legal or illegal. The complexity in laws including immigration, labor, and sex-work laws raises the question on how (il)legal status of CLMV male migrant sex workers affects their livelihoods. In addition, as often cited in extensive studies that migrants, especially undocumented, are likely to experience vulnerabilities and the exclusion from some certain rights in host state, it raises the question of how migrants, especially of those who becomes sex worker, manage to get social protection in Thailand. With little control of the situation from engaging in illegal sex work, it deserves more scrutiny on their coping strategies and accessing to social protection.

The purpose of the study thus aims to investigate to what extent do the (il)legal status of CLMV male migrant sex workers affect their livelihood, and to analyze how do CLMV male migrant sex workers manage their coping strategies, and their accessing to social protection. To answer these questions, the three concepts underpinnings of this study are adopted using sustainable livelihood approach, coping strategies, and social protection concept.

## 1.2 Research Questions

**To what extent does (il)legal status of CLMV male migrant sex workers affect their livelihoods, and to what extent how they manage and get social protection?**

1. To what extent does (il)legal status of CLMV male migrant sex workers affect their livelihoods?
2. How do they manage, and what type of coping strategies they use in order to get social protection?

## 1.3 Research Objectives

1. To investigate to what extent does (il)legal status of CLMV male migrant sex workers affect their livelihoods
2. To analyze how do CLMV male migrant sex workers manage their coping strategies, and their accessing to social protection?

#### **1.4 Scope of the Research**

Due to the current situation of male migrant sex industry in Bangkok, the scope of the study was thus the CLMV countries (Cambodia, Lao PDR, Myanmar, Vietnam) from their engaging in sexual services. The study area was in Boystown, a red-light district in Surawong area, from the high number of male migrant sex workers. The study covered on their livelihoods, vulnerabilities, coping strategies, and social protection provisions in Thailand. The scope of the laws in the study was related to labor law, immigration law, and prostitution laws as follows: 1) Labor Protection Act (1998) 2) Foreigner's Working Management Emergency Decree (No.1) (2017) and (No.2) (2018) 3) Immigration Act (1979) 4) The Prevention and Suppression of Prostitution Act (1996) or Prostitution Act and 5) Penal Code Amendment Act (No.14) (1997).

#### **1.5 Limitations of the Research**

There were three limitations arose during fieldwork research. Firstly, due to the difficulty accessing male migrant sex workers, the researcher depended on SWING Foundation. The researcher was aware that it was likely not able to access the most vulnerable male migrant sex workers. These male migrant sex workers had some certain access levels to NGO. Secondly, the proportion of sex workers interviewed was based on the SWING Foundation's accessibility. The researcher was aware the difficulty to get the same proportion of sex workers of each nationality. Thirdly, migrant sex workers were not willing to cooperate since they were aware of their illegal status in engaging sex industry, and their working in disguise under their tourist visa or non-immigrant visa. Their (il)legal status was thus the main difficulty in conducting the research.

#### **1.6 Knowledge Gap and Significance of the Research**

The study enriches the understanding regarding the current situation of male migrant sex industry in Bangkok, which is underrepresented in the academia and state's policy. It broadens the understanding on CLMV male migrant sex workers' livelihoods and social protection relating to their (il)legal status. The study entails the rethinking of social protection system in Thailand in terms of policy relating to migrant sex workers on the basis of human rights.

## CHAPTER II

### Migration, Sex Industry, and Sex Work in Thailand

#### 2.1 Introduction

This section reviews on the CLMV migration in Thailand both in service sector and sex industry, overview of sex work in Thailand including laws relating to migrant sex workers, migrant sex workers' livelihoods and their vulnerabilities, coping strategies, and social protection in Thailand. It also covers on the concepts that are essential in enriching the understanding of migrant sex workers' livelihoods and their coping strategies towards social protection, which is sustainable livelihood, approach, coping strategies, social protection concept, and vulnerability concept.

#### 2.2 CLMV Migration in Thailand

##### 2.2.1 Current Situation of CLMV Migration in Service Sector in Thailand

Even though Thailand is widely regarded as agricultural-export based country, the significant contributing income in Thailand is in fact largely from the manufacturing and the service sectors (Koonnathamdee, 2013). In Thailand, the term 'service sector' is broad that can be ranged from low-end services including street vendors to high-end services including the professional sectors (Koonnathamdee, 2013). The geographic proximity between Thailand and neighboring countries, coupled with differential wages, has entailed the influx of migrant workers to meet with shortage of unskilled labor in Thailand. It welcomes migrant workers to work in different sectors of works including low-end services.

This influx of migrant workers from Cambodia, Lao PDR, and Myanmar who enter Thailand and work without document is allowed to change his or her status from illegal to legal through a process of national verification. To manage these influxes of migrant workers and to prevent illegal migration, Thailand has signed Bilateral Memoranda of Understanding (MOU) in the Employment of Migrant Workers with Lao PDR in 2002, Cambodia and Myanmar in 2003, on guidelines and procedures for employment and repatriation of workers, rights and protection of workers, and measures against illegal

employment (ILO, 2015). Thailand also signed MOU on Labor Cooperation with Vietnam in 2015, though it is yet to be implemented. The MOU restricts the sending of Vietnamese workers to the construction and fishing sectors while most of Vietnamese workers are in service and industry sectors (ILO, 2017; Malikaew, 2016). There are approximately 520,000 Vietnamese migrant workers working in low-skilled employment including manufacturing, construction, fishing, agriculture, domestic work, and other service industries (ILO, 2017).

Because sex work is illegal in Thailand, migrant workers who come and work in sex industry may disguise themselves in service sector. Plus, due to the changing of sex providing from direct sex establishments to indirect sex establishment (Guest, Prohmo, Bryant, Janyam & Pheungsamran, 2007), entertainment places are related to service sector where migrant sex workers may work in disguise under service sector. Table 1 shows that CLM migrant workers that register in National Verification or enter through MOU process represents a significant number of migrant workers working in services.

Table 1 Number of CLM Migrant Workers in Thailand (National Verification and MOU) (As of March 2018)

Type of Entering	Type of Employment	Cambodia			Lao PDR			Myanmar			Total
		T	M	F	T	M	F	T	M	F	
National Verification	1. Construction	43,233	24,767	18,466	7,833	4,349	3,484	179,265	106,832	71,433	230,331
	2. Services	20,124	10,840	9,284	11,618	7,573	4,045	123,199	75,506	49,693	154,941
	3. Private households with employed persons	2,794	891	1,903	8,244	1,731	6,513	45,267	9,822	35,445	56,305
	Total	66,151	36,504	29,653	27,695	13,653	14,042	347,731	192,160	156,571	441,577
MOU	1. Construction	52,313	31,539	20,774	9,084	5,253	3,831	45,677	36,615	9,062	107,074
	2. Services	42,057	23,614	18,443	9,788	4,500	5,288	33,412	18,910	14,502	85,257
	3. Private households with employed persons	1,967	728	1,239	9,477	1,613	7,864	2,589	968	1,621	14,033
	Total	96,593	55,881	40,456	28,349	11,366	16,983	81,678	56,493	25,185	206,364

Source: Department of Employment, 2018

Because occupations open to migrant workers are agriculture/ livestock/ fishery, construction, factory-based manufacturing, wholesale and retails, service businesses, transportation, household and community services (Archayanitkul and Vajanasala,

2009), it also has high potential that these migrant workers disguise themselves as migrant sex workers under these sectors. However, according to key informants, it is reported that there is also a number of migrant sex workers who register in construction, factory, and domestic work, but work in sex industry.

### **2.2.2 Migration of CLMV Sex Workers in Thailand**

Extensive studies show that female migrant sex workers' migration into Thailand is utilized through cross border due to Thailand's geographic proximity with neighboring countries. Especially Myanmar, Limanonda (1997) said that the massive influx of smugglers including Myanmar and Chinese into Thailand was believed to be more than 500,000 people. Myanmar sex worker's migration into Thailand usually depended on the land-cross border along the border areas of Thailand. Their migration route was in Takhilek, Chiang Rai, where their migration in Thailand was to aim for work in sex industry. She also pointed out that Myanmar sex workers smuggled in the west and southern part of Thailand via Victoria Point in Ranong. Chantavanich, Paul, Amaraphibal, Suwannachot, Wangsiripaisal, & Beesay (2000) also commented that there were around 500 sex workers in Ranong offering both direct and indirect services that operated in restaurants, beer bars, cafes, etc. It was found that Myanmar to be most located nears the fishing piers in Rayong. Since mid-1980, Korsieporn (2003) added that there has been a massive influx of immigrant workers from Myanmar, Cambodia, and Laos. Senawong (2017) commented that Lao women crossed border to enter commercial sex in many border town of Ubonratchathani. Bala (2010) also added that substantial number of women and children decided on their own to come to Thailand to participate in sex industry, which included Myanmar, Laos, and China. Their main reason to migrate to Thailand was mainly on financial burdens back home including debt, sickness, low wage in Myanmar, etc. (IOM, 2007). Since Thailand also involves with sex industry, it cannot be denied that it is a tourist sex destination for foreigners and for migrants themselves to come participate in sex industry. However, extensive studies advocated mostly on FSWs. The current situation of Thai sex industry deserves more scrutiny on MSWs and their migration process into Thailand.

## **2.3 Sex Work in Thailand**

### **2.3.1 Overview of Sex Work in Thailand**

Thailand, a large tourism industry and popular tourist destinations, is well known for sex tourism, spotted in the area such as Bangkok, Pattaya, and Phuket, contributing approximately 6.7% of Thailand's GDP (Jebarajakirthy, Thaichon, & Sivapalan, 2017). In fact, the lucrative sex businesses in Thailand have long been existed since Ayutthaya period, and it has the potential to grow from its economic development in the past few decades (Boonchalaksi and Guest, 1994). The result of its economic growth has transformed sex industry not only in terms of types and numbers of sex establishments, but also location of sex industry, and sex providers.

Due to the economic growth in the past decades, the impact of such phenomenon is related to the change of types of sex establishments as well as the expansion of substantial sex establishments across the regions in Thailand. Direct type of sex establishment, for instance, brothels or hotels is no longer a well-known place for sex business. In fact, clandestine sex establishments are nowadays in the form of indirect type of entertainment places, for instance, beer bars, karaoke parlors, massage parlors, etc. (Guest et al., 2007). Sex establishment were formerly classified into six types including brothels, bars, nightclubs, massage parlors, teashops, etc. (Department of Disease Control, 2015). However, sex establishments nowadays are classified into 24 types including as follows:



Table 2 Classifications of Sex Establishments in Thailand

1. Brothels	2. Hotels	3. Bungalows	4. Guest Houses
5. Teashops	6. Beer Bars	7. Gay Bars	8. Go-go Bars
9. Discotheque	10. Nightclubs	11. Pubs	12. Karaoke
13. Cocktail Lounge	14. Massage Parlors	15. Massage/spa Shops	16. Sauna Shops
17. Coffee Shops	18. Local Bars <sup>3</sup>	19. Restaurants	20. Beauty Salons
21. Barber Shops	22. Online Calls	23. Public Spaces	24. Etc. <sup>4</sup>

Source: Adapted from Department of Disease Control, Ministry of Public Health, 2015

SWING Foundation (2017) reported that the concentration of MSWs locates mostly in Surawong, Silom, and Sukhumvit. They engage in different types of establishments including go-go bars, massage/ spa shops, beer bars, host bars, pub & restaurants, and karaoke. In contrast to male migrant sex workers, the location they mostly engage in sex services is in Surawong, Sukhumvit, and Sathorn. They engage mostly in go-go bars, and massage/ spa shops.

Numbers of sex establishments are increased across the regions in Thailand from 15,061 in 2011 to 19,355 in 2015 (Department of Disease Control, 2015). Bangkok alone constituted the highest number of sex establishments accounted for 2,376 establishments, while Chonburi was in the second rank representing 1,658 establishments (Department of Disease Control, 2015). In 2015, massage/spa shop type represented the highest number of sex workers in Bangkok accounted for 6,718 sex workers, compared to massage parlors for 4,826 sex workers. Followed by restaurants

<sup>3</sup> The researcher changes the term 'cafe shop' to 'local bar' because it might cause confusion with the term 'coffee shop'. Local bars are normally seen in suburb area with singers performing on the stage.

<sup>4</sup> Etc. means sex establishments that can be found other than the 23 types. Their method is to ask the local people in a particular community if there is any of sex establishment. See more from Department of Disease Control, 2015.

and karaoke that accounted for 3,427 and 3,233 sex workers respectively (Department of Disease Control, 2015).

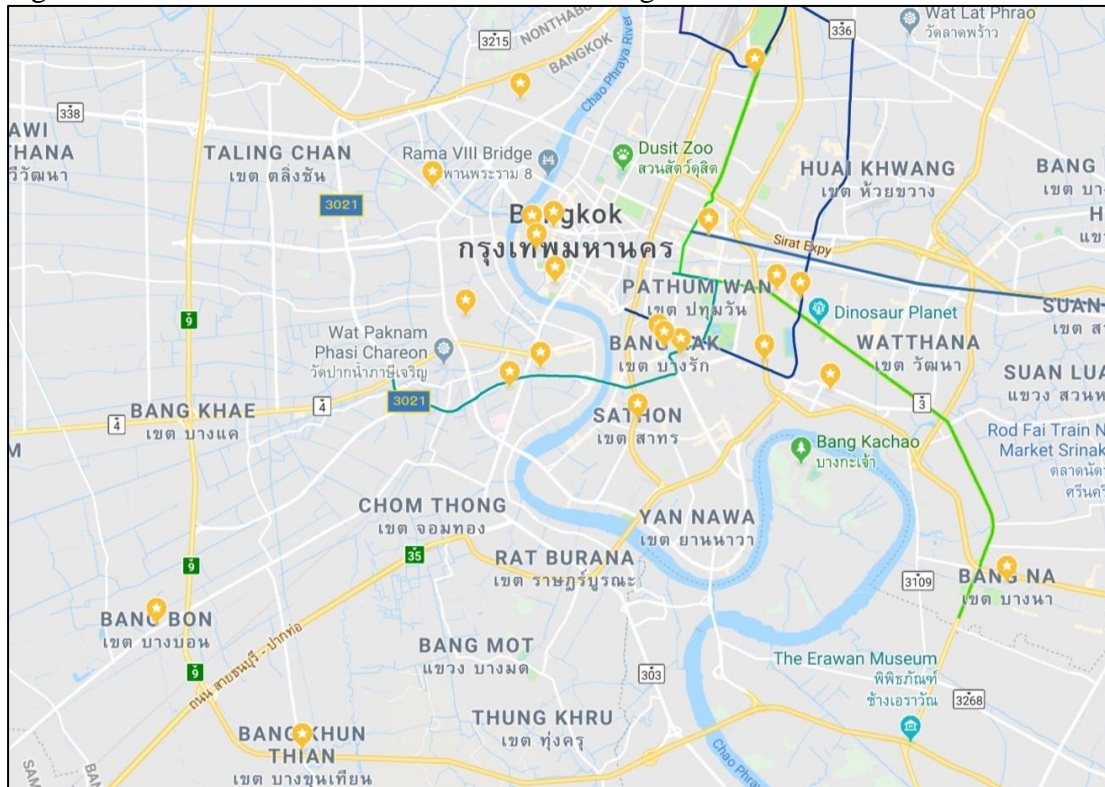
In the early time of prostitution, Boonchalaksi and Guest (1994) explained that because of the influx of Chinese migration to Thailand, foreign prostitutes were mostly Chinese, located within the Chinese community called ‘Sampeng’ where residential, commercial, and sex establishments were concentrated within that area. Nowadays, location of sex establishments is diverse across the regions in Thailand ranging from Bangkok, Pattaya, Hat Yai, Phuket, and border area (Warr et al., 1996). The substantial sex establishments are centered mostly in Bangkok, Chonburi, Phuket, Samut Prakan, Surat Thani, Nakhon Ratchasima, Rayong, Songkhla, Chiangrai, and Nakhon Sri Thammarat (Department of Disease Control, 2005: 14). In Bangkok alone, sex establishments are in 22 locations. The lists below show the location of sex establishments that both Thai and non-Thai engage in sexual services in Bangkok:

Table 3 Lists of Locations of Sex Establishments in Bangkok

1. Silom	2. Surawong	3. Bangkok Noi
4. Sathorn	5. Nana	6. Bang Bon
7. Saphan Kwai	8. Sukhumvit	9. Ratchaburana
10. Sanam Luang	11. Wong Wian Yai	12. Pharam 4
13. Khong Tei	14. Bang Khun Tien	15. Thonburi
16. Bang Rak	17. Bang Plad	18. Bangna
19. Ratchathewi	20. Bangkok Yai	21. Phra Nakhon
22. Wang Saranrom		

Source: SWING Foundation Survey (2015-2017)

Figure 1 Locations of Sex Establishments in Bangkok



Source: SWING Foundation Survey (2015-2017)

The highest number of sex establishments is in Klong Tei, which accounted for 205 sex establishments. Followed by Bangrak, and Chatuchak, which accounted for 180 and 121 sex establishments respectively (Department of Disease Control, 2005: 15). It concentrated mostly in Patpong, and Sukhumvit area such as Soi Cowboy, Nana Entertainment Plaza, etc. (Boonchalaksi and Guest, 1994).

Since sex industry is a lucrative business, it welcomes not only local sex workers, but also migrant sex workers. Even though there is an inadequate evidence of the spread of migrant sex workers in Thailand, it is assumed that the influx of migrants in the past 20 years due to the fast-economic development and the large economic differentials potentially drives migrants to engage in sex industry. Its nature of sex industry makes it difficult to enumerate the exact number either Thai or non-Thai sex workers due to the change of direct type of sex establishments to clandestine entertainment

establishments, and from the street-based (freelance) sex workers who do not work in such places. However, according to the survey conducted by Department of Disease Control, Ministry of Public Health, it shows that Thai sex workers across the regions in Thailand decreases from 71,892 in 2011 to 57,066 in 2015 (Department of Disease Control, 2015). The survey in addition reveals that there is an increased number of MSWs all the regions combined, from 9,234 in 2011 to 10,564 in 2015, whereas number of FSWs is decreased from 62,658 in 2011 to 46,502 in 2015 (Department of Disease Control, 2015). In 2015, Bangkok alone made up a significant number of sex workers, accounted for 28.18 percent with 6,397 MSWs, and 16,592 FSWs (Department of Disease Control, 2015). According to SWING Foundation, the survey in 2017 shows that the total number of sex workers in Bangkok was 14,788, with 5,275 MSMs, 975 TGSWs, and 8,538 FSWs (SWING Foundation, 2017). For non-Thai sex workers, SWING Foundation can access to 132 male migrant sex workers in Bangkok. However, there is more number of non-Thai sex workers in this sex industry that may not access to NGO.

### 2.3.2 Laws Relating to Migrant Sex Workers in Thailand

Laws relating to migrant sex workers are immigration, labor, and sex work-related laws. These laws define legal and illegal status of migrant male sex workers.

**Immigration Law:** The main immigration law that relates with migrant sex worker is the ‘Immigration Act’ B.E. 2522 (1979).

According to No.8 of Chapter 2: Entering and Departure the Kingdom, Section 12 on aliens which fall into any of the following categories are excluded from entering into the kingdom. This potentially related to migrant sex workers, stating that

“Reason to believe that entrance into the Kingdom was for the purpose of being involved in **prostitution**, the trading of woman or children, drug smuggling, or other types of smuggling which are contrary to the public morality”.

According to Section 53 of Chapter 8: Deportation of the Aliens, it states that

“If it is learned at a late date that aliens who came to stay in the Kingdom are among the persons excluded from entry because of any circumstance as prescribed in Section 12 (8), the Director General will submit the matter to the Immigration Commission. If the Immigration Commission decides that the alien's permission to stay in the Kingdom should be revoked, the Immigration Commission will submit their opinion to the Minister for further consideration in revoking the Permission”.

Entering and departing Thailand, there are two major types of visa issued through Thai Embassies and Royal Thai Consulate-General: tourist visa and non-immigrant visa. A tourist visa is issued to applicants who wish to enter Thailand for tourism purposes. For a non-immigrant visa, it is issued to applicants who wish to stay or work in Thailand. The period of stay varies and fee depending on the type of visa (See Table 4).

Table 4 Type of Travel Document Relating to CLMV Male Migrant Sex Workers

Type of legal document	Period of Stay	Visa Fee
<b>Tourist Visa</b> - issued to applicants who wish to enter the Kingdom for tourism purposes		
1. Visa Exemption (Bilateral Agreement)	Period of stay not exceeding 30 days or 90 days (49 countries eligible for visa exemption including Vietnam)	-
2. Visa Exemption (TR – 30)	Period of stay not exceeding 30 days (12 countries eligible for visa exemption including Lao PDR, Vietnam, and Cambodia)  Those who wish to stay longer must file an application for permission at the Office of Immigration Bureau. The extension of stay is solely at the discretion of the Immigration Officer	-
3. Visa on Arrival (TR - 15)	Period of stay not exceeding 15 days (19 countries eligible for visa on arrival)	Single Entry – 1,000 Baht
4. Tourist Visa Issuance	Period of stay not exceeding 60 days	Multiple Entries – 5,000 Baht
<b>Non-Immigrant Visa</b> – issued to applicants who wish to enter the Kingdom for the following purposes		
1. Official duties (F)	Initially granted a period of stay not exceeding 90 days unless otherwise instructed by the Office of Immigration Bureau	Single Entry – 2,000 Baht (3 months of validity of visa)
2. Business (B)		
3. Investment Through Ministry (IM)		
4. Investment Through BOI (IB)		
5. Education (ED)	Qualified persons can obtain an additional one year stay permit	Multiple Entries – 5,000 Baht (up to 1 year of validity of visa)
6. Mass Media (M)		
7. Religion (R)		
8. Research (RS)		

9. Expert or specialist (EX)	based on the discretion of the Immigration officer	Multiple Entries – 10,000 Baht (3 years of validity of visa) – Only “B”
10. Work and holiday (B-A)		
11. Other activities (O)		
12. Long stay – 1 year (O-A)		
13. Long stay – 1 year (O-X)		
14. Labor (Cambodia, Lao PDR, Myanmar, and Vietnam) (L-A)		
15. Labors’ dependents (Cambodia, Lao PDR, Myanmar, and Vietnam) O (L-A)	Multiple Entries – 10,000 Baht (5 years of validity of visa) – Only “O-X”	

Source: Department of Consular Affairs (as of August 2014)

**Labor Law:** There are two main labor laws relating to migrants in Thailand: 1) Labor Protection Act B.E. 2541 (1998) and 2) Foreigner’s Working Management Emergency Decree B.E. 2560 (2017) and Foreigner’s Working Management Emergency Decree (No.2) B.E. 2561 (2018).

**1) Labor Protection Act:** Labor Protection Act B.E. 2541 (1998) provides the comprehensive coverage to all migrant workers irrespective of their migration status (Paitoonpong, 2011). Key provisions<sup>5</sup> include 1) general provisions 2) employment provisions 3) employment of women, child labor, and youth 4) wage, overtime, and compensation for holiday work 5) establishment of institutions and 6) other provisions. The recent amendments to the Labor Protection Act (No.6) B.E. 2560 (2017), published in the Royal Gazette, came into force on 1 September 2017 on the concern of retirement.

**2) Foreigner’s Working Management Emergency Decree B.E. 2560 (2017) and Foreigner’s Working Management Emergency Decree and (No.2) B.E. 2561 (2018):** It is the main law that directly regulates employment of migrants. There are several sections that are related to migrant sex workers working in a

<sup>5</sup> See Paitoonpong’s study on ‘Managing International Labor Migration in ASEAN: Thailand (Immigration), 2011, page 172.

disguise in entertainment places. There are five sections relating to migrant sex workers as follows:

- **Section 7 of Decree No.1** provides that “The Minister, with the approval of the Commission, may issue a Notification prescribing any work to be the work prohibited from being carried out by foreigners in any particular locality and at any time, provided that the prohibition may be, to any extent whatsoever, absolute or subject to any conditions. In issuing the Notification under paragraph one, regard shall be had to national security, occupational opportunities of Thai people and the need of foreign labor which is necessary for national development”
- **Section 8 of Decree No.2** provides that “a foreigner shall not carry out any work without a work permit or carry out any work prescribed in the Notification”.
- **Section 70 of Decree No.1** provides that “the person granted permission for working shall not carry out the work of the type, with the employer, in a locality or on any working condition that is different from that specified in the work permit unless permission under section 71 is obtained”.
- **Section 71 of Decree No.1** provides that “any person granted permission for working, who intends to change or and the following particulars, must obtain permission from the Registrar”
- **Section 101 of Decree No.2** provides that if a foreigner is found to violate Section 8, he/ she shall be liable a fine of five thousand to fifty thousand Baht

**Sex Work-Related Laws:** There are four main sex work-related laws that relate to migrant sex workers which are: 1) The Prevention and Suppression of Prostitution Act (1996) 2) Entertainment Place Act (1966) 3) Penal Code Amendment Act (No.14) (1997) and 4) Anti-Trafficking in Person Act (2008)

- 1) **The Prevention and Suppression of Prostitution Act (1996) or Prostitution Act:** It is the main legal framework in prohibiting prostitution, and setting penalty for offering sexual services. Under the Act, Section 4 states that



prostitution means “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<sup>6</sup> 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”.<sup>7</sup> In this case, migrant sex worker is understood to be illegal from the mentioned definition.

- 2) **Entertainment Place Act (1966):** It states that entertainment establishments are criminally liable if prostitution occurs on their premises. Godwin (2012) explained that even though sex work in Thailand is criminalized, the government acknowledges that sex is sold in some areas, and with that, the law requires the entertainment establishments to be registered or licensed to meet with certain requirements, for instance, STIs testing. However, in reality, it is found out that majority of entertainment establishments are not registered due to its fear of being prosecuted by police.
- 3) **Penal Code Amendment Act (No.14) (1997):** It does not clearly specify that prostitution is illegal but states that earning income as a prostitute is prohibited. According to Title IX, Section 286, it states that “any person, being over sixteen years of age, subsists on the earning of a prostitute, even if it is some part of her incomes, shall be punished with imprisonment of seven to twenty years and fined of fourteen thousand to forty thousand Baht, or imprisonment for life”.
- 4) **Anti-Trafficking in Persons Act 2008, 2015, and 2017:** They in brief state that there are three criteria in distinguishing the victim of human trafficking, namely, action, means, and purpose. Thailand adopted Palermo Protocol definition stating that “the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, or fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the

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<sup>6</sup> The Prostitution Act does not define what exactly promiscuous manner constitutes. See <http://thailawforum.com/sex-crimes-in-thailand-part2.html>

<sup>7</sup> See Prevention and Suppression of Prostitution Act B.E. 2539 (1996) at <https://www.ilo.org/dyn/natlex/docs/WEBTEXT/46403/65063/E96THA01.htm>

purpose of exploitation” (Parrenas, Hwang, & Lee, 2012: 1015). Later, the amendment of Anti-Trafficking Act 2015 raised harsher punishments as well as empowered authorities to shut down work places where they were found to be involved in trafficking. The recent attempt was the amendment to the Prevention and Suppression of Human Trafficking Act B.E. 2560 (2017) as to revise the clearer of definitions including the term exploitation, forced labor or services, means, as well as to increase protection for children under the age of 15 from the working conditions, and to increase the maximum imprisonment and fine.<sup>8</sup>

Due to several laws relating to migrant sex workers, the issue of legality deserves further scrutiny on its effects on their livelihoods as being migrant sex worker, and their access to social protection in Thailand.

## **2.4 Vulnerability of Migrant Sex Workers in Thailand**

### **2.4.1 Overview of Vulnerability**

There are different perspectives on the term ‘vulnerability’ ranging from environmental perspective to social science perspective. The complexity is that such term denotes multidisciplinary field that covers issue on poverty, public health, environment, security, or disaster risk management. Definition of vulnerability is also subjective basing upon the utilization regarding particular context.

Definition of vulnerability is differently termed as these following:

Blakie, Cannon, Davis, & Wisner (2003) defines vulnerability as “the characteristics of a person or group in terms of their capacity to anticipate, cope with, resist, and recover from the impact of a natural hazard. It involves a combination of factors that determine the degree to which someone’s life and livelihood is put at risk by a discrete and identifiable event in nature or in society”.

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<sup>8</sup> Thailand’s Country Report on Anti-Human Trafficking Response. Available at [https://www.jica.go.jp/project/thailand/016/materials/ku57pq00001yw2db-att/thailands\\_country\\_report\\_01.pdf](https://www.jica.go.jp/project/thailand/016/materials/ku57pq00001yw2db-att/thailands_country_report_01.pdf)

Schneiderbauer and Ehrlich (2004) defines vulnerability as “the characteristics of a person or a group in terms of their capacity to anticipate, cope with, resist and recover from the impact of a natural or man-made disaster - noting that vulnerability is made up of many political-institutional, economic and socio-cultural factors.”

In the early definition termed by UNISDR (2009), vulnerability is defined as “the characteristics and circumstances of a community, system or asset that make it susceptible to the damaging effects of a hazard.” In 2017, it is updated to “the conditions determined by physical, social, economic and environmental factors or processes which increase the susceptibility of an individual, a community, assets or systems to the impacts of hazards”

USAID (2011) also adopted the UNISR definition in 2009, understanding vulnerability as “the characteristics and circumstances of a community, system or asset that make it susceptible to the damaging effects of a hazard.”

From the perspective of social science, vulnerability can also be understood in terms of social context. Cannon (2003) defines social vulnerability as “a complex set of characteristics that includes a person's' initial wellbeing, livelihood and resilience, self-protection and social and political networks and institutions.”

For Singh, Eghdami, & Singh (2014), they define social vulnerability as “often hidden, complex and nested in various human aspects and contingencies bound to different levels of society.”

The different perspectives on the definition of vulnerability allow one to adapt to one's own specific case. However, according to USAID (2009), disaster risk scholars have a common consensus on the factors that relate to vulnerability as these following factors: political factor, economic factor, physical factor, social factor, environmental factor, and the progression of vulnerability and safety.<sup>9</sup>

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<sup>9</sup> Available at [https://www.preventionweb.net/files/26081\\_kp1concepdisasterrisk1.pdf](https://www.preventionweb.net/files/26081_kp1concepdisasterrisk1.pdf)

## **2.4.2 Vulnerability of Migrant Sex Workers in Thailand**

In general, sex workers experience stigmatization, marginalization, and discrimination from the society. Especially migrant sex workers, they experience double stigma that give them more prone to exploitation than local sex workers. Wagenaar, Amesberger & Altink (2017) further supported that because of the public discourse that defines them so, they are thus usually seen as marginal and substandard class of citizen. Plus, they are limited to social protection provisions, for instance, healthcare services. Migrant sex workers find themselves difficult to reach health services because of cultural, social, legal and linguistic obstacles. According to the report from WHO on Violence Against Women and HIV/ AIDS: Critical Intersections, stigma and discrimination leads to violence in which sex workers are usually subjected to blame, labeling, and discriminatory treatment. Barmania (2013) commented that Thailand has a good healthcare structure in the sense that Thai sex workers can access to healthcare services from the Thai Universal Health Care system. However, non-Thais are excluded from this system. Barmania (2013) further argued that migrant sex workers also face difficulty in negotiating price with clients. They thus normally earn less than Thai sex workers. Since migrant sex workers are also experiencing laws that include labor, immigration, and sex-work related laws, their livelihoods as being migrant sex workers are in some ways affected by these laws. Report from WHO on Violence Against Women and HIV/ AIDS: Critical Intersections further commented that laws play an important role in terms of promoting violence to sex workers since sex work is illegal. They are the targets of harassment and violence from the public discourse that sex workers are deserved the punishment from engaging with immoral work. Under that condition, it becomes the culture of silence where sex workers consider violence they experience as normal and it is what they deserve. As a result, the culture of silence leads to their reluctance to report their situation including rapes, abuses, or sexual harassment from the authorities.

## **2.5 Livelihoods of Migrant Sex Workers in Thailand**

### **2.5.1 Overview of Sustainable Livelihoods Approach**

Sustainable livelihood approach (SLA) is built upon the context of the international development approach that aims to entail for intervention in enhancing people's current

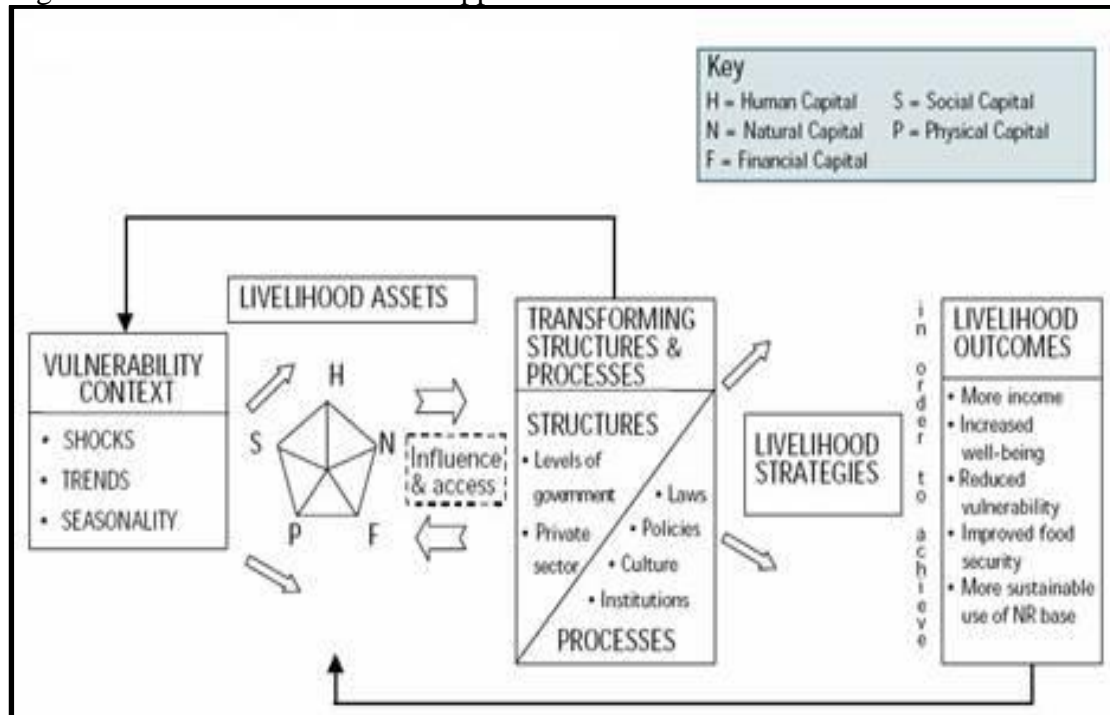
livelihood. The framework focuses on ‘people’ and sketches out multiple factors and interactions that affects livelihoods (DFID, 1999). It is a framework for analysis that involves with vulnerability context, livelihood assets, and transforming structures and process, which shapes one’s livelihood strategies, and lead to livelihood outcomes (See Figure 2). To enhance their livelihood, the assessment is based on their current situation that is confined by their vulnerability and institutional context, as well as developing suggestions from their understanding of a particular issue (Morse and McNamara, 2013). Upon the particular understanding, interventions are carried out in order to enhance their livelihoods and sustainability. As Morse and McNamara (2013) argued, SLA framework should not be understood only for external interventions, the framework can in fact be applied to anyone to change one’s livelihood in a sustainable way. However, it is to aware that the definition of SLA remains controversial resulting to different interpretations of interventions. SLA can be interpreted in the sense of framework analysis. On the other hand, it can also be understood and carried out in terms of concrete projects and programs.

Since the definition of SLA is fluid and tends to leave the room for interpretation, some defines SLA in these understandings:

Chamber and Conway (1992) defined SLA as “a livelihood comprises the capabilities, assets (stores, resources, claims and access) and activities required for a means of living; a livelihood is sustainable when it can cope with and recover from stress and shocks, maintain or enhance its capabilities and assets, and provide sustainable livelihood opportunities for the next generation; and which contributes net benefits to other livelihoods at the local and global levels and in the short and long-term”.

Carney (1998) defined SLA as “a livelihood is sustainable when it can cope with and recover from stresses and shocks and maintain or enhance its capabilities and assets both now and in the future, while not undermining the natural resource base”.

Figure 2 Sustainable Livelihood Approach Framework



Source: DFID 1999, Section 2.1

Sustainable livelihood approach overall aims to explain various elements including vulnerability context, livelihood assets, transforming structures and processes, livelihood strategies, and livelihood outcomes that is essential in terms of understanding their current livelihood as well as developing suggestions for interventions to enhance sustainability. It is to be noted that even though such approach seems to explain more on environmental context, the versatility of the approach allows to be applied into other areas including migrant sex workers.

It is worth to note that SLA framework is subjective and needs careful examination of the particular issue. The elements comprised in the SLA framework are indefinite which allows researchers, or planners to assess upon a particular situation. In the Thai sex industry context, the operational conceptual framework for this study defines the elements in vulnerability context, livelihood assets, transforming structures and process, and livelihood strategies in a different way from the original SLA diagram (See 2.8 Thesis Conceptual Framework).

### **2.5.2 Livelihoods of Migrant Sex Workers in Thailand**

Migrant sex workers' livelihoods mainly depend on the source of income. Economic motive is by far the most reasons why migrants opt to enter to work in sex industry. The lucrative sex business is seen to be able to fulfill their needs. Rabeab (2012) pointed out that Laos FSWs were from poor family and broken homes. Their decision to enter to sex industry was because of high income that they could spend for personal use and also for sending back home. Senawong (2017) also presented the same result that Lao FSWs were from poor family. Her study showed that the Laotian female who decided to become sex worker located in Thai border neighboring Laos to earn money for their family. Lin (2016) also stated the same situation that Myanmar male sex worker' decision to enter to sex work that was due to poverty. He was forced to quite the school since his family was not able to afford his study and ended up working as sex worker. IOM (2007) added that because of the nature of work that clients were able to take sex workers out of sex establishments to their own agreed place, for instance, motel, women were more prone to risk of violence, less negotiated power in sexual terms. Studies on Cambodia, and Vietnam sex workers are often linked with human trafficking. Anh (2006) pointed that the development along the borders between Vietnam, China, Laos, and Cambodia attracted illegal movement of population that potentially became a route for trafficking of people. He (2006) also added that the lively sex industry in Yunnan has led to the increasing number of Vietnamese women being trafficked for sexual exploitation. Souvankiry, Savan, & Naroen (2006) also stated the trafficking for sexual exploitation in Cambodia that the strategic positions of Phnom Penh and other urban areas served as receiving, sending, and transiting places for Cambodian women and women from other ASEAN countries. It appears that the studies on CLMV migrant sex workers in Thailand are limited, and thus deserves more investigation on their livelihoods.

## **2.6 Coping Strategies**

### **2.6.1 Overview of Coping Strategies**

WHO (1999) defines the concept of coping mechanisms and/ or strategies as “remedial actions undertaken by people whose survival and livelihood are compromised or threatened”. Such concept is closely associated with the idea of survival and threat and

has no standards of specific practices depending upon sociocultural factors as well as the basis of their lesson learned in the past. Coping is different from managing in the sense that coping implies their little control ability of the situation (WHO, 1999). It is the resources that enable one's ability to manage, while one who does not have resources need to cope. Al-Nagger, ARa, AJa, Rb, & MIc (2009) also define coping strategies in the same way that it is the "person's constantly changing cognitive and behavioral efforts to manage specific external or internal demands that are appraised as taxing or exceeding the persons resources" (Al-Nagger et al., 2009: 11). WHO (1999) further explained that there is a relationship between vulnerability and capacity to cope. This refers to three sets of causes including infra-structural (i.e. environment, demographic structure of the community, structural (i.e. individual socioeconomic status, services available to the community), and super-structural causes (culture, beliefs, (il)literacy). For Lazarus (1966), he explained that coping is the process of executing the response. He further argued that there are three processes of stress: 1) perceiving a threat to oneself 2) bringing to mind regarding the potential response and 3) coping as to respond such threat. For Carver, Weintraub, Scheier (1989), they developed a multidimensional coping inventory to assess how people respond to stress in these scales: problem-focused coping, emotion-focused coping, and coping responses.

### **2.6.2 Coping Strategies of Migrant Sex Workers**

In response to the occupational risks, Liu (2017) argued that FSWs in China actively react to such situation by assessing their clients and using protective strategies based on their experiences to ensure their safety. She further proposed that they are more likely to rely on their intuition or experience to assess the potential risks that might arise from their clients. They in addition develop social network with their managers, co-workers, or receptionists at sex establishments by informing them before going out with client to enhance their safety (Liu, 2017). Not only informing to their social networks, they further adopt their protection strategies by observing the environment during the time with the clients as well as controlling the environment by choosing the location carefully in an open area (Liu, 2017). However, as Liu (2017) argued that protection strategies and their instinct do not always ensure their safety, it is considered as a means



to reduce the potential risks. From her study, it shows that coping strategies of FSWs in China are tolerance, language skills, fighting back, report to authorities, and counting on sex ring operators. For tolerance, the study reveals that most women would rather put up with violence or harassment and remains silent until it becomes serious. Their coping strategy is to avoid the confrontation with the clients since they might be fined or filed complaints from the clients. They also adopt language skill to avoid the potential confrontation mostly when they are requested with non-negotiated services. Their strategy is to say that they have to follow the rules; otherwise, they will get fined. Thus, they do not normally fight back because they will be filed complaints and fined from their managers. Reporting to authorities is obviously not their first choice; they would rather report to managers or depend on sex ring operators to help solve the problems because they are afraid of their illegality relating to their prostitution. For Finger (2016), she perceived sex work and mobility as a coping strategy for marginalized Hungarian Roman women. She focused on the loophole strategy, explaining the loophole as a legal term used intentionally to evade rules or laws as a coping mechanism (Finger, 2016). For her study, the study shows that sex workers from Nyiregyhaza used mobility as their coping strategy only after massive arrests, and thus had to move outside of Hungary. The study further reveals that prostitution was also part of their loophole strategy. Even though the arrest in 2006 made them left the area, it did not necessarily mean that they had to engage with prostitution. They targeted to work in sex industry in Zurich and Amsterdam due to the legal work permit (Finger, 2016). For Ham and Gerard (2013), it is implied that their study represents sex workers' coping strategy in Austria in terms of 'strategic invisibility'. Ham and Gerard (2013) argued that sex workers perceived strategic invisibility as an agentic strategy that helped prevent stigma. From the studies, they differently represent coping strategies employed by sex workers. In case of migrant sex workers, due to its complexity in its (il)legality relating to several laws, the entanglement of migrant sex workers deserves further scrutiny on their coping strategies.

## **2.7 Social Protection in Thailand**

### **2.7.1 Overview of Social Protection Concept**

There are different perspectives regarding the definition of social protection (Migrant Forum in Asia, 2013). According to Norton, Conway, & Foster (2001), they argued that most of the definition of social protection involves with dual character, meaning that it refers to the nature of deprivation and the form of policy response. With that, the definition of social protection they proposed is “the public actions taken in response to levels of vulnerability, risk and deprivation which are deemed socially unacceptable within a given polity or society” (Norton, et al., 2001). Norton, et al. (2001) clarified that social protection involves with two main broad fields of response mechanism: social assistance, and social insurance. In the context of social assistance, it is defined in terms of cash or in kinds that are provided by the state mostly on the basis of income. It also covers all forms of public action that transfer resources to the deprivation group. For social insurance, it is social security that involves with contributions with the aim to reduce the potential risk that might arise. In terms of policy response, actors can be both government and non-government to take intervention in ensuring those who are insufficient in securing their livelihood will be met with provided minimum standards of livelihood.

For Garcia and Gruat (2003), they perceived the general concept of social protection in three key objectives: (1) guarantee access to essential goods and services; (2) promote active socio-economic security; and (3) advance individual and social potentials for poverty reduction and sustainable development. They further advocated the principles of social protection in the sense that it is flexibility in terms of means, for instance, social insurance, social assistance, and public services.

The International Labor Organization (2014) defines the social protection concept as “the set of public policy measures that a society provides for its members to protect them against social and economic distress that would be caused by the absence or a substantial reduction of income from work as a result of various contingencies” (Huguet, 2014: 28). ILO approach focuses on threats to living standards and human rights.

The international standards for social protection of migrants are in five basic principles.

This includes:

- **Equality of treatment with particular attention to gender equality** between nationals and non-nationals
- **Solidarity**, which stems directly from the recognition of an individual rights and extends to social protection for all human beings
- **Inclusiveness**, which is derived from the solidarity principle. All members of society should participate in and benefit from social protection
- **General responsibility of the state** which derives from the human rights character of social protection
- **Transparent and democratic management**, participation of all members of society (particularly workers and employers' representatives) in the management of social protection schemes.

Social protection is also seen as the market driven approach that addresses economic problems or livelihood shocks and differentiates among the groups of people of who should get what, resulting to the long-term poverty of some particular groups, especially migrants, from such division (Migrant Forum in Asia, 2013). In contrast, the rights-based approach to social protection underlines the awareness of social agenda in covering everyone, not only citizens, simply including the migrants (Migrant Forum in Asia, 2013). Recognizing their rights as a universal right is in other words understood as the right to social protection; “the right to social protection means that migrant workers are more than mere recipients or beneficiaries or that they are claimants. Social security is a universal human right to which everyone in any society should have access to” (Migrant Forum in Asia, 2013: 2). It is important to pay attention to the rights of migrant workers since it is widely recognized that their cross-migration often comes with the issue of rights violations including precarious employment status, exploitative working conditions, or social exclusion (UNDP, 2015). Adopting different of social protection idea will in the other way around affect the migrants' livelihoods.

### 2.7.2 Social Protection at Community Level

Social protection entails the careful examination in the receiving country, Thailand. It questions to what extent migrants receive social protection in Thailand, especially when they are engaging in sex industry. Migrants living in destination countries develop their own social and cultural networks to build up emotional support with their peer group (Thu and Kyu, 2006). Their study shows that Myanmar migrants receive assistance from friends, not family during their migration to Thailand. Women received assistance from family and relatives, while men received from friends. Their social network in Maha Chai, Sumut Sakhon, is maintained through shelter sharing, females live with relatives, while males live with friends. For the social activities, their interaction is mostly with friends and issues are varied based upon the sex. For females, their talk issues will be shopping, magazines, or deportation. For males, their issues are on drinking, or visiting commercial sex workers. Both tend to have shared social activities, for instance, watching video, going out, or discussing about sex. Rabeab (2012) studied on ‘Prostitution of Female Immigration Worker: A Case Study in Samutsakorn Province’, a study shows that female migrant sex workers do not share shelter with relatives or friends. This is because of their convenience and privacy. However, there are some who share a shelter with other sex-work colleagues within a traditional massage shop to reduce the monthly expense. Studies on their social protection at community level are limited. It deserves more investigation in regards of their coping strategies to get social protection at community level.

### 2.7.3 Social Protection at National Level

Social protection in Thailand was introduced in the early 1932 known as ‘social security’ (Pongsapich, Leechanawanichphan, & Bunjongjit, 2002). Social protection system in Thailand covers to different types of group ranging from civil servants, private sector employees, informal economy workers, children, to undocumented migrant workers, etc. (ILO and UN Country Team in Thailand, 2013). ILO and UN Country Team in Thailand (2013) clarified the social protection system in Thailand as follows:

- **Civil servants:** government official’s pension system, the Government Pension Fund (GPF), and the Civil Servants Medical Benefit Scheme (CSMBS)

- **Private sector employees:** Workmen's Compensation Fund (WCF), the Social Security Fund (SSF), private provident funds, and the Private School Teachers' Welfare Fund (PSTWF)
- **Informal economy workers:** Social Security Fund (SSF), the Universal Coverage Scheme (UCS), the National Savings Fund (NSF), the Universal Non-contributory Allowance for People with HIV/ AIDS, the Universal Non-contributory Allowance for People with Disabilities, and the Universal Non-contributory Allowance for Older People
- **Children:** Education for All Policy
- **Undocumented migrant workers:** Compulsory Migrant Health Insurance (CMHI)

Since migrants, especially undocumented migrants, are experiencing the triple disadvantages of discrimination, marginalization and vulnerabilities, and the exclusion from social security benefits (Migrant Forum in Asia, 2013), there is an attempt of expanding migrant health insurance without regard to their legal status (WHO, 2013). As being widely agreed that migrants have the potential to face their rights violations once they cross international borders (UNDP, 2015), social protection from destination country will largely affect their livelihoods. Thus, migrant workers who are from Myanmar, Lao PDR, and Cambodia are covered under two health care insurance schemes in Thailand: (1) Social Security (Ministry of Labor); and (2) Year-by-year health insurance (Ministry of Public Health) (WHO, 2013). Resulted from the 2013 Cabinet resolution, the Social Security includes migrants who are imported through the MOU process as well as who had their nationality verified, while year-by-year health insurance targets migrants who are not covered by Social Security that includes migrants working under the MOU or NV Process but is not covered in the social security system, migrants working under the MOU or NV processes but await for the rights to medical care (under 3 months lag time), undocumented migrants, and accompanying dependents (WHO, 2013). Even though the Compulsory Migrant Health Insurance (CMHI) has been managed by the Ministry of Public Health since 1997 as the aim to provide health check-up and health insurance for migrant workers from Myanmar, Laos PDR, and Cambodia (ILO and UN Country Team in Thailand, 2013),

the access to CMHI is only when workers apply for a work permit. Without legal registration, undocumented migrants have no rights to social security. This simply means that undocumented migrants are not covered by state social security schemes, and at risk of exploitation from limited access to health or social services (Tangcharoensathien, Thwin, & Patcharanarumol, 2017). Due to their illegal status, it is the barrier for them to enroll social health insurance and need to pay out of their pocket (Tangcharoensathien et al., 2017). The challenges within the system are also the migrant's reluctance to access to such services from several factors including language barriers, discrimination, and fear of arrest by authorities, as well as their inability to afford for the fees (UNDP, 2015). Even though there is a positive change of health insurance for undocumented migrants to be able to purchase health insurances for themselves and their dependents from May 2013 (HISO, 2013), their illegal status against the Prevention and Suppression of Prostitution Act requires a further examination in such relationship. In this case, Cambodia, Lao PDR, Myanmar, and Vietnam deserves further scrutiny since they make up a large proportion in Thailand's foreign labor workforce.

## 2.8 Thesis Conceptual Framework

The main concepts adopted in the analysis are sustainable livelihoods approach, coping strategies, and social protection concept. These concepts help enrich the understanding on migrant sex workers' livelihoods, and their coping strategies towards social protection in Thailand.

Sustainable livelihood approach (SLA) is used as a framework for analysis to understand migrant sex workers' livelihoods and vulnerabilities. The original SLA covers vulnerability context, livelihood assets, transforming structures and process, livelihood strategies, and livelihood outcomes (See Figure 2 Sustainable Livelihood Approach Framework). However, the operational conceptual framework in this study is adapted to reflect the current situation of male migrant sex industry in Thailand.

The SLA in this study defines **livelihood assets** in the new terms but remains some of the original idea of SLA. The original SLA defines '**financial capital**' as "financial

resources that people use to achieve their livelihood objectives”. It is the availability of cash or equivalent that enables to adopt different livelihood strategies including available stocks (i.e. cash, bank deposits) and regular inflows of money (i.e. remittance). The study replaces the term ‘financial capital’ to ‘economic security’. The economic security in this study refers to a condition of having stable income to maintain one’s standard of living currently and sustainably. It is the ability to cover their essential needs. Because the study attempts to seek what condition makes migrant sex workers economically secured, it probes differently from the original financial capital. It raises the question of whether legal and illegal status makes any condition to their economic security. The original SLA defines ‘**social capital**’ as “the social resources upon which people drawn in pursuit of their livelihood objectives”. The study replaces the term ‘social capital’ to ‘social network’ to reflect the situation of migrant sex workers. The study remains the idea of social capital but expand to social network, especially ‘homophily’ to denote the shared characteristics, for instance, nationality, for their tendency of association. **Human Capital** represents the “skills, knowledge, ability to labor and good health that together enable people to pursue different livelihood strategies and achieve their livelihood objectives”. It will only be achieved if people themselves are willing and able to invest in their own human capital, for instance, attending schools, accessing preventative medical services. This study adopts the idea of human capital in terms of ‘education and health’.

The original SLA defines **vulnerability context** in terms of shocks, trends, and seasonality. It is the external environment that people’s livelihoods are affected by critical trends (i.e. population trends, economic trends), shocks (i.e. conflict, natural shocks), and seasonality (i.e. seasonality of price) that lies outside people’s control. In this study, it combines vulnerability with transforming structures and processes to reflect the situation of migrant sex industry. Transforming structures and processes shape livelihoods. They determine the access of people as well as culture. Culture for original SLA means “unexplained differences in the way things are done in different societies”. To reflect the migrant sex industry situation, vulnerability context in this study thus refers to social marginalization, violence experienced, and laws. In transforming structures and processes, structures can be thought of as hardware whereas

processes can be thought of as software. Social marginalization is thought as the process where it determines the way in which structure and individual operate and interact. Social marginalization is the product of societal norms where engaging in sex work is an immoral work. Violence is considered to be vulnerability that is beyond migrant sex workers' control, for instance, sexual coercion from clients. Laws are considered to be process where it determines how structures and individuals operate and interact. These laws are labor, immigration, and sex-work laws.

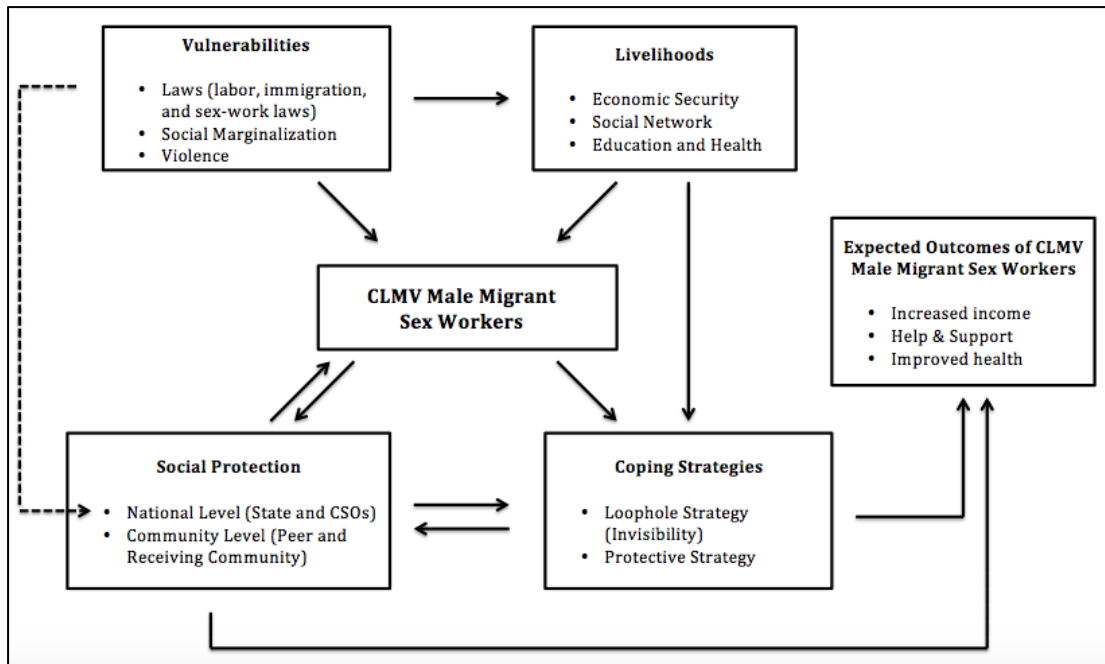
The **livelihood strategies** are the “range and combination of activities and choices that people make/ undertake in order to achieve their livelihood goals”. In this study, the term livelihood is also equated to coping strategy. It is adopted to denote that migrant sex workers have little control of the situation. Coping is the process of executing the response to their survival and threats. Their coping strategies are to respond to vulnerability context that threatens their survival. In this study, there are two coping strategies: loophole strategy (invisibility), and protective strategy.

The **livelihood outcomes** are the outputs of livelihood strategies. The expected outcomes of male CLMV migrant sex workers are the achievements from their coping strategies. The study defines expected outcomes as 1) increased income 2) help and support and 3) improved health.

The study also adopts social protection concept to investigate how CLMV male migrant sex workers access to social protection in Thailand. Social protection concept helps understand the principles of social protection either as market driven approach or as rights-based approach. The perspectives reflect policy response on how migrant sex workers are given social protection in Thailand. For this study, migrant sex workers and social protection is examined into two levels: community and national level.

Figure 3 Thesis Conceptual Framework





## CHAPTER III

### Research Methodology

#### 3.1 Introduction

The research was explored through the use of qualitative method to gain insight understanding regarding the proposed questions. The researcher depended on document researches from government, and NGOs regarding to the current situation of male migrant sex industry, laws and regulations relating to CLMV migrants and the sex industry, and social protection system in Thailand. The researcher also depended on theoretical papers to make better sense of the study by using sustainable livelihood approach, coping strategies, and social protection concept in the analysis.

In addition, the researcher did fieldwork researches conducted through the use of in-depth interviews with CLMV (Cambodia, Lao PDR, Myanmar, and Vietnam) male migrant sex workers, and also interviewed the key informants from 1) Bureau of AIDS, TB, and STIs (Ministry of Public Health) 2) National Human Rights Commission of Thailand 3) AIDS Healthcare Foundation 4) Foundation for AIDS Rights and 5) SWING Foundation. The criteria of case study selection were later described in 3.2.2. The researcher also adopted non-participant observation to observe CLMV male migrant sex workers' activities and interaction.

#### 3.2 Research Methodology

The research was explored through the use of qualitative method to gain insight understanding regarding their livelihoods and social protection relating to their (il)legal status. The researcher conducted key informant interview with government and NGOs as well as in-depth interview with 14 CLMV male migrant sex workers. From the 14 CLMV male migrant sex workers, each of the four nationalities (Cambodia, Lao PDR, Myanmar, and Vietnam) was further selected as a case study to better understand their lives as migrant sex worker. The researcher also adopted non-participant observation to observe their activities and interaction within an establishment.

### 3.2.1 Research Matrix and Interview Strategy

Table 5 Research Matrixes and Interview Strategies

Question	Data Needed	Information Sources & Interviewee/ Origin of Sources	Tools and Methods of Data Collection
<b>1. To what extent does (il)legal status of CLMV male migrant sex workers affect their livelihoods, and to what extent how they manage and get social protection?</b>			
1.1 To what extent does (il)legal CLMV male migrant sex workers affect their livelihoods?	<ul style="list-style-type: none"> <li>- Secondary data regarding livelihoods, vulnerabilities, and laws relating to migrant sex workers</li> <li>- Theoretical paper on vulnerability concept, social network, and sustainable livelihood approach</li> </ul>	<ul style="list-style-type: none"> <li>- Documentary researches, reports from government and NGOs, and academic papers on concepts</li> <li>- In-depth interview with CLMV male migrant sex workers</li> <li>- Key informant interview</li> </ul>	<ul style="list-style-type: none"> <li>- In-depth interview with sex workers</li> <li>- Key informant interview</li> </ul>
1.2 How do they manage, and what type of coping strategies they use in order to get social protection?	<ul style="list-style-type: none"> <li>- Secondary data regarding their help and support in Thailand</li> <li>- Secondary data regarding social protection system in Thailand</li> <li>-Theoretical paper on social network, coping strategy concept, and social protection concept</li> </ul>	<ul style="list-style-type: none"> <li>- Documentary researches, reports from government and NGOs, and academic papers on concepts</li> <li>- In-depth interview with CLMV male migrant sex workers</li> <li>- Key informant interview</li> </ul>	<ul style="list-style-type: none"> <li>- In-depth interview with sex workers</li> <li>- Key informant interview</li> </ul>

### 3.2.2 Criteria of the Case Study Selection

The criteria of key informants, and CLMV (Cambodia, Lao PDR, Myanmar, and Vietnam) male migrant sex workers were elaborated below.

The criteria of key informant were as follows:

- Key informant who worked closely with migrants or sex workers
- Key informant who worked on healthcare for migrants or sex workers

The criteria of the study population were as followed:

- **Inclusion of participants:** 1) sex worker – 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 2) male at birth 3) being of Cambodia – Lao PDR – Myanmar – Vietnam nationality 4) working in venue-based establishment 5) working in Bangkok 6) speak Thai and 7) voluntary sex worker – the criteria of voluntary sex worker were that one did not fall to any criteria of victim of human trafficking defined by Palermo Protocol including action, means, and purpose. Criteria of voluntary sex workers were as followed:
  - Action: They were not recruited, transported, transferred, harbored, receipted.
  - Means: They were not threatened or used of force, coerced, abducted, deceived, abused of power or vulnerability, given payments or benefits.
  - Purpose: Thy were not exploited including prostitution, sexual exploitation, forced labor, slavery or similar practices, removal of organs, and other types of exploitation.

The screening process was first done by SWING Foundation by asking their entry of sex industry. The aim was to ensure that their entry was based on their consent. They were also later asked by researcher regarding their entry of sex industry to ensure that they fit to this inclusion.

- **Exclusion of participants:** 1) street-based sex worker due to difficulty in accessing this population and 2) sex reassignment surgery due to its broad scope and limited time.
- **Number of participants:** 14 CLMV male migrant sex workers were interviewed in this study. The number of participants interviewed derives from the calculation of 10% from the SWING Foundation' accessibility to 132 male migrant sex workers in Bangkok. The number of participants from CLMV countries is: 3 from Cambodia, 7 from Lao PDR, 2 from Myanmar, and 2 from Vietnam. The researcher was aware of getting the same proportion of each nationality. However, the criteria were to get 2 participants of each nationality.
- **Nationality:** The study focused only to non-Thai.
- **Range of age:** The study limits the participant who is over 18 years of age based on the UNDP's definition of sex worker, "consenting young people who are eighteen years or older" (UNDP 2012: ix).
- **Study area:** There are six locations in Bangkok that CLMV male migrant sex workers are engaging in sexual services: 1) Silom 2) Surawong 3) Sathorn 4) Saphan Kwai 5) Sukhumvit and 6) Sanam Luang. For this study, the study area was in Boystown, a gay red-light district in Surawong area, Bangkok. It is one of the famous hot spots of sex tourist destination. The area was chosen due to a high number of male migrant sex workers engaging in sexual services.
- **Sex Establishment Type:** The study covered only the venue-based sex establishments from the accessibility to the study population, and also the potential number of CLMV male migrant sex workers working disguisedly under the name of entertainment places.

### 3.2.3 Interviews

The researcher conducted key informant interviews with government and NGOs, and in-depth interviews with 14 CLMV male migrant sex workers.

#### 3.2.3.1 Key Informant Interview

Key informants were selected based on their first-hand knowledge of the subject, which was necessary in understanding the situation. Lists of key informants were as follows:

##### 1) Bureau of AIDS, TB, and STIs (BATS)

Bureau of AIDS, TB, and STIs, Department of Control, Ministry of Public Health, has experienced in technical knowledge and expertise on tuberculosis (TB), sexually transmitted infections (STIs) and HIV/ AIDS. BATS provided their perspective regarding the current situation of HIV/ AIDS and STIs of key affected populations including migrants and sex workers, and also their human rights perspectives to the migrant sex workers.

##### 2) National Human Rights Commission of Thailand (NHRCT)

NHRCT has wide-ranging mandates including the promotion of the respect for human rights domestically and internationally, the dissemination of information and research in human rights, etc. NHRCT helped provide their understanding of human rights relating to migrant sex workers.

##### 3) AIDS Healthcare Foundation, Thailand (AHF Thailand)

AHF Thailand focuses on HIV/ AIDS prevention and treatment/ care, including men who have sex with men (MSM), transgender people (TG), sex workers, and migrant workers through condom/ lube promotion and distribution, community-based HIV rapid testing services, and linkages to medical care. AHF Thailand helped provide the current situation of migrants and sex workers with HIV/ AIDS, and human rights perspective.

#### 4) Foundation for AIDS Rights (FAR)

A non-profit organization aims to prevent the spread of HIV/ AIDS in Thailand as well as the spread of attendant discrimination. It works to ensure that individuals have a right to health care, particularly the migrants. It also provides legal assistance to migrants who experience any forms of violence. The works of FAR helped understanding the social protection in Thailand relating to migrants, human rights perspective, and legal assistance to (il)legal migrants.

#### 5) SWING Foundation

A community-based organization that commits to ensure the improved well-being of sex workers regardless of gender and nationality. It aims to educate and improve the quality of life of sex workers by protecting their human rights as well as raising awareness regarding the health challenges of sexually transmitted diseases. The first-hand experience of SWING Foundation helped the researcher access to the study population, and provided the current situation of male migrant sex industry including the size and locations, livelihoods, and sexual behavior.

#### **3.2.3.2 In-depth Interview**

The researcher conducted in-depth interviews with 14 CLMV (Cambodia, Lao PDR, Myanmar, and Vietnam) male migrant sex workers to allow flexibility to probe and explore the unanticipated issues. Each of the four nationalities (Cambodia, Lao PDR, Myanmar, and Vietnam) was further selected as a case study (See 3.2.5 Case Studies).

Prior to the data collection, approaching the potential participants was supported by SWING Foundation from its accessibility to such study population. Due to their several assistances and on-ground outreach programs to sex workers regardless of gender and nationality, they were capable of accessing to such population. The researcher in advance consulted with SWING Foundation regarding the objectives, scope of the research, benefits of the research, sample of questions, and characteristics of participants. To ensure that the participant voluntarily agreed to participate in the research, the researcher asked him again and also provided with information about the research.

Adopting the in-depth interview fit more with the nature of sex workers who were likely to keep their identity safe. No peer pressure distracted the participants and allowed more comfortable atmosphere in gaining insightful responses. Since the research in its nature was also sensitive, having a face-to-face interview allowed the researcher to ease the tension that might arise, and benefited the researcher in terms of understanding their body language. Participation to the study was compensated for their time loss for 300 Baht per hour. The interview is expected to take one-hour maximum for each participant.

Due to the difficulty accessing the population, the researcher depended on SWING Foundation. SWING Foundation can access to 132 male migrant sex workers in Bangkok, however there are more number of them in this sex industry that may not access to NGO. These 14 participants were the ones who were able to speak Thai and volunteered to take part in this study (See Table 6). Laotian participants thus made up a large number of this study due to criteria of speaking Thai. The researcher was in fact aware of getting the same proportion of each nationality. However, the criteria were to get at least 2 participants of each nationality for researcher to further select a case study.





Table 6 Demographic Characteristics of 14 Participants

No.	Country	Place of Origin	Age	Sexual Identity	Usual Role	Marital Status	Education	Number of Years in Thailand	Previous Work in Thailand	Age of the Entry into Sex Industry	Period of Engaging in Sex Industry	Type of Establishment	Job Position	Previous Document Status	Current Document Status	Current Documents Holding
1	Myanmar	Kentung	25	Homo Sexuality	Inserive Only	Boyfriend	4 <sup>th</sup> standard	8 years	Factory Worker	18	7 years	Massage/ spa hop	Massager and cashier	Tourist Status (Visa Issuance) – Single Entry	MOU Status (Domestic Work)	1. Non-immigrant Visa (L-A) – Single Entry 2. Work Permit 3. Passport
2	Lao PDR	Pakse	23	Hetero Sexuality	Inserive Only	Single	7 <sup>th</sup> standard	2 years	Factory Worker	23	4 months	Massage/ spa shop	Massager	Tourist Status (TR-30)	MOU Status (Construction)	1. Non-immigrant Visa (L-A) – Single Entry 2. Work Permit 3. Passport
3	Lao PDR	Huay Xai	32	Homo Sexuality	Inserive Only	Single	8 <sup>th</sup> standard	10 years	Waiter	29	3 years	Massage/ spa shop	Massager	Tourist Status (TR-30)	Tourist Status (TR-30)	Passport (Visa Exemption)
4	Lao PDR	Pakse	27	Hetero Sexuality	Inserive Only	Married	9 <sup>th</sup> standard	4 years	1. Factory Worker 2. Waiter	24	2-3 years	Massage/ spa shop	Massager	Tourist Status (TR-30)	MOU Status (Construction)	1. Non-immigrant Visa (L-A) – Single Entry 2. Work Permit 3. Passport
5	Lao PDR	Pakse	26	Hetero Sexuality	Inserive Only	Girlfriend	12 <sup>th</sup> standard	3 years	1. Waiter 2. Factory Worker	24	2 years	Massage/ spa shop	Massager	Tourist Status (TR-30)	Tourist Status (TR-30)	Passport (Visa Exemption)

No.	Country	Place of Origin	Age	Sexual Identity	Usual Role	Marital Status	Education	Number of Years in Thailand	Previous Work in Thailand	Age of the Entry into Sex Industry	Period of Engaging in Sex Industry	Type of Establishment	Job Position	Previous Document Status	Current Document Status	Current Document Holding
6	Lao PDR	Pakse	31	Hetero Sexuality	Insertive Only	Girlfriend	5 <sup>th</sup> standard	3 years	1. Farmer 2. Gas Station Attendant	29	2 years	Massage/spa Shop	Massager	Tourist Status (TR-30)	Tourist Status (TR-30)	Passport (Visa Exemption)
7	Lao PDR	Pakse	23	Hetero Sexuality	Insertive Only	Single	12 <sup>th</sup> standard	2 years	Waiter	22	7 months	Massage/spa Shop	Massager	Tourist Status (TR-30)	Tourist Status (TR-30)	Passport (Visa Exemption)
8	Lao PDR	Pakse	25	Hetero Sexuality	Insertive Only	Girlfriend	7 <sup>th</sup> standard	1-2 years	1. Gas Station Attendant 2. Sewer	24	1 year	Massage/spa Shop	Massager	Tourist Status (TR-30)	MOU Status (Domestic Work)	1. Non-immigrant Visa (L-A) – Single Entry 2. Work Permit 3. Passport
9	Cambodia	Poi Pet	28	Hetero Sexuality	Insertive Only	Single	11 <sup>th</sup> standard	7-8 years	1. Factory Worker 2. Waiter	28	2 months	Beer Bar	Waiter	Tourist Status (TR-30)	Tourist Status (TR-30)	Passport (Visa Exemption)
10	Myanmar	Mawlamyitha	23	Hetero Sexuality	Insertive Only	Girlfriend	12 <sup>th</sup> standard	5 years	1. Construction Worker 2. Waiter	22	1 year	Go-go bar	Waiter	MOU Status (Factory)	MOU Status (Factory)	1. Non-immigrant Visa (L-A) – Single Entry 2. Work Permit 3. Passport

No.	Country	Place of Origin	Age	Sexual Identity	Usual Role	Marital Status	Education	Number of Years in Thailand	Previous Work in Thailand	Age of the Entry into Sex Industry	Period of Engaging in Sex Industry	Type of Establishment	Job Position	Previous Document Status	Current Document Status	Current Documents Holding
11	Vietnam	Ha Tinh	30	Hetero Sexuality	Insertive Only	Single	9 <sup>th</sup> standard	7-8 years	1. Mechanic 2. Waiter	26	4 years	Go-go bar	Waiter	Tourist Status (TR-30 & Bilateral Agreement)	Tourist Status (TR-30 & Bilateral Agreement)	Passport (Visa Exemption)
12	Vietnam	Ha Tinh	24	Hetero Sexuality	Insertive Only	Single	12 <sup>th</sup> standard	5 years	1. Market Vendor 2. Waiter	23	1 year	Go-go bar	Waiter	Tourist Status (TR-30 & Bilateral Agreement)	Tourist Status (TR-30 & Bilateral Agreement)	Passport (Visa Exemption)
13	Cambodia	Takeo	23	Hetero Sexuality	Insertive Only	Single	9 <sup>th</sup> standard	8 years	1. Factory Worker 2. Waiter 3. Security Guard	19	4 years	Go-go bar	Waiter	MOU Status (Construction)	Tourist Status (TR-30)	Passport (Visa Exemption)
14	Cambodia	Poi Pet	28	Homo Sexuality	Insertive Only	Single	6 <sup>th</sup> standard	8 years	Waiter	27	1 year	Go-go bar	Entertainer	NV Status (Clothing Vendor)	Tourist Status (TR-30)	Passport (Visa Exemption)

### 3.2.4 Observation

Non-participant observation was used in this study. The researcher observed the participants without actively participating. This research technique allowed researcher to observe their activities, and interaction amongst sex-work colleagues, captains, and clients. Non-participant observation took place in three types of sex establishments: go-go bars, massage/ spa shops, and beer bars in Boystown.

### 3.2.5 Case Studies

From the 14 CLMV male migrant sex workers, each of the four nationalities (Cambodia, Lao PDR, Myanmar, and Vietnam) was further selected as a case study to better understand a particular nationality. The four case studies in Chapter IV were to answer on their livelihoods and vulnerabilities (Research Question 1). Chapter V, the four case studies were to answer on their coping strategies and accessing to social protection (Research Question 2).

The criteria of selected participants were as follows:

- **Document status:**
  - A participant who had changed his document status, for instance, from tourist status to MOU status, or vice versa
  - A participant who had remained his document status for number of years
- **Years in Thailand:**
  - A participant who had engaged in several years of sex work
  - A participant who had stayed in Thailand for number of years
- **Health Benefits:**
  - A participant who was covered by social security benefits
  - A participant who purchased migrant health scheme or private health insurance

Table 7 Demographic Characteristics of 4 Case Studies

No.	Country	Place of Origin	Age	Sexual Identity	Usual Role	Marital Status	Education	Number of Years in Thailand	Previous Work in Thailand	Age of the Entry into Sex Industry	Period of Engaging in Sex Industry	Type of Establishment	Job Position	Previous Document Status	Current Document Status	Current Documents Holding
1	Myanmar	Kentung	25	Homo Sexuality	Insertive Only	Boyfriend	4 <sup>th</sup> standard	8 years	Factory Worker	18	7 years	Massage/spa shop	Massager and cashier	Tourist Status (Visa Issuance) – Single Entry	MOU Status (Domestic Work)	1. Non-immigrant Visa (L-A) – Single Entry 2. Work Permit 3. Passport
4	Lao PDR	Pakse	27	Hetero Sexuality	Insertive Only	Married	9 <sup>th</sup> standard	4 years	1. Factory Worker 2. Waiter	24	2-3 years	Massage/spa shop	Massager	Tourist Status (TR-30)	MOU Status (Construction)	1. Non-immigrant Visa (L-A) – Single Entry 2. Work Permit 3. Passport
12	Vietnam	Ha Tinh	24	Hetero Sexuality	Insertive Only	Single	12 <sup>th</sup> standard	5 years	1. Market Vendor 2. Waiter	23	1 year	Go-go bar	Waiter	Tourist Status (TR-30 & Bilateral Agreement)	Tourist Status (TR-30 & Bilateral Agreement)	Passport (Visa Exemption)
13	Cambodia	Takao	23	Hetero Sexuality	Insertive Only	Single	9 <sup>th</sup> standard	8 years	1. Factory Worker 2. Waiter 3. Security Guard	19	4 years	Go-go bar	Waiter	MOU Status (Construction)	Tourist Status (TR-30)	Passport (Visa Exemption)

Table 7 shows the 4 case studies drawn from each nationality. These 4 case studies met with these criteria as followed:

**Participant 1 (Myanmar)**

- A participant had changed document status from tourist to MOU status under domestic work registration.
- A participant had engaged in several years of sex work (7 years).

**Participant 4 (Lao PDR)**

- A participant had changed document status from tourist to MOU status under construction registration.
- A participant was covered by social security benefits.

**Participant 12 (Vietnam)**

- A participant had remained tourist visa for number of years (5 years).

**Participant 13 (Cambodia)**

- A participant had changed document status from MOU to tourist status.
- A participant had engaged in several years of sex work (4 years).
- A participant had stayed in Thailand for number of years (8 years).

**3.4 Documentary Research**

Documentary research was derived from government, and NGOs regarding the sex industry in Thailand, CLMV migration into Thailand, laws and regulations relating to migrants and the sex industry, and social protection both in concept and policies.

**3.5 Field Research**

The fieldwork researches were conducted through the use of in-depth interviews with CLMV (Cambodia, Lao PDR, Myanmar, and Vietnam) male migrant sex workers, and also interviewed the key informants from 1) Bureau of AIDS, TB, and STIs (Ministry of Public Health) 2) National Human Rights Commission of Thailand 3) AIDS Healthcare Foundation 4) Foundation for AIDS Rights and 5) SWING Foundation.

### **3.5 Data Analysis**

Responses from participants were cross-checked with documentary research, and key informants to triangulate if the data was valid and reliable.

### **3.6 Ethical Consideration**

The thesis has been approved by the Research Ethics Review Committee for Research Involving Human Research Participants, Health Sciences Group, Chulalongkorn University, Thailand. Due to the sensitive nature of the issues, the research ensured the confidentiality of information, and physical safety of participants, key informants, and researcher. Permission regarding the verbal consent (no written form) and tape-recording of in-depth interview was asked from potential participants to ensure that they were assured with their rights to confidentiality and anonymity. Participants were in addition informed the purpose of the study as well as given the opportunity to ask or express concerns. Plus, participants were free to stop, answer, or not answer the questions at any time. The interview was conducted in a safe and private space that was agreed by the participants. Their responses were reported as total picture. Any information that could be able to identify participants did not appear in the research.

## CHAPTER IV

### **Vulnerabilities and Livelihoods of CLMV Male Migrant Sex Workers**

Chapter IV attempts to investigate to what extent does (il)legal status of CLMV male migrant sex workers affect their livelihoods. The sections below are presented to provide the current situation of Thai sex industry, and to answer to the mentioned question. Case study of each nationality (Cambodia, Lao PDR, Myanmar, and Vietnam) is also represented in the end of the section to provide better understanding of a particular nationality.

#### **4.1 Thai Sex Industry**

##### **4.1.1 Sex Industry and Gender**

Even though there is an inadequate evidence of the widespread of sex works in Thailand (Boonchalaksi and Guest, 1994), the long existence of sex industry importantly represents the evolution of changing of gender and sex work in Thailand.

Generally, the public discourse of sex industry is the archetypes of women as sellers and men as buyers (Minichiello et al., 2015). Throughout the Thai sex work history, sex workers have long been viewed only to be 'females'. Extensive studies put focus on FSWs that often termed as "she", "her", "the woman" (Dennis, 2008), and underrepresent the current situation of males engaging in sexual services. The survey of Department of Disease Control, Ministry of Public Health, shows that the trend of sex workers is changing in terms of gender. There is an increased number of MSWs all the region combined, from 9,234 in 2011 to 10,564 in 2015, whereas number of FSWs is decreased from 62,658 in 2011 to 46,502 in 2015 (Department of Disease Control, 2015). The lucrative sex business does not only welcome Thai sex workers, but also migrant sex workers from neighboring countries including Cambodia, Lao PDR, Myanmar, and Vietnam. The study finds that amongst the migrants, males are also engaging in the sex industry in Bangkok. One of the plausible reasons of the changing trend of sex providers is due to the change of paradigm of seeing women as the sexual



object, and the change of men's sense of power. The traditional discourse of seeing women as sexual beings and sexual objects is traced from women's serving sexual needs to male soldiers since Second World War (Ryle, 2011). Such practice can be seen from Japanese Imperial of enslaving Asian women, or US army based in foreign countries. Since women are seen as sexual beings and sexual objects, they are likely to be perceived as passive recipient of sexual behavior and desire that will acted upon from men. Men, in contrast, are seen to be sexual subject and possessed with sense of power and agency in their bodies rather than being acted upon (Ryle, 2011). However, men in sex industry entail the rethinking of the relationship between sexuality and sex industry. The paradigm of women as the sexual object is shifted; it is men who turn themselves to be other's sexual desire. Sense of power is changed since men, sex workers in this case, is no longer a sexual subject. Even though male migrant sex workers from the study are found to be in 'insertive' role (topping), they are confined in some certain conditions that cannot fully exercise their sense of power, for instance, clients' preferences during sex. Interestingly, it is questionable why men turn themselves to be other's sexual desire. The study finds that their entry into sex work is due to economic motive. The high incomes of sex industry convince male migrants to become a sex worker regardless of their sexual identity. The study shows that either being heterosexual or homosexual, their role of sexual intercourse is to be insertive only. They are flexible to any sexes of client but only a condition that they are in insertive role. Even though their client base is largely male, heterosexual sex workers do not associate their sexual identity with sex work. The study also found that nearly half of total participants have their girlfriend, boyfriend, or are even in marriage. Their decision to entry into sex industry is largely on economic reason that encompasses their sexual identity. In this sense, it is to confirm that the lucrative business of sex industry can influence the change of gender in sex workers.

*“I am married and have one kid with a Laotian wife here in Thailand. She acknowledges that I am currently engaging in sexual services. She helps me manage the legal documents because we need money for childcare expense” –  
Laotian participant*

#### 4.1.2 Migrant Sex Industry in Bangkok

The linkages of migration and sex work have long been associated since the reign on King Rama I (1782-1809) during the times of Chinese migration into Thailand (Boonchalaksi and Guest, 1994). Sampeng became the sex industry, which comprised mostly of Chinese female migrant sex workers until Rama IV (1852-1868) (Boonchalaksi and Guest, 1994). Presently, other than Thai sex workers, there are also migrant sex workers from neighboring countries including Cambodia, Lao PDR, Myanmar, and Vietnam. As mentioned, Thailand is by far the more likely destination country among ASEAN countries (ILO and IOM, 2017). The influx of CLMV migrants is due to economic reason that places them in different sectors of works, including sex work. The study confirms that their migration associates with poverty back home, and the aspiration of seeking job opportunities in destination country. Some of these influx migrants shifted from the low-paid jobs, for instance, factory, construction, and etc. to sex industry. The linkages of migration and sex work are somewhat understood as the demand and supply in sex industry.

*“As of now, it is undeniable that we can live without these migrants. They come and work in different sectors of works including factory sector, or service sector. It is for us to realize the importance of having these migrants in any sectors of works, including sex work. Sex work operates on the basis of demand and supply; it is like a product that requires seller and buyer to operate” – National Human Rights Commission of Thailand*

The study finds that the product of these linkages can be seen from Boystown, a gay red-light district in Surawong, which concentrates mostly the male migrant sex workers from Cambodia, Lao PDR, Myanmar, and Vietnam. It is one of the tourist hot spots in Bangkok where sexual services are offered in different types of establishments including go-go bars, massage/ spa shops, and beer bars. Boystown has become a conglomeration of male migrant sex workers working disguisedly under the entertainment places.

The sections below represent the current situation of male migrant sex industry in regards of the size, types and locations of sex establishments, and types of sex market in Bangkok.

#### **4.1.2.1 The Size of The Male Migrant Sex Industry in Bangkok**

The estimation of actual number of male migrant sex workers is difficult to assess due to the population inaccessibility, and their disguised work operated under the entertainment establishments. They may come and work in Thailand with no work permit or register in other type of employment to work in sex industry. It is thus difficult to enumerate the size of migrant sex workers. The researcher assumes the size based on SWING Foundation's accessibility. It is reported that even though SWING Foundation can access to 132 male migrant sex workers in Bangkok, there are more number of them in this sex industry that may not access to NGO.

*“There is always a changing in numbers of migrant sex workers due to their holding of tourist visa. Most of them are holding tourist visa and needs to return home every month or two months. This is a cycle of in-and-out in sex work” - SWING Foundation*

From the survey, the result shows that non-Thai sex workers in Bangkok are from Cambodia, Lao PDR, Myanmar, and Vietnam. The plausible linkages between nationalities and their entering in sex industry are due to the geographic proximity, and their influx of migration in searching of job opportunities in Thailand.

#### **4.1.2.2 Types and Locations of Establishments in the Male Migrant Sex Industry in Bangkok**

Based on the 24 classifications of sex establishments in Thailand<sup>10</sup>, the type of sex establishments male migrant sex workers engaging in Bangkok is go-go bars, massage/spa shops, beer bars, and karaoke. The table below represents the 24 classifications of

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<sup>10</sup> The study is based on the 24 classifications of sex establishments in Thailand from the Department of Disease Control, Ministry of Public Health, 2015. See more in Literature Review.

sex establishments, and male migrant sex workers engaging in four different types of sex establishments.

Table 8 Types of Sex Establishments CLMV Male Migrant Sex Workers Engaging in Bangkok

1. Brothels	2. Hotels	3. Bungalows	4. Guest Houses
5. Teashops	<b>6. Beer Bars</b>	7. Gay Bars	<b>8. Go-go Bars</b>
9. Discotheque	10. Nightclubs	11. Pubs	<b>12. Karaoke</b>
13. Cocktail Lounge	14. Massage Parlors	<b>15. Massage/spa Shops</b>	16. Sauna Shops
17. Coffee Shops	18. Local Shops	19. Restaurants	20. Beauty Salons
21. Barber Shops	22. Online Calls	23. Public Spaces	24. Etc.

Source: Department of Disease Control, Ministry of Public Health (2015) & SWING Foundation Survey (2015-2017)

Table 8 shows that the types of sex establishments CLMV male migrant sex workers engaging are indirect type of sex establishment (hidden, clandestine, informal). They may work as waiter, entertainer, or massager, and offer sexual services. To understand more of the four sex establishment types, brief explanation is provided below.

#### 1) Beer Bars

Beer bars can be found across in Bangkok. There are particular areas that cater different groups of clients according to nationality. Japanese tourists usually go to bars in Thaniya Plaza while western tourists go to Patpong, Nana Entertainment Plaza, and Soi Cowboy (Boonchalaksi and Guest, 1994). Sexual services are normally operated outside an establishment. In some beer bars, there are beer promotion girls who also earn their income by offering sexual services.

## 2) Go-go Bars

Go-go bars had their first made appearance in Bangkok around 1967 and were established in Patpong in 1969 (Boonchalaksi and Guest, 1994). Presently, go-go bars can also be seen in Surawong where gay go-go bars are one of the famous hot spots for foreign clients. Behind a heavy curtain, workers wearing number tags pinned to t-shirt for waiters, and to panties for entertainers. Entertainers perform their dances on the stage in their topless or without any clothes. Since foreigners make up a large share of clients, some of these go-go bars made them more like a tourist attraction where entertainers not only do dance performance on stage, but also do water dancing that can be viewed from the glass partition. Sexual services can be found within some bars, particularly oral sex, but are mostly operated outside the bars, for instance, hotels.

Figure 4 Go-go Bar in Surawong, Bangkok



### 3) Karaoke

Karaoke bars are an entertainment place where clients can sing along with music videos and are usually provided hostesses. Clients can make an arrangement with the hostesses themselves. However, not all karaoke bars that provides sexual services.

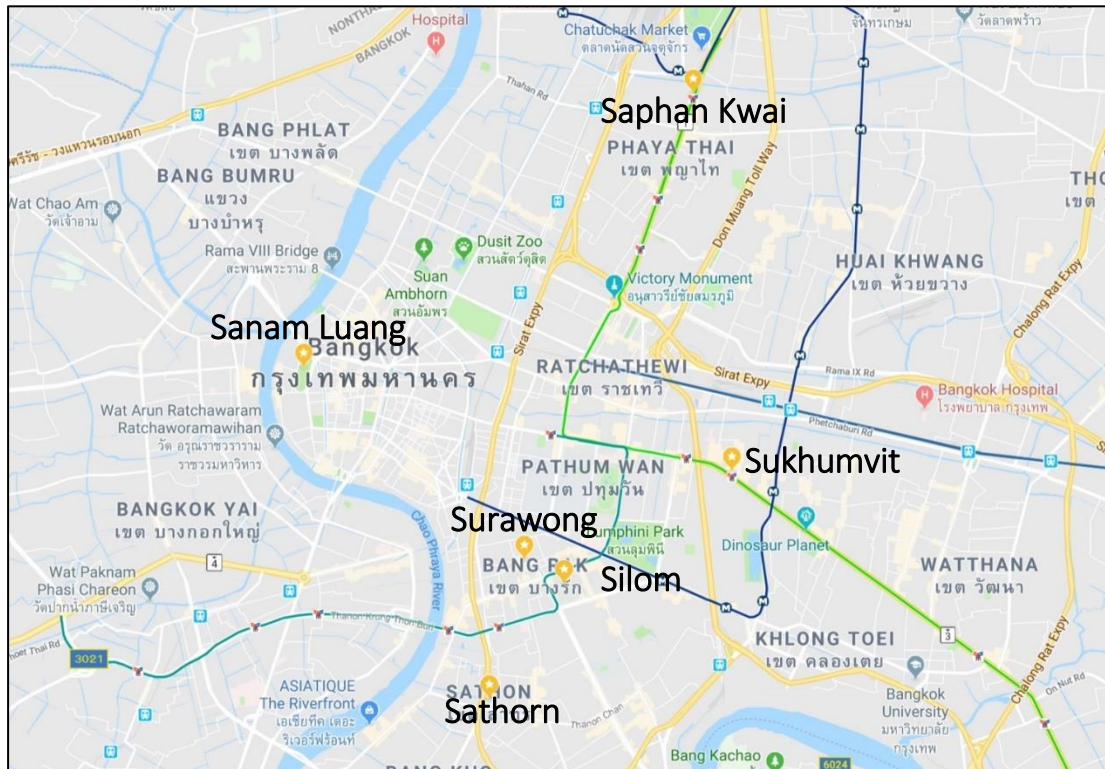
### 4) Massage/ spa Shops

Not all massage/ spa shops or all massagers are involved with sexual services. Massagers who are not involved with sex industry only provide body massage. Those who are involved with sex industry provide body massage and offer sexual services. This massage/ spa type of establishment is different from massage parlors. Massage parlors are where women sitting behind a glass partition and can be viewed from clients. Massage/ spa shops, in this study, are observed that men stand in a line to show his built to clients in a reception room with no glass partition.

These four types of sex establishment that CLMV male migrant sex workers engaging with are found across Bangkok (See Figure 5). The following locations represent male migrant sex workers engagement in different types of sex establishments in Bangkok:

- Silom – go-go bars, and massage/ spa shops
- Surawong – go-go bar, massage/ spa shops, and beer bars
- Sathorn – massage/ spa shops
- Saphan Kwai – karaoke
- Sukhumvit – massage/ spa shops
- Sanam Luang – karaoke

Figure 5 Locations of Male Migrant Sex Industry in Bangkok



Source: SWING Foundation Survey

The top-three locations they mostly engage in sex services is in Surawong, Sukhumvit, and Sathorn, respectively. The following locations represent the type of establishment male migrant sex workers mostly engage with:

- Surawong: go-go bars
- Sukhumvit: massage/ spa shops
- Sathorn: massage/ spa shops

For this study, the selected study area is in Surawong due to the high number of male migrant sex workers in such area. In Surawong area, there is a gay red-light district known as 'Boystown', one of the famous hot spots for sex tourist destination (See Figure 6). The study found that there are a high number of male migrant sex workers that are from Cambodia, Lao PDR, Myanmar, and Vietnam engaging in different types of sex establishments including go-go bar, massage/ spa shops, and beer bars. The study

also found that amongst the three types of sex establishments, CLMV male migrant sex workers mostly engaging in go-go bars.

Excluding the venue-based establishments, street-based male migrant sex workers (freelance sex workers) are also found in other areas, for instance, Sathorn, and Wang Saranrom. However, the study only limits to venue-based establishments due to potential accessibility to the study population.

Figure 6 Sex Establishments in 'Boystown', Surawong



Source: Sex Sector Survey

#### 4.1.2.3 Type of Migrant Sex Market

Generally, establishments have some certain organized level to run the business compared to street-based sex workers where it is independent between sex worker and client. However, the different types of sex market in these establishments can impact to sex workers' livelihoods. It is the system operated within an establishment that can impact their livelihoods. There is a mixed of upper and lower type of sex market across Bangkok. The upper sex market denotes the organized business where the system



within an establishment is well organized including the recruitment of sex workers, the frequent medical check-ups and blood tests, fixed fee that arranged by the establishment, or fines if not comply with rules. There are many strict rules for sex workers to comply, for instance, late to work is fined for 5 Baht per minute, overweight is fined for 1,000 Baht per kilogram, or having 100-200 drinks per month. Their entry into this upper sex market is usually through recruitment. In contrast to lower sex market, there is no direct recruitment through private agent in supplying sex workers. This type of sex market is more of a loosely organized business where not so many strict rules are applied. The entertainment places generally either in upper or lower sex type of market have the system of off fee that the clients must pay to the establishments in order to take his or her out of the attendance of the establishment.

Even though the establishments in Boystown have the system of fixed off fee, Boystown is considered to be a lower type of sex market where the business is operated loosely, personally, and spontaneously. From the study, the three types of sex establishments (beer bars, go-go bars, and massage/ spa shops) in Boystown have no direct recruitment in supplying sex workers. Social network is the main mechanism in supplying these migrants into sex industry. CLMV male migrant sex workers' entry into sex industry is usually introduced from their friends who also work in sex industry. The result is that these migrants end up with large number of migrants originating from the same area. There is no formal strict rule applied in this type of sex market. The rules are rather in a form of advices. Migrant sex workers are told to maintain their look by dressing well. However, there is no systematic way of fining if these migrant sex workers do not comply with. There is no strict rule for migrant sex workers, particularly in a go-go bar, to have minimum drinks per night. Normally these drinks pay them extra, for stance one Beer for 80 Baht, or one soft drink for 100 Baht. However, it depends on them whether to drink. From these three types of sex establishments, there is no arrangement for migrant sex workers to receive health checks or blood test. Plus, these establishments also do not require them to present their health checks or blood test to the establishment. It is rather a self-arrangement that migrant sex workers bear for their own cost of treatment.

## **4.2 CLMV Male Migrant Sex Workers' Vulnerabilities and Livelihoods in Bangkok**

From the study, it was found that there are six different locations in Bangkok that CLMV male migrant sex workers are engaging in sexual services: 1) Silom 2) Surawong 3) Sathorn 4) Saphan Kwai 5) Sukhumvit and 6) Sanam Luang. For this study, the study area in Surawong was selected due to a high number of male migrant sex workers. In-depth interviews were conducted with male migrant sex workers that were from Cambodia, Lao PDR, Myanmar, and Vietnam due to the current situation of their engaging in sex industry.

### **4.2.1 Demographic Characteristics**

#### *a) Place of Origin*

Participants were from four countries, Cambodia, Lao PDR, Myanmar, and Vietnam. Participants from Cambodia had the place of origin in Takeo, a Province located in the southwest of Cambodia, and Poi Pet, a city in Banteay Meanchey Province in western Cambodia. Nearly all of Laotian participants were from Pakse, a city in Champasak Province. One Laotian participant was from Huay Xai, a capital of Bokeo Province. Myanmar participants were from Kentung, a town in Shan State, and Mawlamyine, a capital of Mon State. Vietnamese participants were all from Ha Tinh, a province on the North Central Coast of Vietnam.

#### *b) Age*

The range of age of participants was 23 to 32 years of age. Majority was in their ages of twenties. There was no distinct difference of their age and type of sex establishment they were engaging.

#### *c) Marital Status*

Majority of participants were single. Few reported having male and female sexual partners without his or her acknowledging of his sex-work career. One from the total participants was married to his similar nationality.

*d) Sexual Identity and Sexual Role*

Majority of participants identified themselves as heterosexuality. However, there were some that self-identified as homosexuality. Even though their sexual identity was different, they all agreed to be only in insertive role to any sexes of clients. However, their clients are largely foreign male base.

*e) Levels of Education*

Few completed their secondary education in home country. Majority completed their lower secondary education and quitted school to seek jobs. Majority of participants also did not further their studies in Thailand. There was no difference of their levels of education amongst the three types of establishments: go-go bars, beer bars, and massage/ spa shops.

*f) Family Background*

Less than one half of participants came mainly from agricultural backgrounds, and all of participants were from impoverished family background. None of the participants interviewed had worked accordingly to their family background in Thailand.

*g) Years in Thailand*

All of participants had stayed in Thailand at the minimum of 1 year. Their range of years staying in Thailand was 1 to 10 years.

*h) Age at Their Entry into Sex Industry*

Majority of participants entered into sex industry at their ages of twenties. The lowest age of entrance of sex industry was at 18 years of age. There was no distinct difference of their age and the entry into sex industry amongst the three types of establishments: go-go bars, beer bars, and massage/ spa shops.

*i) Work Experience and Their Entry into Sex Industry*

Prior to their entering into sex industry, all participants had worked in Thailand. Their previous occupations were diverse including working in factories, restaurants, hotels, construction sites, car maintenance shops, and gas stations.

*j) Period in Engaging in Sex Industry*

Majority of participants engaged in sex industry more than a year. The ranges of period found from the study were between 2 months to 7 years.

*k) Previous Document Status*

All of participants were documented. Nearly all of participants depended on tourist visa. Only three countries, Cambodia, Lao PDR, and Vietnam that had been granted visa exemption for tourism purpose (TR-30). These CLV migrants only required passport to enter Thailand, and their period of stay was not to exceed 30 days. Myanmar participants, however, were also in tourist status but had to do visa issuance to enter Thailand. Their period of stay in Thailand was not to exceed 60 days. However, not all were in tourist status, there were some of Cambodian participants that were in MOV and NV status under construction and clothing vendor registration, and Myanmar participant who were in MOU status under factory registration. These participants hold non-immigrant visa (L-A) single entry, work permit, and passport to remain and work in Thailand. Their previous document status was concluded as below:

- Cambodia: Tourist Status, NV Status, and MOU Status
- Lao PDR: Tourist Status
- Myanmar: Tourist Status, and MOU Status
- Vietnam: Tourist Status

*l) Current Documentation Status*

All of participants were documented. Majority of participants depended on tourist visa. Half of participants had remained their tourist status while some had changed their tourist status to MOU status. Participants who had changed their tourist status to MOU were from Myanmar and Lao PDR working in massage/ spa shops, and go-go bars. Few that ran out of their NV and MOU status, and was currently in tourist status. These participants were from Cambodia working in go-go bars. Their current document status was concluded as below:

- Cambodia: Tourist Status
- Lao PDR: Tourist Status, and MOU Status
- Myanmar: MOU Status

- Vietnam: Tourist Status

Cambodian participants depended on tourist visa (TR-30), a visa exemption for tourism purpose. Their period of stay in Thailand was not to exceed 30 days. Laotian participants depended either tourist visa (TR-30) or non-immigrant visa (L-A). Their period of stay in Thailand for tourist holders was also not to exceed 30 days. Laotian participants who entered through MOU process hold non-immigrant visa (L-A) single entry, work permit, and passport under construction and domestic work registration to remain and work disguisedly as migrant sex worker in Thailand. Myanmar participants also entered through MOU process holding the mentioned documents as Laotian participants. They were registered in domestic work and factory. Myanmar participant who registered in factory had remained his status until now. For Vietnamese participants, they had remained their tourist status. They can enter Thailand with visa exemption. Their period of stay in Thailand was not to exceed 30 days.

*l) Current Employment*

Majority of participants were not in employment status from their holding of tourist visa. These participants were from Cambodia, Lao PDR, and Vietnam working in massage/ spa shops, beer bars, and go-go bars. They had no employment contract with manager. When they first signed up for job, the manager only asked for their passport and photo. The manager did not confiscate their passport but did not process them the employment contract. From the study, there were five participants from Lao PDR, and Myanmar who were in employment status. They were the ones who entered through the MOU process under construction, factory, and domestic work registration. These participants worked in massage/ spa shops, and go-go bars using their MOU employment status for their disguise in sex industry. They had work permit but worked differently specified in the work permit.

#### **4.2.2 Migration Process and Entry into Sex Industry**

*a) Pre-migration Process*

Due to the limited job opportunities in home countries, Thailand represented a window for job opportunities for migrants from neighboring countries including Cambodia, Lao PDR, Myanmar, and Vietnam. The study found that it was due to their family financial

difficulty, low paid jobs, limited job opportunities, and geographic proximity with Thailand that convinced them to migrate to Thailand for employment opportunity. The study yielded no different result amongst the four countries regarding their motive of migration. Majority of the participants interviewed had no preference of sector of work and little availability of information prior to their arrival in Thailand. Less than one half of participants utilized the broker to facilitate their migration to Thailand including legal documents and transportation.

*b) Migration Process*

All participants interviewed depended on the cross-border migration into Thailand. They used a variety of regular and irregular to enter Thailand including licensed private recruitment agencies, migrating with friends and/ or relatives, and migrating independently. From Cambodia to Thailand, their cross-border migration was from Poi Pet, a city in Banteay Meanchey Province, to Aranyaprathet, a town in Sa Kaeo Province. From Lao PDR to Thailand, Laotian migrants utilized the route from Pakse, a city in Champasak Province, to Chong Mek, a border town in Ubon Ratchathani, and the route of border town Huay Xai to Chiang Khong through the Forth Thai-Lao Friendship Bridge. From Myanmar to Thailand, their cross-migration were mainly in two spots: one was from Tachilek, a town in Shan State, to Mae Sai, a district in Chiang Rai Province, and the other was from Mawlamyine, a capital of Mon State, to Mae Sot, a border city in western Thailand through Thai-Myanmar Friendship Bridge. From Vietnam to Thailand, Vietnamese migrants crossed border from Khammouan Province in Lao PDR to Nakhon Phanom Province in Thailand through Third Thai-Lao Friendship Bridge. From the study, Cambodian and Vietnamese migrants migrated to Thailand by self-arrangement and licensed private recruitment agency, whereas Myanmar migrants came with friends. Laotian migrants mainly came into Thailand with friends or relatives.

Figure 7 Land-border Crossing Points



### c) Entry into Sex Industry

All participants had worked in other sectors of works prior to their entry into sex industry, for instance, factories, restaurants, hotels, construction sites, car maintenance shops, and gas stations. It was due to the economic motive of high paid in sex industry, and their previous less paid job that convinced them to shift their jobs into sex industry. They mostly were introduced from their friends who worked in a sex industry. Only one participant self-arranged to apply in sex industry as his previous workplace was near the establishment he signed up for. The study found that there was no difference of method of the entry into sex industry and nationality; CLMV male migrant sex workers mostly entered sex industry though their social network. Majority of them

acknowledged little knowledge regarding the establishments their friends introduced to. However, they were informed from a manager regarding the details of the work before they applied.

*“When I was first introduced by a friend, he told me that it was a massage/ spa shop. I did not know that it also engaged in sexual services. Before I applied, I was informed by the manager that it was my choice whether to engage in sexual services. However, I realized that doing only the massage did not make that much money, so I decided to try” – Myanmar participant*

#### **4.2.3 Vulnerabilities of CLMV Male Migrant Sex Workers**

There is a relationship between vulnerability and capacity to cope (WHO, 1999). Vulnerability can put one’s livelihood at risks, and coping strategy is to execute the response to their survival and threats. Based on UNISDR (2017), “vulnerabilities are the conditions determined by physical, social, economic and environmental factors or processes which increase the susceptibility of an individual, a community, assets or systems to the impacts of hazards”. Vulnerabilities of migrant sex workers are determined largely by legal and social condition that increases the susceptibility to migrant sex workers’ livelihoods. This study explores at the laws that limits rights and protections, social marginalization and violence that migrant sex workers may experience from their sex work and migrants’ legal status.

In Thailand, sex work is illegal accordingly to the Prevention and Suppression of Prostitution Act (1996) or Prostitution Act, and Penal Code Amendment Act (No.14) (1997). Because sex work is not considered as a legitimate form of employment, migrant sex workers are subject to deportation from their lack of work permit and their stay relating to prostitution. This makes them vulnerable from their engaging in illegal sex work and their migrants’ legal status. From the study, majority of participants were aware of their engaging in illegal sex work and acknowledged the limited rights to employment and health. However, they remain working in sex industry due to higher incomes compared to their previous less-paid jobs. They are also in violation of Labor Law (Foreigner’s Working Management Emergency Decree No.1 and No.2) that



migrant sex workers carry out work without a work permit and carry out work prescribed in the Notifications (Section 8 of Decree No.2) or carry out the work differently specified in the work permit (Section 70 of Decree No.1). They are also in violation of Immigration Act B.E. 2522 (1979) that entering and departing Thailand relating to the purpose of prostitution. These laws including labor, immigration, and sex-work laws are the legal condition that increases the susceptibility to migrant sex workers' livelihoods.

Since sex work has the public discourse of immoral work, sex workers are prone to stigmatization, marginalization, and discrimination from engaging in sexual services that can lead them to exploitation and limited services. The study found that migrant sex workers did not experience social marginalization or discrimination from the society either in their home countries or in Thailand because they did not expose their sex-work career. They were aware of their engaging in illegal sex and kept their identity safe. However, there was also a case where their communities in home countries, especially in Myanmar and Vietnam, acknowledged and accepted this sex work from high incomes their children could send back.

*“People in my community where I am from are okay with this (sex work). They never say bad things to my parents just because I work like this. They never say that. They are okay with whatever career I work only not to harm other and can afford them a better living. It is not only me who works like this. There are a lot from my community who comes and works like this” – Myanmar participant*

*“There are a lot of people from my community who comes to Thailand to work in this (sex work). Here last year, Vietnamese was more than 100 people. Now it is less than 30 people here because of few customers. My community acknowledges about this and is okay”- Vietnamese Participant*

When asked if the participants felt that they experienced double stigma compared to Thai sex workers, majority of participants reported that they did not experience double stigma and were given the equal treatment from the managers. Even though there was

either a social acceptance from their home/ destination community in engaging in sex work or their concealing of sex work, the study found that less than one half of the participants interviewed responded that they had self-stigma engaging in sexual services but only in their early times of work.

Engaging in illegal sex work can pose various vulnerable risks including violence. The study found that more than one half of the participants interviewed experienced verbal harassment and condom coercion from clients. It appeared that majority of those who experienced violence was from go-go bars and beer bars. This was because sexual activities were operated outside the establishment, for instance, hotels. On the other hand, few participants from massage/ type of establishment experienced violence because the sexual activities were normally operated within the establishment, which potentially allowed the workers to ask help from their sex-work colleagues, captain, or manager. The study found that clients took advantages from their limited English skill by not paying the fee as agreed or removing the condom during the sex. Some offered them a high fee not to practice safe sex. However, none of them agreed to have unprotected sex. It appeared that violence they experienced had no linkage with nationality; it was rather a case of the place of sexual activities they operated or from the limited English skill.

#### **4.2.4 Livelihoods of CLMV Male Migrant Sex Workers**

##### **4.2.4.1 Economic Security**

Migrant sex workers' entry into sex industry is on financial-related reasons. The high incomes in sex industry have convinced them to enter and to remain for some certain period of time. Understanding on their livelihoods is crucial to explore on their economic security. It is a condition of having stable income to maintain one's standard of living currently and sustainably. It is the ability of one to cover their essential needs. The study explores CLMV male migrant sex workers' economic security into two elements: income and expenses, and alternative employment plans and earning potential.

##### *a) Income and Expenses*

The study showed that their difference of income was depended on the type of establishment and number of client they received per day. The study also showed that their difference of expenses was due to their legal status either tourist status or MOU status.

From the study, the range of monthly income for massage/ spa shop was between 10,000 – 40,000 Baht per month. There were many massage packages offered to client (no sexual service), which cost 500 Baht at minimum. To purchase sexual services, a client first selected a massager in a reception room, and later made a price deal with him. The sexual activities could either take place within the establishment or other places. The massage/ spa shop type was a daily-based payment that depended on the number of clients he received per day. The higher number of clients he received per day, the higher income he obtained. In case where he did not receive any client, he got 100 Baht per day to cover his travelling from the establishment. The method of payment for go-go bars and beer bars was daily and monthly-based payment depending on job position and sex workers' own choice of payment. For waiters, they can choose to get paid daily or monthly. In a month, there was two days off. However, waiters were not allowed to take leave on Friday and Saturday. From the study, waiters were paid approximately 6,000 Baht per month. They normally got tips from clients at least 300 Baht. Their monthly income was thus around 15,000 Baht. In contrast to entertainers (floor dancers), it was a daily-based payment method. From the study, entertainer got paid 200 Baht if he arrived on time. If late to work, he got 100 Baht. Entertainer also got tips from clients at least 300 Baht per day and got extra fee from numbers of drinks he had with clients. The participant made at least 2 drinks with clients a day. In a month, entertainer got approximately 21,000 Baht. If the clients wanted to take entertainer out, they needed to pay bar fining for 600 Baht, and waiter for 700 Baht to the establishment. The clients can take them out either to hang out or to have sex. This depends on their agreement. The price rate for hanging out was 2,000-3,000 Baht. This type of service did not include sexual services. It was rather to accompany the client. To purchase sex, the price rate for 3 hours was 2,000 Baht. Staying overnight was around 3,000-4,000.

Their monthly expenditure was on accommodation, food, transport, remittance, and legal documents, and it appeared that majority of participants had little expenditure on leisure, clothes, and alcohol. The only difference amongst them was the expense on legal document, for instance, tourist visa, or non-immigrant visa that they had to bear the cost differently to maintain their career as sex worker. Even though the three countries, Cambodia, Lao PDR, and Vietnam, were granted visa exemption for tourism purpose, the study found that CLV male migrant sex workers who depended on tourist visa had to bear the traveling cost every month for entering and departing Thailand. The study also found male migrant sex workers from Lao PDR and Myanmar also entered through MOU process. They hired employment agencies<sup>11</sup> in Thailand to manage their employment. The cost of hiring these employment agencies varies amongst the three countries, ranging from 20,000 to 40,000 Baht. They can work in Thailand for 2 years and can obtain 2 additional years to assume working.

From the study, majority of participants were satisfied with their income, and felt economically secured from engaging in sexual services. They found that they were able to cover their monthly expenses. Considering incomes and expenditures in total, sex industry offered them high incomes than their previous occupations that they could afford their living in Bangkok. They were able to cover their personal expenses, and to send money back home.

#### *b) Alternative Employment Plans and Earning Potential*

Majority of participants had not given the thought yet regarding the alternative occupations. It appeared that majority of them preferred to work for a considerable time to save some certain money and would shift to other careers. Only few that had given the thought regarding the alternative occupations, for instance, hair and beauty freelancer. The study found no differences accordingly to nationalities and alternative

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<sup>11</sup> There are 157 employment agencies that are allowed to bring foreign workers into Thailand (as of 8 October 2018). See the lists of employment agencies from Department of Employment. Available at [https://www.doe.go.th/prd/assets/upload/files/alien\\_th/fe64abd31d18d1f9391ca93cf342cbe8.pdf](https://www.doe.go.th/prd/assets/upload/files/alien_th/fe64abd31d18d1f9391ca93cf342cbe8.pdf)

employment plans; majority of them was conscious about the high earning in sex industry, which made them remain working in this sector.

#### **4.2.4.2 Social Network**

Social network in this study refers to “the social resources upon which people drawn in pursuit of their livelihood objectives” (DFID, 1999) and “formal and informal, local and transnational, by tendency homophilic and often multiplex ties between individual migrants who share one or more dimensions of similarity; migrant networks are to a certain degree strategic but are typically regulated by informal principles rather than formal rules, consists of different sub-networks and are made of a core and an extension, encompassing strong and weak ties” (Weber, 2013: 8). In migrant sex workers’ social networks, the study explores their social networks with their sex-work community, and other social networks they may have in host state.

##### *a) Social Network with Sex-work Community*

The study showed that there was a different preference of establishing social network amongst the four countries. Majority of Laotian and Myanmar male migrant sex workers did not have a preference over establishing the similar nationality within sex-work community, whereas Cambodian and Vietnamese male migrant sex workers preferred to establish relationship with their similar nationality. The plausible reasons of their different preferences are due to the limitation in language, and homophily. The limitation in language is somehow resulted from the geographic proximity. Vietnam has no geographic proximity with Thailand that makes it difficult to share language. For Cambodia, even though it is a neighboring country of Thailand, there are no shared linguistic-cultural similarities, and historical bonds like Lao PDR. For Myanmar, participants interviewed lived near the border of Thailand; the geographic proximity has encouraged their familiarity with Thailand. The other plausible reason is homophily. Homophily is a term used to describe the “general propensity of humans to associate with people who share similar personal, social, cultural, political or economic characteristics” (Weber, 2014: 5). Commonalities are likely to trigger the comfort feeling to establish social network with. The shared characteristics of nationality somehow explain their different preferences of establishing social network. However,

it is not only in regards of nationality that makes the differences in social network. Nationality is not only the dividing factor, but also occupation. The study found that even though there was a different preference regarding the nationality, social network in a sex-work community was considered to be a strong ties compared to other social networks they had in host country (See the next section, Other Social Networks). Their engaging in sex work can be a dividing factor that confines their establishing of social network. The study also found that not only did they establish strong tie in sex-work career, but they also built an intimate relationship within an establishment. Massage/ spa type of establishment required the participants to show up when a client arrived, so he/ she could select the participant. Those who worked as entertainer in go-go bars, they were also required to perform on the stage. Waiters either in beer bars or go-go bars were also to do their duty. Thus, it appeared that male migrant sex workers found it difficult to establish relationship with other sex workers outside the establishment. Other than relationship amongst sex-work colleagues, the study found that only few that established relationship with manager and/ or captain. The study also found that majority of participants' language skills was limited. Even though they were capable of communicating Basic English with foreign clients, there was several times that they have to ask help from their sex-work colleagues.

*“I can speak English a little bit, but I do understand them. Normally there is nothing to talk much only to negotiate the price deal and some conditions. Other than that, if I don't know, I will ask my friend to help communicate” – Laotian participant*

During their free time, less than one half of the participants interviewed went out for leisure. Their activities included hanging out, shopping, movies, and gym. This was due to irregular working hours, and few day offs.

When asked regarding whom you preferred to seek help from in times of difficulty, the study showed different results amongst nationalities. Cambodian male migrant sex workers preferred to seek help from the manager or captain, whereas Laotian preferred to depend on relatives, Laotian sex-work colleagues, manager, and his partner. For

Myanmar male migrant sex workers, some preferred not to ask help, while some preferred to ask from Thai sex-work colleagues. For Vietnamese, they preferred not to ask help from anyone. Their differences of seeking assistance is potentially linked to strength of tie of how intimate relationship they are or how likely they will get help from.

*b) Other Social Networks*

The study found that majority of participants interviewed did not have strong social network like in sex-work community. It appeared that their social network was limited only within the sex-work community due to their irregular times of working hours, and their keeping of sex-work confidential. Their night working hours made it difficult for them to establish any other relationships. Few that maintained their relationship with relatives but found most amongst Laotian male migrant sex workers. Only one participant was found to establish relationship with college friends. They did not also expose their career to relatives or friends. Referring to scholars' conclusion<sup>12</sup> that a core networks, for instance, family, biological and fictive kinship, or close friends, are the most importance source of support and help, the fact that their engaging in sex work makes a difference result in this case. The ties on family, relatives, friends do not always generate trust and commitment. The network encompasses those ties due to the sex-work career they are engaging. This is also related to 'strength of ties', "a combination of the amount of time, the emotional intensity, the intimacy (mutual confiding), and the reciprocal services which characterize the tie" (Granovetter, 1973: 1361). He asserts that strong ties require considerable time to invest and typically found in family, marriage, or close friends (in the core network), while weak ties can be found between acquaintances and colleagues (in the extended network). In this case, the study found that the strong ties lie within sex-work community, especially between sex-work colleagues. Due to their considerable time working in the same working hours and their shared acknowledgement of working in illegal sex work, it represents that their network with sex-work community can also be considered as a strong tie (core network).

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<sup>12</sup> See Weber's study on 'Migrant Networks: A Literature Review', 2014. Page 6.

*“Because of my irregular working hours, I find it difficult to visit my relative. We are not allowed to take a day off on Sundays (massage/ spa shop). If I miss that day, I will be fined for 700 Baht ... and he has a day off only on Sundays. So, it is difficult for us to manage that” – Myanmar participant*

#### **4.2.4.3 Education and Health**

Education and health enable people to pursue livelihood strategies and to achieve their livelihood objectives. However, it will only be achieved if migrant sex workers are willing and able to invest in their own human capital.

##### *a) Levels of Education, and Languages*

Majority of the participants interviewed completed the lower secondary education in their home countries. Majority of them did not complete the school due to the family financial difficulty and quitted to seek for jobs. In their home countries, since majority of the participants had their family agricultural background, they helped their families work in a farm. Some worked as a waiter or construction worker. It appeared that only a few that had worked accordingly to their previous works in home countries, for instance, waiter. The study found that Vietnamese and Cambodian learned Thai language after their arrival in Thailand, whereas Laotian could speak Thai due to the linguistic shared. For Myanmar, participants learned Thai language prior to the arrival in Thailand from either studying extra course or living near the border. The study found that majority of participants' language skills was limited. Even though they were capable of speaking Basic English with foreign clients, they had to ask sex-work colleagues to communicate. When asked regarding their levels of education and their decision into sex industry, it appeared that levels of education did not directly affect to their decision for the entry into sex work. Majority of them responded that it was mainly the economic reason that convinced them shift to work in the sex industry. Levels of education were partially related only to the condition that it limited the type of work. When asked if they had any plan to further their study, it appeared that majority did not have the plan. Only a few found that they had a plan to study in a hair and beauty school, and one was reported that he was studying both in college and non-formal education.

##### *b) Health*



Migrant sex workers are likely to be prone to health risks than the local ones due the illegal nature of sex work, and the migrant legal status. The study found that CLMV male migrant sex workers had different sexual behaviors between their clients and partners. Even though all the participants interviewed practiced safe sex with clients, those (Laotian, and Myanmar) who had girlfriend/ boyfriend did not practice safe sex. It was reported that less than half of the participants interviewed experienced condom coercion where clients attempted to remove the condom during sex.

It is not compulsory in massage/ spa type of establishment for migrant sex workers to have health checks. The study finds that massage/ spa shops are different from the massage parlors where workers are not required to have frequent blood tests. Migrant sex workers in the massage/ spa shop self-arranged their blood tests either from public hospital or private clinic (SWING Clinic). However, only half of the participants self-arranged their blood test. It appeared that migrant sex workers utilized the health checks and blood test only there was a testing service nearby their establishments. There are no arrangements like in massage parlors where migrant sex workers are arranged to receive health checks or blood tests from the establishments' own clinic or their arrangement for the doctor to come to the massage parlors, to check at nearby private clinics (See Boonchalaksi and Guest, 1994).<sup>13</sup> It is not also compulsory in go-go bars and beer bars for migrant sex workers to have health checks, and there are no arrangements for migrant sex workers to receive health checks or blood tests. Migrant sex workers received health checks and a blood test only there was a testing service nearby their establishments. One interesting fact was that these migrant sex workers are not required to present their blood tests to the establishments. This was different from the past where (migrant) sex workers are required to present their result.

*“There are very few establishments now that is compulsory for workers to take blood test and present the blood result to the establishments. There are some establishments that require workers to undertake blood test every three month,*

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<sup>13</sup> Boonchalaksi and Guest (1994) studied specifically on the two sectors, rural brothers and Bangkok massage parlors. See their study more on ‘Prostitution in Thailand’.

*but (migrant) sex workers are no longer required to present their blood result”*

*– SWING Foundation*

Since there were no arrangement from the establishments, CLMV migrant sex workers were required to self-arrange their health checks and also to pay for their own treatment. Participants who had minor health problems usually utilized the service from public hospitals, and pharmacies. Blood tests were usually utilized from the private clinic, for instance, SWING Clinic. From the study, it appeared that majority of participants did not have a frequent blood test. When asked regarding when the last time was they had their blood tests, they were unable to recall their last test. The study yielded the result that there was no difference amongst nationalities in regards of their sexual behaviors with clients (the difference made only to their partners), health checks/ blood tests service utilizing, and frequency of blood test.

Table 9 Summaries of CLMV Male Migrant Sex Workers' Livelihoods

No.	Country	Sexual Identity & Usual Role	Document Status	Livelihoods		
				Economic Security	Social Network	Education & Health
1	Myanmar	Homosexuality (Insertive to clients only)	His previous status was in tourist status. He is now in MOU status under domestic work registration with the help of manager.	The monthly income he obtained in massage/ spa shop is 30,000-40,000 Baht per month. His expenditure is little. He is economically secured compared to his previous job.	He has a strong social network with sex-work colleagues and manager. He has no preference of establishing the similar nationality. Other than his sex-work community network, he also establishes a relationship with his college friends but it is not as intimate as sex-work community.	- He completed his school until 4 <sup>th</sup> standard. He is currently studying in university and non-formal education. He sees education can give him future. - He practiced safe sex with clients, but not with his boyfriend. He had experienced sexual coercion from the client, for instance, removing his condom, and offering him high fee not to wear condom.
2	Lao PDR	Heterosexuality (Insertive to clients only)	He is now in MOU status under construction registration.	The monthly income he obtained in massage/ spa shop is approximately 10,000 Baht per month. He shares his room with Laotian friend. Even though he has little saving, he is economically secured with his income.	He can get along with everyone but most close to Thai sex-work colleagues. Other than this sex-work community, he has no social network.	- He completed his study until 7 <sup>th</sup> standard. He can speak English but not as fluent as Lao and Thai. He has no plan to further his study and has no plan to change to another job. - He practiced safe sex and had never experienced violence from clients.
3	Lao PDR	Homosexuality (Insertive to clients only)	He is now depending on tourist visa. He usually	The monthly income he obtained in massage/ spa shop is	He can get along with everyone within an establishment. He has	- He completed his study until 8 <sup>th</sup> standard. He can speak English and

		clients only)	goes back and works at home for sometimes and enters back to Thailand to work as migrant sex worker.	approximately 10,000 Baht per month. He has little savings and does not feel economically secured with this income.	no preference of establishing the similar nationality. Other than this social network, he has a relative working in Bangkok, and also has a close Thai friend.	Chinese but not as fluent as Lao and Thai. He has no plan to further his study because he has no time. He plans to save some certain and change to another job. - He practiced safe sex with clients. He had experienced verbal harassment from clients.
4	Lao PDR	Heterosexuality (Insertive to clients only)	His previous status was a tourist status. He has just been granted MOU status under construction registration for 5-6 months with the help of his wife's family.	His monthly income in massage/spa shop is 10,000-20,000 Baht per month. His large expenditure is on childcare expense, and has little savings. However, he feels economically secured because it is sufficient enough to sustain him and his family in a monthly basis.	He has a strong social network with sex-work colleagues and manager. He has no preference of establishing the similar nationality. Other than his sex-work community network, his social network is his wife's family. He is married with a Laotian lady and has one child.	- He completed his study until 9 <sup>th</sup> standard. He has no plan to study and no thought yet about the alternative occupation but plan to work for another 1-2 years. - He practiced safe sex with clients, and once experienced the clients asking for sex tape.
5	Lao PDR	Heterosexuality (Insertive to clients only)	He had remained his tourist visa for 3 years.	His monthly income in massage/spa shop is 20,000-30,000 Baht per month. He sometimes sends money back home around 5,000 Baht. He is economically secured with his income.	He can get along with everyone within an establishment. Other than his sex-work community, he has a relative working in Bangkok. He also has Laotian girlfriend.	- He completed his study until 5 <sup>th</sup> standard. He can speak English but not as fluent as Lao and Thai. He has no plan to further his study. He plans to maintain his work for another 1-2 years. - He practiced safe sex and had never experienced violence from clients.

6	Lao PDR	Heterosexuality (Insertive to clients only)	He had remained his tourist visa for 3 years. He wants to change to MOU but the expense is large.	His monthly income in massage/spa shop is approximately 20,000 baht a month. He shares his room with his girlfriend. He is economically secured with his income.	He has a strong social network with his Laotian sex-work colleagues. Other than this sex-work community, his social network is his girlfriend.	<ul style="list-style-type: none"> <li>- He completed his study until 5<sup>th</sup> standard. He can speak English but not as fluent as Lao and Thai. He has no plan to further his study. He plans to maintain his work for another 2-3 months.</li> <li>- He practiced safe sex and had never experienced violence from clients.</li> </ul>
7	Lao PDR	Heterosexuality (Insertive to clients only)	He had remained his tourist visa for 2 years. He said he wants to change from tourist to MOU status because he will feel more secured. However, he said that he will have to save some certain money before applying.	His monthly income in massage/spa shop is approximately 15,000 Baht per month. He shared the room with other 2 Laotian friends. He also sent money back home 5,000 Baht a month. He is economically secured with his income.	He has a strong social network with his sex-work colleagues. However, he does not have a specific preference of establishing the similar nationality.	<ul style="list-style-type: none"> <li>- He completed his study until 12<sup>th</sup> standard. He has no plan to further his study because he said he was quite old already (23 year of age). He can speak English but not as fluent as Lao and Thai.</li> <li>- He practiced safe sex with clients and had not experienced violence from clients.</li> </ul>
8	Lao PDR	Heterosexuality (Insertive to clients only)	He is now in MOU status under domestic work registration. He hired employment agency for 20,000 Baht for the service.	His monthly income in massage/s spa shop is approximately 20,000 Baht per month. He shares his room rent with his girlfriend. He is economically secured with his income.	He has a strong social network with sex-work colleagues and manager. He has no preference of establishing the similar nationality. Other than this sex-work community, he has his relatives working in Bangkok. He is also in a relationship with	<ul style="list-style-type: none"> <li>- He completed his study until 7<sup>th</sup> standard. He can speak English but not as fluent as Lao and Thai. He has no plan to further his study because he said he was quite old already (25 year old age). He plans to work in this shop for sometimes and will change to another job.</li> </ul>

9	Cambodia	Heterosexuality (Insertive to clients only)	He had remained his tourist status for 7-8 years.	He used to be an entertainer in a go-go bar for a month before he moved to this current beer bar as a waiter and also escort sex worker. His monthly income is approximately 12,000 Baht per month. He had little savings because he sent money home every month for 3,000 Baht and paid his room rent for 3,000 Baht. For now, he was quite okay but will remain working for another 2-3 months. If it is not a well paid, he will move to other bars.	Laotian lady. He has established social network with sex-work colleagues. He had a preference of establishing the similar nationality.	<p>- He practiced safe sex and never experienced violence from clients.</p> <p>- He completed his study until 11<sup>th</sup> standard. He can speak Thai, Cambodian, and English. He has no plan to further his study.</p> <p>- He practiced safe sex with clients. He had recently entered sex industry for 2 months and never experienced violence from clients by far.</p>
10	Myanmar	Heterosexuality (Insertive to clients only)	He had remained his MOU status under factory registration for 2 years. He hired an employment agency to manage his MOU status.	He does not state his monthly income. His expenditure is largely on his accommodation (5,000 Baht). He said he does not send money back home because his parents deceased.	He has established social network with sex-work community both inside and outside the establishment. He has no preference of establishing the similar nationality.	<p>- He completed his study until 12<sup>th</sup> standard. He can speak Burmese, Thai, English, and Chinese. He plans to save some certain money to have his own business in the future.</p> <p>- He practiced safe sex with clients but not with his girlfriend. He experienced verbal harassment from clients.</p>

11	Vietnam	Heterosexuality (Insertive to clients only)	He has been in tourist status for 7-8 years. When asked how he managed that, he replied that he did not overstay and did visa run.	His monthly income in go-go bar is approximately 20,000 Baht per month. He is a waiter and also escorts the clients. His expenditure is quite large from his room rent (5,000 Baht) and remittance (5,000-7,000 Baht) per month. However, he is economically secured of his monthly income.	He does not establish any relationship in general. His lifestyle is quite independent.	- He completed his study until 9 <sup>th</sup> standard. He has no plan to further his study. - He practiced safe sex with clients and had not experienced violence from clients.
12	Vietnam	Heterosexuality (Insertive to clients only)	He has been in tourist status for 5 years. When asked how he managed that, he replied that he did not overstay and did visa run.	His monthly income in go-go bar is 20,000-30,000 Baht per month. He is a waiter and also escorts the clients. His expenditure is large on drinking. He is economically secured of his monthly income.	He has established intimate social network with sex-work colleagues and manager. He has a preference of establishing the similar nationality because of the similar lifestyle.	- He completed his study until 12 <sup>th</sup> standard. He has no plan to further study and plan to remain working in a go-go bar. - He practiced safe sex but had experienced sexual coercion from client that he attempted to take his condom off.
13	Cambodia	Heterosexuality (Insertive to clients only)	His MOU status is recently expired and now depending on tourist Status (TR-30). That time he hired employment agency for	His monthly income is approximately 30,000 Baht a month from being a waiter in go-go bar and escorting the clients. His expenditure is	He has a strong social network with sex-work colleagues and captain. He has a preference establishing other nationalities, especially	- He completed his study until 9 <sup>th</sup> standard. He has a plan to further his study in hair and beauty school as his part-time job.

			40,000 Baht to manage his document. He is currently in process of applying a MOU status with the help of manager.	approximately 10,000 Baht a month. He is economically secured with his income.	Thai national. He has a strong social connection with Thai captain because he has helped him in personal and working life.	- He practiced safe sex and never experienced any kind of violence from clients.
14	Cambodia	Homosexuality (Insertive to clients only)	He was in NV status under clothing vendor registration. However, he is now in tourist status (TR-30) and is applying for MOU status. He has been waiting for his manager for a year so far to help manage his document.	His monthly income is approximately 20,000 Baht a month from being an entertainer in go-go bar and escorting the clients. His expenditure is little, but mostly on accommodation and travelling back home. He is economically secured with his income.	He can get along with everyone in a go-go bar but has a strong connection with his Cambodia sex-work colleagues. He has little social connection with manager.	- He completed his study until 6 <sup>th</sup> standard. He has a plan to further his study in hair and beauty school. - He practiced safe sex with clients. He often experienced verbal harassment from clients.





### 4.3 Case Studies of CLMV Male Migrant Sex Workers

For this study, the case studies were chosen based on nationality (Cambodia, Lao PDR, Myanmar, and Vietnam) to better understand a particular nationality. For this Chapter IV, the four case studies answered research question 1 on vulnerabilities and livelihoods. For Chapter V, the four case studies answered research question 2 on coping strategies and social protection. The table below represented the four case studies drawn from each nationality as follows:

Table 10 Case Studies of CLMV Male Migrant Sex Workers

Attributes	Nationalities			
	Cambodia	Lao PDR	Myanmar	Vietnam
Place of Origin	Takeo	Pakse	Kentung	Ha Tinh
Age	23	27	25	24
Sexual Identity	Heterosexuality	Heterosexuality	Homosexuality	Heterosexuality
Sexual Position	Insertive	Insertive	Insertive	Insertive
Marital Status	Single	Married	Boyfriend	Single
Education Attainment	9 <sup>th</sup> standard	9 <sup>th</sup> standard	4 <sup>th</sup> standard	12 <sup>th</sup> standard
Number of Years in Thailand	8 years	4 years	8 years	5 years
Previous Work in Thailand	1. Factory Worker 2. Waiter 3. Security Guard	1. Factory Worker 2. Waiter	1. Factory Worker	1. Market Vendor 2. Waiter
Years Entry into Sex Industry	19	24	18	23
Years Engaging in Sex Industry	4 years	2-3 years	7 years	1 year
Type of Establishment	Go-go Bar	Massage/ spa Shop	Massage/ spa Shop	Go-go Bar
Job Position	Waiter	Massager	Massager and cashier	Waiter
Previous Document Status	MOU Status (Construction)	Tourist Status (TR-30)	Tourist Status (Visa Issuance) – Single Entry	Tourist Status (TR-30 & Bilateral Agreement)
Current Document Status	Tourist Status (TR-30)	MOU Status (Construction)	MOU Status (Domestic Work)	Tourist Status (TR-30 & Bilateral Agreement)
Current Documents Holding	Passport (Visa Exemption)	1. Non-immigrant Visa (L-A) – Single Entry 2. Work Permit 3. Passport	1. Non-immigrant Visa (L-A) – Single Entry 2. Work Permit 3. Passport	Passport (Visa Exemption)

### 4.3.1 Case Study 1

#### Cambodian Male Migrant Sex Worker

Chann, a 23-year-old man, is in a casual outfit. He dresses in red t-shirt with jeans jacket on and with slim fit jeans. He has his hair set and light makeup. He is short and plump and has a dark complexion. By the look, he still looks young, and does not look manly. From the first impression, he does not look that attractive, but he is polite and very friendly to talk to. His life is so adventurous. He started working at his early age of 13 at home and came to Thailand by himself at his age of 15. He has been staying in Thailand for 8 years now. He does not know anything about this sex industry but decides to come and ask the shop directly. His sex work life has been disguised under cashier and waiter in a go-go bar for 4 years. Now he aims for something he has a passion on, 'hair and beauty freelancer.

#### **Who is he? Where is he from?**

Chann is raised from a large family. He is the middle son with 3 older brothers and 2 younger sisters. He is originally from Takeo, a province located in the southwest of Cambodia. Takeo's southern boundary is the international border with Vietnam. It is considered as the cradle of Khmer civilization that is home to several important historical sites. His family used to own a restaurant. He completed his study until 9<sup>th</sup> standard and quitted to help his family's business since he was young and did hair and makeup as his part-time job. He started working at the young age and started to learn Thai after he came for a job in Thailand. He could speak English little, but is fluent with Thai.

#### **Why, and how did he come to Thailand?**

His motive to come to Thailand was because of low paid jobs in Cambodia. At his age of 15 in year 2010, he decided to come to Thailand by signing up in an agency to work (possible under tourist visa). The process took around 2 months to manage his documents. He had no preference of sector of work and had little availability of information from the agency prior to his arrival in Thailand.

*“I came to Thailand by hiring an agency. It was like a tour that brought people around 200-300 to come to Thailand. I was one of them. A tour agency did not tell me what kind of work I was assigned for. I came here because I wanted to work in Thailand. I started working in a factory the next day I arrived. At that time, the service cost 30,000 Baht to work in Thailand. My wage was monthly deducted. I had to work for a year to complete my debt” - Chann*

His hometown was in Takeo, a border province with Vietnam. Figure 4.4 showed his migration route that he had a long travel from his hometown, Takeo, to Poi Pet, a city in Banteay Meanchey Province in western Cambodia, and to Aranyaprathet, a town in Sa Kaeo Province in eastern Thailand. The agency took him to Nakhon Ratchasima, a province in Thailand’s northeast region, to work in a factory. It was his first job in Thailand at the age of 15.

Figure 8 Cross-border Migration of Cambodian Case Study



### **Why did he enter into sex industry?**

Before entering sex industry, he had done several occupations including factory worker, waiter, and security guard. The reason why he shifted to work in sex industry was because he wanted to obtain high amount of money. He did not know anyone who

worked in this sex industry before but came to ask the shop directly by himself. He later became a cashier in a go-go bar and went out with clients. He changed the workplace after four years, but he remains working in a go-go bar but with different position. He is currently working as a waiter and goes out with clients.

*“I was working as a security guard at the hotel near Boystown area. I did not know what Boystown was and decided to come and ask the shop directly, and I later became a cashier in a go-go bar last 4 years. I later changed to be a waiter in a different workplace but remained working in the same area” - Chann*

### **Does He Make A Lot of Money?**

Chann worked as a waiter in a go-go bar. It appeared that he obtained his main source of income from two ways from being a waiter and escorting the clients. He could make his monthly income up to 30,000 a month. This depended on the clients he received per month. His clients were male foreign tourists, mostly from China and Western countries. These clients were mostly in their age of 30s.

*“I was a waiter working in a go-go bar. There were two types of method of payment. Waiter can choose to get paid either daily or monthly. For me, I chose daily payment and I got 200 Baht per day for working as a waiter. I also got tips from clients who sitting at the bar at least 300 Baht per day. I often went out with clients 10-15 times a month. This was not for sex. This was to escort the client to dinner, or night out. It was more of the companionship. The client must pay the bar fining for taking me out for 700 Baht. I also got 2,000-3,000 Baht from the client. If for sex, I rarely got the clients these days.” - Chann*

In a month, it appeared that working as a waiter in a go-go bar paid him around 6,000 Baht. He was also given tips from clients 8,400 Baht per month. This was almost 15,000 per month without going for sex. It also appeared that he could make a lot from working as an escort. This source of income was at least 20,000 Baht per month if he went out for 10 times. If he went out for sex, he charged 2,000 Baht for 3 hours, and around 3,000-4,000 Baht if staying overnight. However, he rarely got the clients these days. When asked about his expenses, he replied that

*“In a month, I have to pay my room rent for 4,500 Baht, food. Food was around 3,000-4,000 Baht. My transport to work was 3,000 Baht. I did not send money home every month. This month I have to depart Thailand because I just ran out of MOU status last month. I will apply MOU status. Now I use tourist visa” - Chann*

His expense in a month was approximately 10,000 Baht. Considering the total income and expenses, he was satisfied since he could make more money compared to the previous job.

#### **How is His Sexual Behavior?**

It appeared that with his physical appearance with dark complexion, it attracted male foreign tourists regardless of his height. He said that his role was insertive only. He made it clear to the client that he practiced safe sex and also informed to what sexual services he could or could not offer. He also informed his captain every time before he went out with client. When asked if he had in any chance experienced any kind of violence, he reported that he had never experienced any kinds of violence including verbal, physical, or sexual violence. He did not experience condom coercion from clients. He also often self-arranged his blood test either from utilizing the testing service nearby his establishment or from visiting SWING Foundation himself. When asked where he usually visited when he had health problems, he reported that he usually visited public hospitals.

#### **How is His Social Networks?**

Even though he seems to be friendly to talk with, he said that his personality is quite introvert and very detailed in choosing friends. In a sex-work community, he had established intimate relationship with sex-work colleagues and captain. He had a preference over establishing other nationalities, especially Thai nationality. His preference in establishing relationship other than his nationality was because he wanted to practice his language skill. He thus had little social connection with Cambodian in the home country and in Thailand due to his preference over Thai people.

*“I prefer to make friend with Thai people because I can practice my Thai skill. If I hang around with Cambodian people, we speak Cambodian” - Chann*

He had a strong social connection with the Thai captain because he had helped him in personal life and working life since before they moved to the current workplace. He considered him as “Mae” (mother in Thai language) to show him respect. In times of difficulties, he preferred to seek help from the captain because he had known him for long and counted on him most. During his free time, he rarely went out and preferred to stay home; he went out only on a special occasion, for instance, birthday party or ordination ceremony.

*“I had nothing when I first came here. Mae has helped me since in the beginning. He gave me money, and food. He is the only person whom I trust most” - Chann*

Due to his engaging in illegal sex work, his illegal status that against sex-work laws had effect on how he introduced himself to the public regarding his career. He kept it confidential and introduced that he was working as a waiter.

### **Future Plan? Is Sex Work A Dead-End Job?**

Chann was aware of his illegal sex work he was engaging. This made him aware of his future plan. He had given the thought about the alternative occupation and planned to further his study in hair and beauty school to meet with his alternative employment plan. His plan was to be a hair and beauty freelance as his part-time job, and to remain working in this go-go bar. He was conscious that earning potential in his alternative plan was relative small compared to his current employment, but this alternative source of income could help him with his monthly basis.

*“For the next 2-3 months, I plan to further my study in hair and beauty school because I know I cannot work here permanently. I have long been planning for this, but I have to save some certain money to further my study” - Chann*

**Any Concerns?**

After his engaging in sex industry for 4 years, he had never experienced social marginalization either in his home country or in Thailand. This is somehow due to his know-how to protect himself. He kept his sex-work career confidential to avoid potential problems that might arise from engaging in illegal sex work. The only concern for him now was his legal status of holding tourist visa.

*“My MOU status was recently expired. I was in MOU for 2 years in a construction registration. I had to pay for hiring employment agency for 40,000 Baht. Now, I was in the process of applying the new MOU application with the help of manager. I felt insecure holding tourist visa because I could potentially be charged from working without work permit” - Chann*

### 4.3.2 Case Study 2

#### Laotian Male Migrant Sex Worker

Loy, a 27-year-old man, dresses in white top tank tucked in blue short. He is a good-looking man with fair complexion. He is tall, and well-built man. He looks shy and speaks softly. He has been staying in Thailand for 4 years. It is interesting to know that his wife and her family acknowledge about his sex-work career. He has been working in a massage/ spa shop for 2-3 years to feed his family.

#### Who is he? Where is he from?

Loy is married with Laotian lady and settle downs in Bangkok. They have one kid and rent a room in Bangkok. Loy is from Pakse, a capital city of Champasak province in Lao PDR. It is the most populous city of the southern Laotian province of Champasak. It is a border town with Thailand that can be passes through Chong Mek Immigration Control in Ubon Ratchathani Province in Thailand. Back to his home country, he completed his study until 9<sup>th</sup> standard. He was not as fluent in communicating English as Thai but did understand the clients when negotiating.

#### Why, and how did he come to Thailand?

His decision to come to Thailand was from economic motive where he found limited job opportunities in Lao PDR. Prior to his arrival in Thailand, he planned to work in factory or restaurant because he knew some of his relatives back home had worked in those sectors in Bangkok. His migration route was from Pakse, a city in Champasak Province, to Chong Mek, a border town in Ubon Ratchathani Province. He and his relatives of 5-6 people crossed land border via Chong Mek route. They spent around 12 hours to go directly to Bangkok with approximate cost of migration around 1,000 Baht. The source of funds to pay for migration was from his family and relatives.



Figure 9 Cross-border Migration of Laotian Case Study



### Why did he enter into sex industry?

After his arrival in Thailand, he worked in a factory for a year, and later changed to work in a restaurant for a year as he planned prior to his migration. He obtained the information about massage/ spa shop from his Laotian friend and saw that his friend made good money. He thus decided to shift due to high incomes. He initially thought it was only a massage for gay, but he did not know that the work his friend referred to also engage in sex services. He later knew the details of the work from the manager before he signed up for job. He also changed the workplace after a year but remained working in massage/ spa shop in the same area.

*“My friend told me that it is a massage shop for gay ... so I thought it is only to massage ... but since I came here already, I want to try if I can do it” - Loy*

### **Does He Make A Lot of Money?**

Loy's monthly income in massage/ spa shop type of establishment was approximately 10,000 – 20,000 Baht per month based on the number of clients he received per day, and he had no other alternative sources of income.

*“My monthly expenditure was largely on my childcare expense, and others including accommodation, transport, and food. I don't buy clothes and alcohol. I had little savings per month because I had a large childcare expense” - Loy*

Even though he had large expenditures, he was satisfied and felt economically secured of his monthly income. His income was sufficient enough to sustain him and his family in a monthly basis. His non-immigrant visa working under the MOU status also made him felt economically secured of the long stay in Thailand.

### **How is His Sexual Behavior?**

His clients were male based. He was straight and only did insertive role only. He practiced safe sex with clients, and never experienced any kind of violence including verbal, physical, or sexual violence. He reported that there was once when a client asked for a sex video, and he refused to do so. He made it clear before they both went out from the massage/ spa shop. Working in a sex work, he was aware the potentiality to HIV/ AIDS and STIs infections. He often self-arranged his blood test every three months either from utilizing the testing service nearby his establishment or from visiting SWING Foundation's clinic himself. When asked where he usually visited when he had health problems, he reported that he usually visited public hospitals.

### **How is His Social Networks?**

In a sex-work community, he had established an intimate relationship with his sex-work colleagues and manager in a massage/ spa shop. However, he had little social connection with other sex workers in the same area. He had no preference to establish relationship only regarding his nationality – Laotian. During his day off, he sometimes went out with his sex-work colleagues for night out. In times of difficulties, he preferred to seek help from his manager because he had a strong connection with him. His social

network was limited only within sex-work community. Other than his social network with sex-work community, his only social network in Thailand was his wife's family. He was married to a Laotian lady and had one child. It appeared that he has a strong connection with his wife's family from helping him manage the legal document.

### **Future Plan? Is Sex Work A Dead-End Job?**

He had not yet given the thought about the alternative occupation but planned to work in this massage/ spa shop for another 1-2 years to save some certain money. Even though he had no thought yet, he expected the same or higher earnings from the future occupation to be able to feed the whole family. Because the fact that he was aware of illegal sex work, he planned to work in sex industry only some certain times.

### **Any Concerns?**

After engaging in sex industry for 2-3 years, he had never experienced social marginalization either his home country or in Thailand since he kept it confidential to the public. However, he did not keep his identity safe from his wife's family. They in fact acknowledged that he was engaging in sexual services. The only concern for him was his previous tourist status. He was aware that changing from tourist visa to MOU would make him more secured to work disguisedly as migrant sex worker. With the help of his wife's family, he had recently been granted the MOU status.

*“I have just been granted MOU status for 5-6 months now. In the past, I depended on tourist visa and needed to leave Thailand every month for tourist visa renewal. This MOU has allowed me to stay longer in Thailand, and only show up to the Immigration Division every three months. The reason why I changed is because I don't want to travel every month, and also save money from the cost of travelling” – Loy*

### 4.3.3 Case Study 3

#### Myanmar Male Migrant Sex Worker

Kyaw Soe, a 25-year-old man, dresses in white top tank tucked in his blue shorts. He is a good-looking man with light skin tone. It is quite noticeable that he has done nose job. He also has full makeup with pink lipstick on. He is an outgoing person and seems to get along very well with everyone in a massage/spa shop. With his appearance and personality, he seems sweet and attractive to talk with. He has been staying in Thailand for 8 years and is fluent in Thai. Because he has been engaging in sex industry for more than 7 years, he looks confident to talk about his life as migrant sex worker.

#### Who is he? Where is he from?

Kyaw Soe is only a single child living in Kentung, a town in Shan State in eastern Myanmar. It is a bordering town near the northern of Thailand, Chiang Rai province. He completed his school until 4<sup>th</sup> standard in Myanmar and quitted his study due to his family financial difficulty. Currently, He is studying a first year in college, and also the non-formal education school in Thailand. He could speak Thai, but not fluent in English.

#### Why, and how did he come to Thailand?

His motive of migration to Thailand was mainly on job opportunities and income maximization from his family financial difficulty. His decision to migration to Thailand was also because he can speak Thai. Even though Thailand was his destination country of migration, he did not plan his preference of sector of work and attempted to seek for job only when he crossed to Thailand.

*“It is really difficult to find jobs in Myanmar. We (family) do farm at home. Doing farm is seasonal. We have to wait for planting and harvesting. I also help tapping rubber tree sometimes. But the return is so little” – Kyaw Soe*

Because it was difficult to find jobs in Myanmar, he decided to come to Thailand to seek for job opportunities. He managed his travel document by hiring an agency because there was no consular in his hometown. He had to wait for a month to finish the passport issuing process.

Figure 10 Cross-border Migration of Myanmar Case Study



His migration route to Thailand was from his hometown, Kengtung, a town in Shan State, to Tachileik, a border town in Myanmar side, to Mae Sai, a district in Chiang Rai Province in Thailand side. He and his friends of 5-6 people decided to cross-land border using public transportation. They spent around 13-14 hours to come to Bangkok without anyone assisting. When asked who funded for this migration, he replied that

*“I have to sell my motorcycle to fund for this migration because I don’t want to take irregular channel in coming to Thailand” - Kyaw Soe*

### **Why did he enter into sex industry?**

After his arrival in Thailand, he did not initially engage with sex work. He first worked as a factory worker introduced from his friend, for around 6-7 months and got paid 180 Baht per day. Due to the low paid in factory sector, coupled with seeing his own friend

sending high remittance back to his family from working in massage/ spa shop, he thus decided to change the job.

*“The reason why I shift to this job is because of money. I want to send money back to my family, build them a house, buy a car, and save some money. I try to achieve my dream in any possible ways that I can think of” - Kyaw Soe*

In the beginning, he did not know that the massage/ spa shop also engaged with sex services. He later acknowledged the details of the job only after he talked to the manager. It was the high paid compared to the previous job making him decided to work in sex industry.

*“He (my friend) does not explain me the details of the job. I am actually the one who asks him what kind of job he is working because I see him sending a lot of money back home. He said it is a massage/ spa shop, and I ask him why that shop gives you a lot of money. He said if you want to know, just come try. At that time, I was still young like an innocent kid who does not know anything. I come to realize only after I talk to the manager. I decide to try and I get a lot of money. Luckily during that time, the sex industry attracts quite several clients. The return is so high that convinces me to maintain working in this sex work”*

*– Kyaw Soe*

### **Does He Make A Lot of Money?**

As mentioned, his entering into sex industry is based on economic reason. His decision in shifting from factory sector to sex sector was due to the expected high income he could obtain compared to other occupations. The monthly income he obtained in massage/ spa shop type of establishment was approximately 30,000-40,000 Baht a month, and he had no other alternative sources of income. He asserted that he in the past few years normally obtained 40,000 -50,000. However, he obtained lesser income due to the decreasing of clients. He in addition asserted that during high tourist season, his income hit to 60,000 – 70,000 Baht per month.

*“Now the shop (massage/ spa shop) receives 10-20 clients a day. For me, I normally receive 2-3 clients a day. During Songkran Festival, I had 7-8 clients a day, and that month I got nearly 100,000 Baht. During the holidays like Songkran festival, New Year’s Day, or Christmas Day, the clients are mostly from Asian countries like China or Singapore. They normally come in a group of 10 or come in a large tour group of 60-70 people during Songkran day. For working days, the clients are mostly from Germany, Australia, and the US” - Kyaw Soe*

He said he was satisfied with this amount of income because it was sufficient enough to sustain his monthly basis. Even though the massage/ spa shop type is a daily-based payment that depends on the numbers of clients received per day, he felt more economically secured compared to his previous job. Plus, his MOU status also makes him feel economically secured of the long stay in Thailand. The monthly expenditure was mainly on accommodation, food, transport, study, and remittances. His expenditure on leisure, clothes, and alcohol was relative small to his total expenditures.

*“My expenditure is so little. I save a lot these days because I am now building my family a house, and I also have to send them money every month” - Kyaw Soe*

### **How is His Sexual Behavior?**

Even though he was aware of the potentiality of sex work to HIV/ AIDS and STIs infections, his sexual practice with his boyfriend and clients was different. He practiced safe sex with clients but did not practice safe sex with his boyfriend.

*“My clients were mostly male foreign tourists. There was sometimes female too, but it was very few like 5% for me. I was gay, and I was insertive only” – Kyaw Soe*

Speaking of violence, he had never experienced any verbal or physical violence, but experienced sexual coercion from the client where sexual activities were not operated as agreed. He reported that he was once removed his condom during sex.

*“The room was so dark that I could barely see. Luckily, I checked the condom, and found out that the client intentionally torn the condom before I penetrated. I reported this to manager, and the manager referred this to SWING Foundation for help. I asked him to do blood test at SWING Foundation because I already did oral sex” - Kyaw Soe*

There was also a case that the client offered him high fee not to wear condom. He refused to do so, and only massaged him.

*“The client offered me 10,000 Baht not to wear condom, but I refused him. I told him that 10,000 Baht was nothing compared to my life. I could easily get that money. But if I received your offer and bad thing happened, I could not take it back” - Kyaw Soe*

He often self-arranges his blood test every either from utilizing the testing service nearby his establishment or from visiting SWING Foundation himself. When asked where he usually visited when he had health problems, he reported that he usually visited clinic because it was more convenient than public hospitals.

### **How Is His Social Networks?**

With his outgoing personality, he got along well within sex-work community, especially sex-work colleagues and manager. He had no preference of establishing the similar nationality – Myanmar and had an intimate relationship with 1 Thai and 2-3 Laotian sex-work colleagues. During the day off, he sometimes went out with sex-work colleagues for movies, eating, or shopping. He considered having social network within sex-work community was important because his sex-work colleagues helped him communicating English with clients, and also his manager helped him managing his MOU documents. Because he had to work 6 days per week, he spent most of the time



with his sex-work colleagues in a same workplace (massage/ spa shop) and did not establish relationship with other sex workers in other establishments. Other than his social network with sex-work community, even though he had established a relationship his college friends, it was not as intimate as sex-work community.

*“I sometimes talk to my college friends when I have problems with my boyfriend because they also know him. I don’t expose my sex-work career to my college friends. My boyfriend also does not acknowledge about my career” - Kyaw Soe*

He also had a social connection with his relative in Bangkok, but rarely went visit him because they had a different day off. When asked who you preferred to seek help when you were in need of help, he preferred to seek help from his Thai ex sex-work colleague who worked in the same workplace with him. Until now, he had established relationship with him by seeing him 3-4 times a month.

#### **Future Plan? Is Sex Work A Dead-End Job?**

His engaging in illegal sex work had made him aware of his future plan. Even though it was the high incomes that could be earned from the sex industry, he planned to shift to another occupation once he finished the school and saved some certain money. He had no thought yet given to alternative occupations and was conscious to the lesser earning potential compared to this sex industry. He had an expectation that education would give him more job opportunities, and he thus decided to study in a college and a non-formal education. When asked the reason of his motive of study, he replied that

*“Education can give me ‘future’. It is impossible that I will maintain this sex-work career for life. No one works like this for the whole life. We have to change job sooner or later” - Kyaw Soe*

#### **Any Concerns?**

Engaging in sex work potentially place one into several vulnerabilities including social marginalization, violence, and laws. In this case, he had never experienced social exclusion from the society either his home country or in Thailand. This was because

his family and the community he was from acknowledged that he was currently engaging in sexual services but accepted him due to the fact that he did no harm to anyone and also sent money back to his family. In Thailand, he kept his sex-work career confidential to his college friends and boyfriend.

*“When I introduced myself to the public, I did not say I worked in sex work. I introduced myself that I worked in a massage/ spa shop” - Kyaw Soe*

His engaging in illegal sex work only affected to how he represented to the public, not to his family and community.

The only concern was his engaging in illegal sex work, and carrying out the illegal work under the MOU status. Due to the high incomes in sex work, he risked working disguisedly as migrant sex worker by managing his legal document. Due to his considerable time engaging in sex work, he saw that renewing tourist visa every 2 months was skeptical. He thus managed his legal document to at least secure himself that he was in employment.

#### 4.3.4 Case Study 4

##### **Vietnamese Male Migrant Sex Worker**

Van, a 24-year-old man, dresses in a white t-shirt and jeans. He looks tall but thin and has a fair complexion. With his personality, it seems that he can get along well with people. He is an outgoing, energetic, and flirty person. Even though he does not have a clear Thai accent, he can communicate very well. Even though he has been engaging in sex industry only a year, the fact that he knows how to manage his legal status to maintain staying in Thailand for 5 years is interesting.

##### **Who is he? Where is he from?**

Van is from Ha Tinh, a province on the North Central Coast of Vietnam. It is located adjacent to Lao PDR to the west. He comes from Ha Tinh community where it sends a number of sex workers both female and male to work in sex industry in Thailand. Back in Vietnam, he completed his study until 12<sup>th</sup> standard. He learnt Thai and English only when he came to Thailand. He could speak English with clients with no help from others.

##### **Why, and how did he come to Thailand?**

The reason why he came to Thailand was because of low paid in Vietnam. He planned to come directly to Bangkok. However, he did not plan his preference of sector of work and attempted to seek for job only when he was in Thailand. His cross-border migration route was from Khammouan, a province in Lao PDR, to Nakhon Phanom, a province in Thailand, through the Third Thai-Lao Friendship Bridge. He and his Vietnamese friends depended on the agency to manage his travel to Thailand. The service cost 1,700 Baht including tourist visa, food, and transport.

Figure 11 Cross-border Migration of Vietnamese Case Study



### Why did he enter into sex industry?

After his arrival in Thailand, he did not initially engage with sex work. He first worked as a market vendor, waiter, and bartender. Because the place he worked was closed, he later changed to work as a waiter introduced by his Vietnamese friend. He signed up to work as a waiter in a go-go bar and changed his workplace after a year but remained working as a waiter in a go-go bar in the same area.

*“I knew this Boystown since I was in Vietnam. In my Ha Tinh community, there are a lot both female and male who come to Thailand to work in sex industry. Last year, there were more than 100 Vietnamese who worked in this Boystown, but now it is fewer people like not more than 30 people who remain working in this Boystown. I changed my job because the shop was closed. I then signed up for waiter in a go-go bar in Boystown and decided to go out with clients after a week later” - Van*

### **Does He Make A Lot of Money?**

Working as a waiter in a go-go bar, the monthly income he obtained is approximately 20,000 – 30,000 Baht per month based on the number of clients he received per day, and he had no other alternative sources of income. His monthly expenditure was on accommodation, transport, food, and tourist visa expense. His expenditure on leisure, especially drinking was quite large to his total expenditures. He sometimes remitted money back to his home. His legal status of holding tourist visa made him bear the cost of travelling out of Thailand every month due to the period of stay of not exceeding 30 days. Even though he had large expenditures, he was satisfied and felt economically secured of his monthly income.

*“Last five months ago, I could still hire an agency to manage my travel document. The agency took me to Ban Laem and I had to pay for 2,000 Baht for their service. Now I have to go by myself. I don’t know what happen to that agency” - Van*

### **How Is His Sexual Behavior?**

He was straight and only did insertive role with clients. His clients were usually male foreign tourists. He had experienced verbal harassment, and also sexual coercion where sexual activities were not operated as agreed from the clients. He reported that clients attempted to take his condom off, but he refused to offer the service.

*“There were a lot of clients that attempted to take off my condom during sex. I had to take care of myself every time I went out with clients because sexual activities were not operated inside the go-go bar. I refused them and went back home without paid sometimes” – Vietnamese participant*

Working in a sex work, he was aware the potentiality to HIV/ AIDS and STIs infections. He often self-arranged his blood test every three months from the testing service – an outreach service from SWING Foundation. When asked where he usually visited when he had health problems, he reported that he usually visited public hospitals.

### **How Is His Social Networks?**

He had established intimate social network with sex-work community, especially colleagues and manager. He had a preference of establishing the similar nationality – Vietnamese because he saw that lifestyles between the four countries were different.

*“For shelter sharing, I chose to live with Vietnamese. The lifestyle amongst Vietnamese, Thai, Laotian, and Cambodian is different. We (Vietnamese) are more like Chinese. We have different way of eating or living” - Van*

He had an intimate relationship with Vietnamese sex-work colleagues who came from the same community with him and worked in the same go-go bar.

*“I am very close to Vietnamese sex-work colleague who also came from my Ha Tinh community. We have known each other for 8-9 years. We studied together and now working together” - Van*

Due to his irregular working time, he found it difficult to establish relationship outside the workplace. During his day off, he usually went out for drink with Vietnamese sex-work colleagues. He also rented a place with other two Vietnamese sex-work colleagues who were also from the same community. When asked who you prefer to seek help when you were in need of help, he preferred to seek help from his mother back in Vietnam. Other than his social network with sex-work community, he had a Vietnamese friend working in other sectors in Bangkok. However, he did not establish a strong relationship, and rarely visited him. Due to his engaging in sex work, he did not expose his sex-work career to his family. Even though there were quite a number of Vietnamese who came and worked in sex industry in Thailand, his family did not acknowledge that he was currently engaging in sexual services.

### **Future Plan? Is Sex Work A Dead-End Job?**

He had not yet given the thought about the alternative occupation, and also planned to remain working in the go-go bar. Even though he had no thought yet, he expected the same or higher earnings from the future occupation. He was aware of illegal sex work

he was engaging, but the high income he monthly obtained made him remain working as migrant sex worker in the disguised of waiter.

### **Any Concerns?**

Engaging in sex work, it potentially places him into vulnerabilities. As often cited in extensive studies that sex workers are socially discriminated, he in this case had never experienced social exclusion from the society either his home country or in Thailand. The fact that he kept his work confidential to his family and the public might be the reason why he is not socially excluded. When asked how you introduced yourself to the public, he replied that

*“I did not expose my career to the public, and introduced myself that I worked as a waiter, or sometimes as a market vendor. It is shameful to expose my real career, but I still want to remain working in this because of money” - Van*

Because of the laws, his main concern was that he was working under the tourist visa. He said that he felt insecure holding tourist visa when he was on duty because he could potentially be charged from working without work permit.

#### **4.4 Analysis of Vulnerabilities and Livelihoods of CLMV Male Migrant Sex Workers**

##### **4.4.1 Analysis of Vulnerabilities of CLMV Male Migrant Sex Workers**

Migrant sex workers have experienced several laws that placed them into vulnerable position from engaging in sex industry, and from their migrant status. In Thailand, sex work is illegal accordingly to the Prevention and Suppression of Prostitution Act (1996) or Prostitution Act, and Penal Code Amendment Act (No.14) (1997). Sex work is not considered as a legitimate form of employment, and thus the rights and benefits of employees<sup>14</sup> are not protected under the Labor Protection Act B.E. 2541 (1997). As a result, migrant sex workers are subject to deportation because they do not have work permit, and their stay in Thailand is relating to prostitution. The criminalization of sex work has made migrant sex workers into vulnerable from their limited rights to employment and health. From the study, majority of the participants were aware of their engaging in illegal sex work and acknowledged the disadvantages from certain rights. However, it is due to high incomes in sex industry that convince them to remain working in this sector. To be able to maintain working in sex industry, CLMV male migrant sex workers manage their legal document by holding either tourist visa or non-immigrant visa to at least secure their legal status. Their carrying out the work without a work permit and carry out a work prescribed in the Notification is against Foreigner's Working Management Emergency Decree (No.2) B.E. 2561 (2018), Section 8. Their sex-work career in a disguise under other occupation's name is also against Foreigner's Working Management Emergency Decree B.E. 2560 (2017), Section 70 that

“The person granted permission for working shall not carry out the work of the type, with the employer, in a locality or on any working condition that is different from that specified in the work permit unless permission under section 71 is obtained”.

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<sup>14</sup> The researcher intends to equate sex workers as employees from the Labor Protection Act B.E. 2541 (1998), “a person who agrees to work for an Employer in return for Wages regardless of the name used”



Due to their limit period of stay in tourist visa and non-immigrant visa, it requires the need to depart of the country in order to enter back into Thailand for maintaining their sex work. However, these migrant sex workers might be excluded from entering Thailand from a reason relating to prostitution. No.8, Chapter 2 (Entering and Department the Kingdom) under Immigration Act B.E. 2522 (1979) states that

“Reason to believe that entrance into the Kingdom was for the purpose of being involved in prostitution, the trading of woman or children, drug smuggling or other types of smuggling which are contrary to the public morality”.

Table 11 Laws Relating to Migrant Sex Workers

<b>Sex-work Laws</b>	1. Prevention and Suppression of Prostitution Act (1996) or Prostitution Act 2. Penal Code Amendment Act (No.14) (1997)
<b>Labor Law</b>	Foreigner’s Working Management Emergency Decree B.E. 2560 (2017) and (No.2) B.E. 2561 (2018)
<b>Immigration Law</b>	Immigration Act B.E. 2522 (1979)

It is the triple legal barriers that can place migrant sex workers into the vulnerable position where they are not protected by the law from their engaging in illegal sex work, and their (il)legal migrant working status. It is apparent that migrant sex workers are experiencing more legal barriers than Thai sex workers.

Often cited in extensive studies, sex workers are subject to exclusion from their engaging in sex work. The level of exclusion depends on the sex workers situation. Balfour and Allen (2014) argued that the different level of sex workers’ vulnerabilities is resulted from the types of sex work. These include sex workers as victims of trafficking, street-based sex workers, off-street sex workers, migrant sex workers, and male and transgender sex workers. From the study, these CLMV male migrant sex workers become involved in sex industry based on their consent. Their reasons of the entrance into sex industry are financial-related reasons that they enter into sex industry through non-coercive means. They are thus in a greater control of situation compared

to victims of trafficking due to their certain acknowledgement of this industry. They are also less likely to subject to vulnerability than street-based sex workers because they can disguise themselves in entertainment places where they may work as waiter, massager, or entertainer. Migrant sex workers however are more likely to experience exclusion when it comes to migrant status. They have insecure migrant status due to their lack of work permit or working differently specified in work permit. Sex work is also associated with social exclusion from the public discourse of immoral sex work. They have their stigma in engaging in sex work that prevents them from establishing social network that may be necessary as a source of help and support living in a foreign country. These CLMV male migrant sex workers are aware of their engaging in illegal sex work, and thus keep their sex-work career confidential. It is the perceived threats of exclusion that might arise if they expose their real career. As claimed by extensive studies that MSWs are usually linked with drug use and alcohol (Balfour and Allen, 2014), the study however finds that there is no linkage between CLMV male migrant sex workers and drug use and alcohol. The study also finds that with their usual role of insertive position, they may have some certain control of the situation of practicing safe sex. The study also shows that they do not put up with violence or harassment, and do not avoid confrontation with clients. They have some certain level of their perceived biological strength from being men to respond to clients. This study shows different result to Liu's study on FSWs in China that most women would rather put up with violence or harassment and avoid confrontation.

Violence becomes a feature in the lives of CLMV male migrant sex workers. The majority of this study has experienced verbal harassment and sexual coercion from the clients. It is likely that those who work in go-go bars and beer bars are more vulnerable than those who work in massage/ spa shops because sexual activities are operated outside the establishment. These migrant sex workers who work in go-go bars and beer bars have less control of the situation and take protective strategies to ensure their safety. It is necessary to establish a relationship with sex-work colleagues, captain, or manager to enhance their level of safety. When serious incident happens, they prefer to report to manager rather than to police due to their fear of arrest/ deportation.

These vulnerabilities can put migrant sex workers' livelihoods at risk. However, the level of vulnerabilities is also depended on their coping strategy capacity. There is a relationship between vulnerability and capacity to cope (WHO, 1999). These CLMV male migrant sex workers use coping strategies to execute the response to their survival and threats. The capacity to cope means the lesser vulnerabilities they experience.

#### **4.4.2 Analysis of Livelihoods of CLMV Male Migrant Sex Workers**

##### **Factor Driving Entrance into Sex Industry**

Financial driver is the main factor to push migrants into sex industry. These migrants are generally restricted to low-paid jobs that they find it insufficient to meet their living costs. Their entrance into industry is due to the high incomes that migrants are unable to find in other types of employment that is as financially as sex work. Their previous less-paid jobs have convinced them to shift their jobs to enter sex industry. Migrant sex workers either being heterosexual or homosexual identified have the similar financial-related reasons to enter sex industry. It is due to the high incomes of sex industry that convinces male migrants to become a sex worker regardless of their sexual identity.

##### **Livelihoods of CLMV Male Migrant Sex Workers**

Since their entrance is largely related to financial-related reasons, their livelihoods thus mainly depend on economic security, a condition of having stable income to maintain one's standard of living currently and sustainably. Their incomes generally depend on the number of clients one receives. The higher number of clients means the higher income one obtains. This lucrative sex industry has paid them well than their previous jobs. In massage/ spa shops, migrant sex workers can make it to 40,000 Baht a month. In go-go bars and beer bars, migrant sex workers working as a waiter can get at least 15,000 Baht a month. This does not include their numbers of clients they receive. They usually get a main source of income from working as an escort sex worker by accompanying the clients to dinner or night out. This type of service does not include sexual services. It is rather a companionship type of service. For entertainers, the monthly income is at least 15,000 Baht a month. This does not include the extra fee they get from the drinks with clients, which at least one can make 2 drinks per night.

Thus, the approximate income is 21,000 Baht a month. The entertainer can also supplement his income by working as an escort sex worker or going for sex with client. This source of income also depends on the numbers of clients one receives. From this study, high incomes do not only define one's economic security. For one to have an economic security, legal status is the determinant factor for migrant sex workers. From the study, CLMV migrants mainly enter Thailand with either tourist visa or non-immigrant visa. The study shows that migrants' legal status of either tourist visa or non-immigrant visa has the effect on economic security. Those who hold tourist visa have less economic security than ones who hold non-immigrant visa. Even though both of visa holders are in violation of labor law that carrying out work without a work permit or carrying out work differently identified in the work permit, one who holds non-immigrant visa have more economic security. It appears that one that is from Lao PDR and Myanmar who enters through MOU process has a longer stay than tourist visa holders. One who enters through MOU process can work in Thailand for 2 years and can obtain 2 additional years to resume working. This allows one to work disguisedly as migrant sex worker up to 4 years. Even though those who depend on tourist visa (TR-30), especially from Cambodia, Lao PDR, and Vietnam, do not bear the cost of tourist visa renewal from visa exemption, they are allowed to stay shorter period compared to non-immigrant visa holders. They have to depart Thailand every month (period of stay not exceeding 30 days) to be able to enter back into Thailand to assume working. It is the travelling cost that tourist holders have to bear. Considering the legal expenses, even though one who enters through MOU process bears the cost of hiring employment agencies up to 40,000 Baht compared to tourist visa holders who only bear the monthly travelling cost, one who enters through MOU process can maintain working in Thailand up to 4 years with employment status. However, in a sustainable way, sex industry does not seem to fulfill their economic security. They prefer to shift to other careers once they can save some certain money. The illegal sex work they are engaging is the determinant factor that limits their economic security in a long term.

Their engaging in illegal sex work affects to their establishing of social network. They do not expose their sex-work career to girlfriend/ boyfriend, friends, relatives who are in Thailand, and family back home. Their social network is largely associated with their

sex-work community. These CLMV male migrant sex workers utilize the social resources within sex-work community to sustain their sex-work career, for instance, language support. It appears that they have a strong relationship amongst sex-work colleagues within an establishment from their irregular working hours and their confidentiality of sex-work career. The plausible reason for this strong tie is due to the homophily. Homophily denotes the tendency of humans to associate based on their shared characteristics, especially occupation in this case. Commonalities trigger the feeling of comfort to establish social network with. Even though the study shows that male migrant sex workers amongst the four countries have a preference of establishing social network based on their similar nationality, especially Cambodian and Vietnamese male migrant sex workers, the strong tie remains within sex-work community due to their considerable time working in the same working hours and their shared acknowledgement of working in illegal sex work. This strong tie within sex-work community is the core network that defines CLMV migrant sex workers' livelihoods.

Education is considered to be one of the livelihood assets that enable one to achieve better livelihood. Education can be a building block to achieve a positive livelihood. However, it will only be achieved if people themselves are willing and able to invest in their own human capital. From the study, it shows that majority of participants did not complete secondary education and did not plan to further their study because they can make a living without having high education. The lack of qualifications leads to the difficulty of finding mainstream work that the opportunities to earn income are thus limited. Since sex work does not require qualifications, it becomes one of the driving factors for migrant sex workers to enter this sector. Their response from the study shows that education is not an important asset to achieve better livelihood.

The nature of illegal sex work and migrants' legal status potentially gives migrant sex workers prone to health risks. Engaging in illegal sex work allows clients to take advantage from them. Their holding different types of travel document also have an effect on the different health benefit a person is entitled to. Those who depend on tourist visa (TR-30) have no state health coverage and can only purchase travel medical

insurance from private insurance companies. It appears that none of the participants who hold tourist visa do not purchase travel medical insurance, and mostly rely on the health services from public hospitals or pharmacies. Their blood tests are usually utilized from NGO's clinic or its outreach assistance – the testing service nearby their establishment. Those who enter through MOU status, especially from Lao PDR and Myanmar, is eligible to the Social Security System (except domestic work) and is also entitled to medical coverage

“In the event of the employee's illness or accident caused by work during the period of the contract, the Employer shall both provide all necessary medical treatment free of charge to the employee, and in the meantime pay regular wage and compensation on terms not less than those stipulated by the law”.<sup>15</sup>

### **Impact of Type of Sex Market and Establishments on Livelihoods**

The lower type of sex market CLMV male migrant sex workers engaging also impacts their health. There is no arrangement from the establishment for migrant sex workers to receive health checks or blood tests. It is rather a self-arrangement that migrant sex workers have to bear their own cost of treatment. Because of their irregular working hours (nocturnal lifestyles), migrant sex workers find it difficult to attend health services in normal working hours. It thus appears that these migrant sex workers utilize the testing service from NGO's outreach program nearby their establishment. It is likely that the effective health service for these migrant sex workers can be achieved through outreach testing service that is in their accessible locations. Different types of establishment can also impact migrant sex workers' livelihoods. The study shows that migrant sex workers have a greater control of situation when sexual activities are operated within an establishment, particularly massage/ spa shops. It is convenient for them to ask help in case of serious incident happens. In contrast to beer bars and go-go clubs, migrant sex workers who work in such types have less control of situation because sexual activities are operated outside the establishment, for instance, hotel. The

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<sup>15</sup> See the 'Application form for bringing foreign worker to work with employer in the kingdom of Thailand' from Department of Employment

level of vulnerability is thus also depended on the type of establishment migrant sex workers working.

### **Heterosexual and Homosexual Migrant Sex Workers' Livelihoods: Any Differences?**

Migrant sex workers' own identification either heterosexual or homosexual sex workers has the similar economic reasons of entrance of sex industry. Since economic motive is a main factor of such entrance, their livelihoods are mainly related to income maximization. However, their sexual identity might entail different sex workers' livelihoods due to the range of sexual activities offered to clients, particularly the potential to HIV/ AIDS infection. It is reported that sex workers who identify themselves as homosexual are more likely to be the receptive partner and engage in activities, for instance, internal water sports, scat play, or rimming, and thus has a greater risk of HIV/ AIDS infection compared to heterosexual sex workers (Morse, Simon, & Burchfiel, 2006). These sexual activities are also not normally provided to clients for non-Thai MSW; they are less likely to engage in receptive anal intercourse or performing typical gay sexual behaviors (Guadamuz, Kunawararak, Beyrer, Pumpaisanchai, Wei, & Celentano, 2010). With that sexual role, it is also reported that homosexual identified (gay) is 6.8 times more likely to have HIV compared to heterosexual identified (Cairns, 2012).<sup>16</sup> From the study, majority of migrant sex workers identified themselves as heterosexual, while homosexual migrant sex workers identified themselves as gay with topping usual sexual role. These migrant sex workers are in insertive role with clients. In sex industry, there is a term called "gay-for-pay" to denote the heterosexual-identified sex workers' willingness to perform same-sex sexual activities (Phua, 2005). The study also finds this linkage of heterosexual-identified migrant sex workers and their male foreign tourist base for income. It is the high incomes in sex industry that convinces them, particularly heterosexual identified migrant sex workers, to perform sexual activities in opposite of their sexual orientation. From the extensive studies, even though they show the HIV prevalence amongst homosexual identified, this study shows no different expose to HIV/ AIDS infection

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<sup>16</sup> The cross-sectional survey of the 21-year-old-men conducted among over 35,000 army conscripts from all parts of Thailand in Thai army in May 2011.

accordingly to sexual identity. The plausible reason of this is due to the fact that these migrant sex workers practice safe sex to clients. Another contributing factor is also from the sexual role that may pose different risk to HIV/ AIDS infection. Because these migrant sex workers both heterosexual and homosexual identified are in insertive role, the sexual role somehow explains the greater control of sexual activities. Sexual role can be a highly predictive of HIV/ AIDS infection (Cairns, 2012). To conclude, it is rather a matter of sexual role and sexual behavior than sexual identity to define one's livelihood. In this case, there is no difference amongst heterosexual and homosexual migrant sex workers because their sexual role is in insertive, and their sexual behavior is practiced with safe sex.

With males engaging in sex industry, the sexual identity also entails the question of level of stigma that might be different amongst heterosexual and homosexual migrant sex workers. Generally, MSWs are doubly marginalized from their engaging in sex industry and their engaging in sex with other men (Koken, Bimbi, & Parsons, 2004). From the study, it shows that either heterosexual or homosexual migrant sex workers have certain level of self-stigma in their early times of engaging in sex work. The later changing of such perspective is due to their seeing sex as work, or labeling themselves as escorts, massagers, or waiter. Even though Cates and Markley (1992) reported that homosexual sex workers might experience a lesser degree of stigma than heterosexual sex workers from the common of sex work in gay community and numerous gay publications, this study finds no different level of stigma between heterosexual and homosexual migrant sex workers. Their stigma lasts only for some certain times. The plausible reason is that they are little involved with social acceptance from home. Their engaging in sex industry away from home makes less potential judgments from friends, relatives, or family. It is also because of high incomes in sex industry that encompasses the stigma kind of feeling to maintain working in this sector. Plus, because their entry into sex industry is through social network their friends introduced to, it ends up with large number of their friends working in the same establishment. This cluster has become a gay red-light district that may lessen their stigma feeling in engaging in sex industry. The stigma in this study is apparent only in the early times of both



heterosexual and homosexual migrant sex workers, it is rather a matter of migrants' legal status that makes them a long-term concern to their livelihoods.



## CHAPTER V

### **Coping Strategies, and Accessing to Social Protection of CLMV Male Migrant Sex Workers**

Chapter V attempts to analyze (il)legal status of CLMV male migrant sex workers' coping strategies, and their access to social protection in Thailand. The sections below are to present the different perspectives regarding the social protection in Thailand as well as the social protection in their home countries. Followed by the section on how male migrant sex workers manage their coping strategies, and how they access to social protection in Thailand as being migrant sex worker. Case study of each nationality (Cambodia, Lao PDR, Myanmar, and Vietnam) is also represented in the end of the section to provide better understanding of a particular nationality.

#### **5.1 Migrant Sex Workers and Social Protection**

##### **5.1.1 Migrant Sex Workers and Social Protection in Thailand**

There are different perspectives regarding the definition of social protection. In general, the social protection is often regarded as the nature of deprivation and form of policy response either from government or non-government to take intervention to ensure their livelihoods to meet the minimum standards. Social protection is also seen as the market driven approach that addresses who should get what, and the rights-based approach that recognizes universal human rights everyone should have access to. In Thailand, social protection covers to different types of group ranging from civil servants, private sector employees, informal economy workers, children, to undocumented migrant workers. In this study, key informants from government and NGOs were chosen for in-depth interview to examine on their perspectives regarding migrant sex workers and accessing to social protection in Thailand.

Regarding the term 'social protection', the study shows that there are different perspectives between government and NGOs. It appears that social protection in the perspective of government is related to their legal status to their rights of social

protection. In contrast, NGOs' perspectives often link social protection with rights-based approach that migrants either in legal or illegal status deserves the equal treatment from the state. The Bureau of AIDS, TB, and STIs (BATS), Department of Control, Ministry of Public Health, perceived that social protection should only be given to the migrants who are in legal status. Working in illegal sex work and carrying out the work without a work permit is the barrier that migrants cannot access to social protection from state, especially the access to health services. To be able to get social protection in Thailand, rights and protection comes only when migrants are legal. When asked if there is any possible solution for social protection of migrant sex workers, it appears that the BATS sees social protection relating to legal status.

*“It is to solve from the root-cause that they should enter into Thailand with legal status. If they are legal, they are given rights and protections. If not, they cannot access the social protection from state. However, there is a way that they can purchase health insurance from private companies” – The Bureau of AIDS, TB, and STIs*

In contrast, NGOs' perspectives regarding social protection is related to universal human rights. The former commissioner of Office of the National Human Rights Commission of Thailand perceived social protection with human rights in the sense that regardless of nationality, everyone is equal and should be treated under the same system. The system operating, for instance, legal/ illegal status, skilled/ low skilled labors, nowadays creates division and exploitation. It is the system that leaves the room for exploitation, especially in sex industry.

*“When talking about migrants, the issue of legal and illegal status is usually a subject of a talk. Rights and protections cannot be given to ones who are undocumented. Thus, being illegal leaves the room for exploitation, especially in sex industry, that even can lead to human trafficking” - The former commissioner of Office of the National Human Rights Commission of Thailand*

It is important to reorganize the system in which migrants' rights are protected as equal as Thai citizen regardless of their legal status. Human rights is not a law; human beings

are born free and equal in dignity and rights<sup>17</sup>, and human beings should also be given basic necessity, for instance, the access to health and social services, food, shelter, and medicine. Human rights is not a question of nationality, being Thai or non-Thai; it is what everyone is entitled to all the rights, and the foundation of justice and peace.

*“The problem is that the idea of human rights is not incorporated into Thai system including social welfare, healthcare, or labor registration. It is not a matter of nationality of whether you are Thai or non –Thai; it is the matter of being human being that everyone should be given equal treatment” - The former commissioner of Office of the National Human Rights Commission of Thailand*

The idea of human rights relating to migrants is also promoted by AIDS Healthcare Foundation (AHF), in which migrants should also have the rights to health. It was due to the cut of NAPHA extension<sup>18</sup> that consequently limited the migrants’ access to health services.

*“We worked to ensure that migrants regardless of legal status were provided HIV testing and treatment with no charge. However, with limited budget, the protection for HIV infected migrants was covered for one year. We thus encouraged migrants to make themselves legal status in order to get social protection from state” - AIDS Healthcare Foundation*

SWING Foundation also perceived the term social protection with human rights that everyone regardless of nationality deserves to be treated equally including the access to health services with the same treatment standard.

Foundation for AIDS Rights perceived that the effects of laws limit migrants’ access to basic necessity. Defining a migrant status either legal or illegal will have the effects on how migrants access to social protection in Thailand. Being undocumented migrants are prone to exploitation due to their illegal status.

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<sup>17</sup> Universal Human Rights Declaration, Article 1

<sup>18</sup> Fund for HIV and AIDS infected who are not covered by Thai health coverage.

*“If migrants entered into Thailand without documentation, it was likely that they would also engage in prohibited works” - Foundation for AIDS Rights*

The effect of different perspectives between government and NGOs shows different approaches of how and to what extent migrant sex workers are given social protection. It appears that state recognizes migrants' rights and protections only if they are legal. In contrast, NGOs' perspectives of social protection are linked to rights-based approach that a migrant either legal or illegal deserves to get social protection from the state.

### **5.1.2 Social Protection in their Home Countries**

Short-term benefits of social protection provision provided in destination countries practically are limited or denied. This section entailed their alternative choice of accessing social protection in their home countries including Cambodia, Lao PDR, Myanmar, and Vietnam. In Cambodia, the current social protection system is at an early stage of development. However, it has showed the progress in terms of health provisions; basic health coverage and universal health coverage (OECD, 2017). In Lao PDR, the government has provided insurance policies for all civil servants, for instance, pension benefits, death and survivor's benefits, invalidity benefits, maternity benefit, and medical care benefits. The social protection has expanded to cover private sector employees, and undergone social protection activities, especially on the health protection scheme. In Myanmar, social protection was recently introduced in early 2008. It addresses social assistance for the population outside the formal sector in 2016. In Vietnam, social protection comprises of 4 basic policy groups including minimum income and poverty reduction, social insurance, social assistance, and basic social services. In case where migrants cannot access social security in receiving state, only Vietnam that has a voluntary system of contribution for their overseas Vietnamese workers when they return including old age and other benefits (Pasadilla, 2013).

Table 12 Social Security Schemes in CLMV Countries

Schemes	Cambodia	Lao PDR	Myanmar	Vietnam
	Social Insurance	Social Insurance	Social Insurance	Social Insurance
<b>Branches covered</b>				
Old age	✓	✓	Government employees only	✓
Invalidity	✓	✓	X	✓
Survivor	✓	✓	X	✓
<b>Other benefits</b>				
Medical care	✓	✓	✓	✓
Sickness and maternity (cash benefit)	✓	✓	✓	✓
Employment injury	✓	✓	✓	✓

Source: Adapted from ARTNeT, 2013

## **5.2 Coping Strategies, and Accessing to Social Protection of CLMV Male Migrant Sex Workers in Thailand**

### **5.2.1 Coping Strategies of CLMV Male Migrant Sex Workers**

It is challenge for migrant sex workers to come up with coping strategies when they are confined with several laws including labor, immigration, and sex-work laws, and exposed with several vulnerabilities that are beyond their ability to control. Building on the concept of coping strategies/ mechanisms, the term is used to explain one's little control ability of the situation and the process of executing the response (WHO 1999; Lazarus 1966). Since sex industry is illegal in Thailand, the laws limit and allow one's little control of the situation to cope with, especially with migrant sex workers who are also confined with labor and immigration law. It interestingly entails the question of how migrant sex workers come up with coping strategies. The study finds that CLMV male migrant sex workers have two coping strategies to maintain their sex-work career: 1) Loophole Strategy (Invisibility) and 2) Protective Strategy.

#### ***1. Loophole Strategy (Invisibility)***

One of the coping strategies of CLMV male migrant sex workers to maintain working in sex industry with several vulnerabilities is the 'loophole strategy (invisibility). Even though it is apparent that migrant sex workers are against the Prevention and Suppression of Prostitution Act (1996) or Prostitution Act, and Penal Code Amendment Act (No.14) (1997), CLMV male migrant sex workers know how to evade rules or laws by positioning themselves as 'invisible'. They manage their travel document either tourist visa or non-immigrant visa to work disguisedly as sex worker in the entertainment places. It appears that CLMV male migrant sex workers manage their legal status in two ways: by holding 1) tourist visa (TR-30) and 2) non-immigrant visa and working under MOU status.

Table 13 Coping with Travel Document

Countries	Travel Document	
	Tourist Visa (TR-30)	Non-immigrant Visa (MOU Status)
Cambodia	✓	-
Lao PDR	✓	✓
Myanmar	-	✓
Vietnam	✓	Signed but has yet to be implemented

Even though Thailand has long border with Cambodia, Lao PDR, and Myanmar that potentially allows illegal migrants to enter into Thailand, the study shows that CLMV migrants who work in sex industry manage their travel document to enter into Thailand legally. Table 13 shows the loophole strategy (invisibility) of CLMV male migrant sex workers by managing travel document to work disguisedly as sex worker. The study finds that due to the visa exemption granted to Cambodia, Lao PDR and Vietnam, male migrant sex workers hold only a passport to enter into Thailand and depart every month due to the period of stay of not exceeding 30 days. Under the provisions of the Visa Exemption Rule and Bilateral Agreement,<sup>19</sup> passport holders with a free-visa are entitled to enter Thailand only it meets the criteria: the visit is strictly for tourism purposes. However, their visit appears to be for the work purpose that also relates to the Immigration Act B.E. 2522 (1979), No. 8 (Chapter 2) where male migrant sex workers are potentially excluded from the entrance to Thailand on the basis that:

“Reason to believe that entrance into the Kingdom was for the purpose of being involved in **prostitution**, the trading of woman or children, drug smuggling, or other types of smuggling which are contrary to the public morality”.

<sup>19</sup> Under the new provisions of the Visa Exemption Rule and Bilateral Agreement, passport holders of 55 countries are entitled to enter Thailand under the three criteria. See the Thai Embassy Website.  
<http://www.thaiembassy.com/thailand/changes-visa-exempt.php>



The holders of tourist visa do visa runs to cities in nearby countries and return to Thailand to resume working in an establishment. Overstaying is not a preferable choice for tourist visa holders when engaging in an illegal sex industry. The study finds that male migrant sex workers from Vietnam do visa runs at Ban Laem, a Thai-Cambodian border, by hiring an agency for 1,700 Baht to manage their travel document every month. On the other hand, it appears that male migrant sex workers from Lao PDR usually self-arrange their travel document. Cambodian male migrant sex workers also depend on tourist visa to work in sex industry from the visa exemption and depart Thailand every month due to the period of stay of not exceeding 30 days. It shows that CLMV male migrant sex workers attempt to be invisible by legally entering Thailand to secure their legal migrant status to work disguisedly as sex worker.

*“I usually hire an agency to manage my legal document. The service includes managing my legal document, food, and transport. The agency comes pick me up here in Bangkok and takes me to Ban Laem, a Thai-Cambodian border” –  
Cambodian participant*

Other than tourist visa, it appears that male migrant sex workers, especially from Lao PDR, and Myanmar, enter through MOU process. They are registered under the name as factory worker, domestic worker, and construction worker to work disguisedly in entertainment places. It is because of under the MOU, they are allowed to stay longer in Thailand comparing to tourist visa. One who enters through MOU process can work in Thailand for 2 years and can obtain 2 additional years.

## ***2. Protective Strategy***

Since sex work is illegal and considered as illegitimate form of employment, sex workers are not protected under the Labor Protection Act B.E. 2541 (1998). This criminalization of sex work has made migrant sex workers into vulnerable position where they might be taken advantages from clients. This study explores CLMV male migrant sex workers’ coping strategy on how the protect themselves from potential risks that might arise. This protective strategy includes 1) developing relationship with

clients 2) establishing of social network within sex-work community 3) assessing the clients 4) negotiating the agreement 5) refusing the clients and 6) reporting to manager.

Developing relationship with clients is crucial for migrant sex workers to reduce vulnerability and to maximize income. It is how they maintain their good look to attract the clients. It is observed that these migrant sex workers maintain their good look by having firm body or dressing well. Their physical appearance helps attract clients. It is observed that there is no distinct difference between MSWs and FSWs on the way they maintain their look. The study also finds that even though their social network within sex-work community is limited only within the establishment, and especially establish with sex-work colleagues, not captain or manager, establishing social network within sex-work colleagues helps the majority of participants to communicate English to the clients. When asked how they knew if the clients might cause trouble, majority of participants report that they assess the clients' personality from talking, for instance, they avoid going out with clients if they appear to be drunk. When negotiating the deal with clients, majority of participants report that they state clearly the fee, the place, and what sexual services they can or cannot do. The study finds that they clearly inform the clients regarding his sexual role (insertive) and are flexible to any sexes of clients only if he positions as insertive. Amongst the three types of establishments (massage/ spa shop, beer bars, and go-go bars), the study finds that male migrant sex workers who work in a massage/ spa type of establishment have a greater control of the situation due to the place where sexual activities operated. Since sexual activities are normally operated within the establishment, if any problem arises, they can easily ask help from the sex-work colleagues, captain, or manager. In contrast to beer bars and go-go bars, sexual activities normally take place outside the establishment, for instance, hotels. Thus, they have lesser control of the situation if any problem arises. They have to depend on their sex-work community by informing the captain the place, return time, and clients' appearance. In case where clients attempt not to do as agreed, for instance, not paying the fee as agreed, offering high fee not to practice safe sex, or removing the condom during sex, the study finds that majority of the participants reject the offer and refuse to give service to the clients.

### **5.2.2 CLMV Male Migrant Sex Workers' Accessing to Social Protection**

Engaging in illegal sex industry, it is questionable on how CLMV male migrant sex workers access to social protection in Thailand.

#### ***1. National Level***

The study finds that CLMV male migrant sex workers have different accesses to social protection. The study finds that male migrant sex workers who are employed can get access to state social protection provisions. These male migrant sex workers who are employed through MOU process are from Cambodia, Lao PDR, and Myanmar. They legally enter Thailand through MOU process under the registration of construction and domestic work. The study shows that these male migrant sex workers who legally enter through MOU process have a strong connection with manager. They also have been engaging in sex industry more than a year. The study also finds that male migrant sex workers who depend on tourist visa have no access to state social protection provisions. This includes male migrant sex workers from Cambodia, Lao PDR, and Vietnam. When asked if they are aware of any rights or protection from their status, they reported that they are aware of their limited rights from their tourist status. They thus have to remain their legal status by legally entering and departing Thailand from the given period of stay. When asked if those who hold tourist visa consider changing their tourist status to MOU status, majority reported that they have no plan to change to MOU status. Their reasons are that: 1) been using tourist visa for long time and no problem arises 2) no employer to help manage the process and 3) MOU process takes time and requires certain money. When asked how they managed to access health services, majority reported that they utilize health services from public hospitals, and pharmacies, and pay for their own treatment. Blood tests are usually utilized from SWING Foundation – either from its private clinic or its testing service nearby their establishments.

#### ***2. Community Level***

It appears that male migrant sex workers who cannot access to state social protection provisions will manage to access social protection through social network from peer and receiving community. The study finds that male migrant sex workers, especially Cambodia, Lao PDR, and Vietnam, who hold tourist visa, are limited with the choice

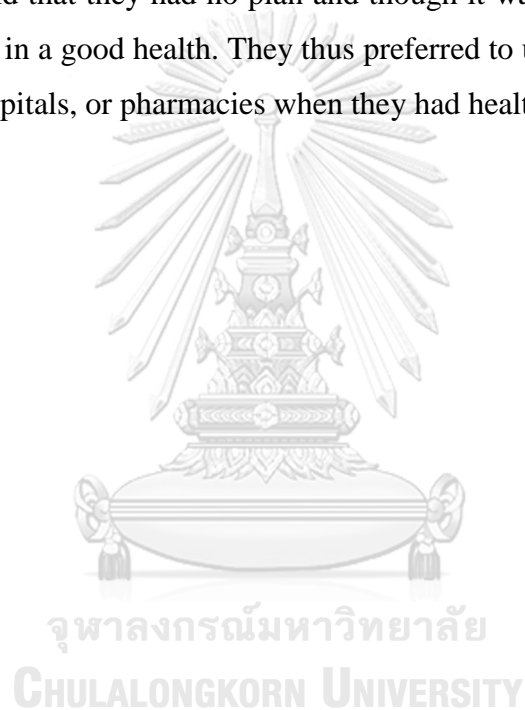
to access social protection from state. The only access to get social protection is through their social network in peer and receiving community.

In peer community, the study shows that CLMV male migrant sex workers have a strong connection amongst sex-work colleagues within an establishment. This is due to the irregular working time that allows them to establish relationship amongst them. In a massage/ spa type of establishment, the fact that they have to show up for clients to select allows them to have an intimate relationship amongst them. The study shows that male migrant sex workers who work in a massage/ spa shop have a strong connection with sex-work colleagues. In go-go bars, male migrant sex workers also have a strong connection amongst them. The entertainers have to show up before 8 pm to dress up before performing on the stage. Also, in beer bars, they have to show up in the late evening to be ready for clients. This intimate relationship has made them the certain trust to seek help from. The study finds that when they have difficulty communicating with clients, they seek help from their sex-work colleagues. Because majority of CLMV male migrant sex workers' language skills are limited, it is necessary for them to build a social network with ones who can speak English. It is to note that being able to communicate with clients is essential for sex workers' safety. It helps reduce the potential risks that might arise. The illicit nature of sex industry potentially puts sex workers into risks, it is crucial for sex workers to build social network with sex-work colleagues to get assistance.

In receiving community, the study finds that CLMV male migrant sex workers do not find social connection with their own similar nationality as a source of help. They also have little social connection with them due to their irregular working time and their keeping sex-work career confidential. They find it difficult to visit their friends or relatives from different day off. They rarely visit and do not seek help from them. During their migration to Thailand, even though the study finds that majority of them migrate along with their friends or relatives; they later disperse and settle down in different area in Bangkok. There are few who establish relationship with their similar nationality (not sex workers) by sharing the same flat. The study find that more than one half of participants interviewed does not share a room with others.

*Is there alternative way to get access to social protection irrespective of migrants' status?*

The alternative access to social protection irrespective of migrants' status is the migrant health insurance. The study finds that male migrant sex workers from CLMV countries do not depend on migrant health insurance. They responded that they did not know about migrant health insurance. When asked if they had a plan to purchase health insurance, they said that they had no plan and though it was unnecessary to purchase because they were in a good health. They thus preferred to utilize health services from public/ private hospitals, or pharmacies when they had health problems.



### 5.3 Case Studies of CLMV Male Migrant Sex Workers

For this Chapter V, the 4 case studies from Cambodia, Lao PDR, Myanmar, and Vietnam answered research question 2 on what coping strategies CLMV male migrant sex workers adopt and how to get access to social protection in Thailand.

#### 5.3.1 Case Study 1

##### Cambodian Male Migrant Sex Worker

Chann, a 23-year-old man, has been staying in Thailand for 8 years and been engaging in sex industry for 4 years so far. He is currently working as a waiter in a go-go bar. It is interesting to see what his coping strategies are and accessing to social protection in Thailand.

##### Coping Strategies

###### 1. Loophole Strategy (*Invisibility*)

His current tourist status had made him vulnerable. He was also aware of his carrying out of illegal sex work using tourist visa. To cope, he remained invisible using tourist visa by not overstaying and departed Thailand every month. He said that he attempted to change the visa type from tourist visa to non-immigrant visa by entering through MOU process. His non-immigrant visa (L-A) and work permit under MOU process was recently ended, and he wished to enter through MOU process again. He felt more secured holding a legal document. He said that he was currently in a process of applying MOU with the help from his manager in go-go bar. His attempted showed that his coping strategy was to hold a non-immigrant visa to at least secure that he was in employment to work disguisedly as migrant sex worker. Acknowledging that he had little capacity to cope from his tourist status, he at least attempted to cope to remain working in sex industry by not exposing his sex-work career. He kept his sex-work career confidential and introduced himself as a waiter.

###### 2. Protective Strategy

To cope with any potential risks that might arise from engaging in illegal sex work, one of his coping strategies was the protective strategy when going with clients. It is

observed that even though he did not have a firm body to attract clients, the dark complexion might be his plus of attracting foreign tourists. He had established a strong relationship with the captain so as to ask help in case of any problem arises. He informed the captain every time he went out with the client to ensure his own safety including the place, return time, and client's appearance. He also assessed the client's personality and refused if he/ she appeared to be drunk. When negotiating the agreement, he stated clearly what sexual services he could or could not do, the place, and fee. Since the sexual activities were normally operated outside the establishment, he ensured that his captain knew that he went out with the client.

### **Accessing to Social Protection**

#### *1. National Level*

Due to his tourist status, his accessing towards social protection from the state was limited. The tourist status had made him inaccessible to state health coverage, only to purchase migrant health insurance and/ or private health insurance, which he did not. The study showed that he utilized health services from public hospitals and self-arranged his blood test either from the testing service nearby his establishment or from SWING Foundation's clinic. His attempt of changing from his tourist status to MOU status showed that he was aware of limited social protection provisions he had given.

#### *2. Community Level*

##### *2.1 Peer Community*

His accessing to social protection was his social network with sex-work colleagues. Since he could not get access to state social protection provisions, the only access was through the use of his social network with sex-work community, especially his sex-work colleagues and captain. He had established intimate relationship with sex-work colleagues, especially Thai nationality, to practice his Thai skill. He also had a strong connection with captain. He had known him long before and counted on him most. He preferred to ask help from this captain in times of difficulties.

##### *2.2 Receiving Community*

In receiving community, he had little social connection with his similar nationality. As mentioned, he preferred to establish relationship with Thai because he wanted to practice Thai language. He had no Cambodian friends or relatives in Thailand and did not share a room with anyone.





### 5.3.2 Case Study 2

#### Laotian Male Migrant Sex Worker

Loy, a 27-year-old man, has been staying in Thailand for 4 years and been engaging in sex industry for 2-3 years in a massage/ spa shop. Surprisingly, his wife's family acknowledged about his engaging in sex industry and helped him manage his legal document. How did he manage this?

#### Coping Strategies

##### 1. Loophole Strategy (Invisibility)

He was aware of his previous tourist status; his coping strategy was thus to manage his legal document. He said that he changed from holding tourist visa to non-immigrant visa working under the MOU because he felt more secured. With the help of his wife's family, he got help from her family in managing his current MOU status registered as construction worker to work disguisedly as migrant sex worker. When asked if her family acknowledged regarding to his career, he said her family acknowledged about his engaging in sex work.

*“Other than the reason that I don't want to go back and forth from depending tourist visa, it is also because I am afraid of the police officers. I had an experience where the authorities asked me for passport. He asked me my purpose of staying here, and I replied that I was on travel. Also, when I go for night out, there are checkpoints to screen for my passport. So, I felt more secured holding a working document, not the tourist visa” – Loy*

##### 2. Protective Strategy

To cope with any potential risks that might arise from engaging in illegal sex work, one of his coping strategies was the protective strategy. Since he had an intimate relationship with his sex-work colleagues and manager, this social network helped him communicating English with clients when he sometimes did not understand. Because the sexual services were normally operated within the establishment, he did not inform the place, time, or client's appearance, to the shop. Any problem arises, he could easily

ask help from the manager at the establishment. He always made an agreement clear to the clients what sexual services he could or could not do, for instance, he could only be an insertive role, or no recording sex video.

## **Accessing to Social Protection**

### *1. National Level*

His accessing towards social protection from the state was to change from tourist status to MOU status. He was aware that his previous document status (tourist status) had made him inaccessible to state health coverage. However, he had recently been granted MOU status for 5-6 months and had not utilized health services yet. In the past, he normally visited public hospitals, and often self-arranged his blood test every three months either from utilizing the testing service nearby his establishment or from visiting SWING Foundation's clinic himself.

### *2. Community Level*

#### *2.1 Peer Community*

In peer community, he had established an intimate relationship with his sex-work colleagues in a massage/ spa shop. The irregular working time allowed him to establish relationship with his sex-work colleagues. He had no preference to establish relationship over his similar nationality. He did not ask help from his sex-work colleagues, especially when communicating with clients, because he did understand them even if he was not fluent in English.

#### *2.2 Receiving Community*

After his arrival in Thailand, even though he came along with his relatives, he did not contact them. Some of them went back home, and some did not stay in Bangkok. In receiving community, the only social network he had was his wife's family. He was married to a Laotian lady and had one child. They rented a room and stayed together. It appeared that he had a strong connection with his wife's family from helping him manage the legal document.

### 5.3.3 Case Study 3

#### Myanmar Male Migrant Sex Worker

Kyaw Soe, a 25-year-old man, has been staying in Thailand for 8 years and been engaging in sex industry in a massage/ spa shop for 7 years. Due to his intimate relationship with manager, he got help from him in managing the MOU application.

#### Coping Strategies

##### 1. Loophole Strategy (Invisibility)

To be able to maintain his sex-work career, he positioned himself as invisible by managing his legal document from tourist visa to non-immigrant visa with the help of manager. Since he had been engaging in sex industry for 7 years, he realized that depending on tourist visa was not a good strategy to work disguisedly in sex work. MOU under the name of domestic worker allowed him to stay longer in Thailand, and also reduced the cost of travelling back and forth between Myanmar and Thailand.

*“MOU allows me to stay longer in Thailand compared to tourist visa. I need to depart from Thailand every 2 months if I depend on tourist visa, and I have to bear for travelling cost. If I keep using the tourist visa, I don’t think I can save money” – Kyaw Soe*

##### 2. Protective Strategy

To cope with any potential risks that might arise from engaging in illegal sex work, one of his coping strategies was the protective strategy. Since he had an intimate relationship with his sex-work colleagues and manager, his sex-work colleagues helped him communicating English with clients and his manager helped him managing the work permit. When sexual activities were operated as not agreed, he confronted and refused the client directly. If the problem went serious, for instance, the client intentionally taking off the condom, he reported to manager.

## **Accessing to Social Protection**

### *1. National Level*

Even though he had managed his tourist status to MOU status, it appeared that his coping strategies towards social protection from the state was still limited due to his working as domestic worker. Domestic worker was not eligible for coverage by the Thai Social Security System. The reason he changed from tourist visa to non-immigrant visa was due to his wish of long stay in Thailand, and his reduced cost of travelling back and forth between Myanmar and Thailand. Even though he was not entitled to Social Security System, he utilized the health services from clinic because it was convenient. He also did not purchase migrant health insurance, and often self-arranged his blood test every either from utilizing the testing service nearby his establishment or from visiting SWING Foundation's clinic himself.

### *2. Community Level*

#### *2.1 Peer Community*

In peer community, he had established intimate relationship with his sex-work colleagues in a massage/ spa shop. He had no preference of establishing his similar nationality, and in fact had an intimate relationship with Thai and Laotian sex-work colleagues. He considered having social network with sex-work colleagues was important because they helped him communicate English with clients. In times of difficulty, he preferred to ask help from Thai ex sex-work colleague who worked in the same massage/ spa shop with him.

#### *2.2 Receiving Community*

In receiving community, he had social connection with his relative. However, due to their different day off, he did not often visit him. When asked if he had ever been given any kind of help from him or have you ever asked him for help, he responded that he did not ask or got help from him. He responded that he had no difficulty, especially financial. His monthly income was quite large compared to him. He also afforded his own flat.

### 5.3.4 Case Study 4

#### **Vietnamese Male Migrant Sex Worker**

Van, a 24-year-old man, has been staying in Thailand for 5 years and been engaging in sex industry for a year in a go-go bar. Throughout his 5 years in Thailand, he has been working in Thailand using tourist visa.

#### **Coping Strategies**

##### *1. Loophole Strategy (Invisibility)*

Prior to his entry in sex work, he in fact had worked in other sectors of works without a work permit by depending on tourist visa. He had been using tourist visa for 5 years to work in Thailand and carried out the work without work permit. He was aware of his carrying out illegal sex work and managed his tourist visa by hiring the agency. When asked if he wanted to change from tourist visa to non-immigrant visa, he said that he had not experienced any charge from working under the tourist visa up to now. He had no attempt to change his legal document. Even though he had limited options compared to Cambodia, Lao PDR, and Myanmar regarding the MOU with Thailand, he had no attempt to change to work permit. To remain invisible, he thus did not expose his sex-work career. He introduced himself either as a waiter or market vendor. Even though there were a number of male and female working in sex industry from his community, he kept his sex-work career confidential.

##### *2. Protective Strategy*

To cope with any potential risks that might arise from engaging in illegal sex work, one of his coping strategies was the protective strategy. With his capability in communicating English, he normally did not seek help from his sex-work colleagues to communicate with clients. When sexual activities were operated as not agreed, he confronted and refused the client directly.

#### **Accessing to Social Protection**

##### *1. National Level*

Because he was holding tourist visa, his accessing towards social protection from the state was limited due to the inaccessibility to state health coverage. He also did not purchase migrant health insurance or private health insurance and utilized the health services from public hospitals. He often self-arranged his blood test every three months from the testing service – an outreach service from SWING Foundation.

## *2. Community Level*

### *2.1 Peer Community*

In peer community, he had established intimate social network with his sex-work colleagues. He had a preference of establishing his similar nationality due to different lifestyle amongst the four countries. He had an intimate relationship with Vietnamese sex-work colleagues who also came from his community back in Vietnam. Within an establishment, he did not ask help from anyone, especially when communicating with clients, because he could speak English.

### *2.2 Receiving Community*

In receiving community, he had a social network with a Vietnamese working in other sectors in Bangkok. However, he did not have a strong connection with him and rarely visited him. He in fact had a strong connection to Vietnamese sex-work colleagues who also shared a room with him because they all came from the same community back in Vietnam, Ha Tinh. He said that he preferred to live with Vietnamese because he could get along with them easier than other countries, and because of the different lifestyles amongst the four countries.

## 5.4 Analysis of Coping Strategies, and Accessing to Social Protection of CLMV Male Migrant Sex Workers

### 5.4.1 Analysis of Coping Strategies of CLMV Male Migrant Sex Workers

#### 1) *Loophole Strategy (Invisibility)*

*Invisibility is essential for one's survival in sex industry. Since sex work is illegal, their coping strategy is to be invisible as a response to their survival and threats. However, not everyone has the capacity to cope.*

In response to occupational risks, CLMV male migrant sex workers undertake loophole strategy as a coping strategy for their survival in sex industry. Coping is the process of executing the response to their survival and threats. Engaging in sex industry, their vulnerabilities are that sex workers are the targets of harassment and violence from the public discourse that sex work is immoral work. Wagenaar, et al. (2017) supports that the public discourse that migrants are usually seen as marginal and substandard class of citizen, the scenario becomes worse when these migrants are sex worker. Plus, sex work in Thailand is illegal. These migrants are to experience not only the sex-work laws, but also labor and immigration law to work disguisedly as migrant sex worker in Thailand. Under the vulnerable context, the process to execute to their survival and threat is to be invisible.

How does this loophole strategy (invisibility) help ease their vulnerability? – Invisibility helps prevent social marginalization. Since the public discourse is that sex work is immoral work, their invisibility of not exposing their sex-work career helps prevent social marginalization. The study also reaffirms the study of Ham and Gerard (2013) that their 'strategic invisibility' is employed by sex workers to prevent stigma. In this case, migrant sex workers also employ this coping strategy to prevent social exclusion. Vulnerability in terms of laws is also executed by their invisibility. The study

reaffirms the study of Finger (2016)<sup>20</sup> that her loophole strategy is also used as a coping mechanism to evade rules or laws in this case (migrant sex workers in Bangkok). The study also aims to present that not only is ‘mobility’ the coping strategy as she claimed; but also, the ‘invisibility’ from the loophole in legal document that allows them to maintain working in sex industry. Even though it is apparent that sex work is against the Prevention and Suppression of Prostitution Act (1996) or Prostitution Act, and Penal Code Amendment Act (No.14) (1997), the ambiguity remains in labor and immigration laws (Foreigner’s Working Management Emergency Decree No.1 and No.2, and Immigration Act B.E. 2522) (See Table 14).

Table 14 The Ambiguity in Legal Status of Migrant Sex Workers

<b>Laws Relating to Migrant Sex Workers</b>	<b>Legal or Illegal?</b>
<b>Sex-work Laws</b> 1. Prevention and Suppression of Prostitution Act (1996) or Prostitution Act 2. Penal Code Amendment Act (No.14) (1997)	✗ Sexual intercourse, or any other act, in the return of money, or any other benefit ✗ Subsist on the earning of a prostitute
<b>Labor Law</b> Foreigner’s Working Management Emergency Decree B.E. 2560 (2017), and (No.2) B.E. 2561 (2018)	✗ Carry out a work without a work permit ✗ Carry out the work differently that specified in the work permit ✓ Employment status
<b>Immigration Law</b> Immigration Act B.E. 2522 (1979)	✗ Legally entering but working without a work permit ✓ Legally entering either tourist visa or non-immigrant visa

<sup>20</sup> Finger (2016) perceives sex work and mobility as a coping strategy for marginalized Hungarian Roman women. Her study shows that sex workers from Nyiregyhaza used mobility as their coping strategy only after massive arrests, and thus had to move outside of Hungary.



Such ambiguity instead allows CLMV male migrant sex workers to cope with laws directly. However, the challenge is that how to be invisible when migrant sex workers are confined with several laws including labor, immigration, and sex-work laws. The answer is that CLMV male migrant sex workers know how to cope by using the loophole in legal document to work disguisedly as migrant sex worker. The loophole in this sense means the ambiguity of laws in defining migrants' legal status. To be invisible, CLMV male migrant sex workers manage travel document and/ or employment document to at least secure that they are legal. The study shows that all CLMV male migrant sex workers are documented. They legally enter Thailand through either tourist visa or non-immigrant visa. Tourist visa holders carry out work without a work permit do visa run and do not overstay to maintain working in sex industry. Non-immigrant visa holders work differently specified in the work permit, specifically to MOU entering, show up to Immigration Division every 3 months to remain in Thailand. Their invisibility coping helps them maintain working in sex industry.

Yet, not everyone has the capacity to cope. One may find the ability to cope as a response to social marginalization by not exposing sex-work career, but with laws require more resources to cope. Even though one may find it easy to get tourist visa, non-immigrant visa especially entering through MOU status requires more resources. This resource means social network, especially manager. One who has social network has more ability to cope. Strong tie with manager can help migrant sex workers to be employed. This study shows that the strong social connection with manager allows them to cope with laws to be employed in MOU status. The invisibility under MOU status also enables migrant sex workers to be eligible to Social Security System (except domestic work). From the four countries, Vietnamese male migrant sex workers have lesser coping strategy capacity than the other three countries, Cambodia, Lao PDR, and Myanmar. The only coping strategy Vietnamese male migrant sex workers have is to cope with tourist visa or to enter through NV process. However, to enter through NV process to work in sex industry also requires social network from manager. Even though Thailand signed Bilateral Memoranda of Understanding on Labor Cooperation with Vietnam in 2015, though it is yet to be implemented. Vietnamese male migrant sex workers thus have lesser choices to make themselves invisible.

## 2) *Protective Strategy*

*Since migrant sex workers are vulnerable to violence from engaging in sex work, protective strategy is necessary for them as a response to occupational risks. However, their coping strategy ability is also limited based on the type of sex establishment they are working.*

One of the coping strategies as a response to occupational risks is the protective strategy. The study finds that more than one half of participants experience verbal harassment and sexual coercion from clients. Clients take advantage from migrant sex workers from their engaging in illegal sex work. This includes not paying fee as agreed, removing the condom during sex, and offering high fee not to practice safe sex. These clients' verbal harassment and sexual coercion has made them subject to sexual violence. To cope with this, CLMV male migrant sex workers come up with protective strategy to protect themselves from potential risks that might arise in six ways: 1) developing relationship with clients 2) establishing social network within sex-work community 3) assessing the clients 4) negotiating the agreement 5) refusing the clients and 6) reporting to manager. CLMV male migrant sex workers maintain their good look to reduce vulnerability and to maximize income. This permanent developing way of relationship with clients helps them attract foreign tourists. CLMV male migrant sex workers also make use of social network within sex-work community, especially sex-work colleagues, as part of their protective strategy. Since majority of CLMV male migrant sex workers' language skill is limited, assistance from their sex-work colleagues to communicate with clients is essential for one's safety. Assessing the clients is part of the strategies in perceiving potential threats. It is to ensure one's safety by assessing clients' personality from talking. Negotiating also enhances their safety level by clearly stating the fee, place, sexual position, and sexual services they can or cannot do. If clients attempt not to do as agreed, refusing clients to offer service are their response. This response shows the different result to Liu' study on FSWs in China that most women would rather put up with violence or harassment and avoid confrontation. In this study, CLMV male migrant sex workers prefer not to remain

silent and speak out. If the problem arises, they prefer to report to manager or SWING Foundation to help solve the problem.

Yet, not everyone has the capability to cope. The protective strategy ability to cope is also based on the type of sex establishment CLMV male migrant sex workers are working. Amongst the three types of establishments (massage/ spa shop, beer bars, and go-go bars), male migrant sex workers who work in massage/ spa shop has a greater control of the situation because sexual activities are normally operated within an establishment. This allows male migrant sex workers to easily ask help from sex-work colleagues, captain, or manager if there is any problem arises. This environment enhances male migrant sex workers' coping strategy ability to execute the response. In contrast to beer bars and go-go bars, male migrant sex workers have a less control of situation because sexual activities are normally operated outside the establishment, for instance, hotels. The remedial action undertaken is to depend on their sex-work community by informing the captain the place, return time, and clients' appearance. This shows that even though those who work in beer bars and go-go bars have lesser control of the situation, their coping strategy is to ensure their safety by utilizing their social network in sex-work community.

From the four case studies, Laotian and Myanmar male migrant sex workers that work in massage/ spa shop has more ability to cope than Cambodian and Vietnamese male migrant sex workers that work in beer bars and go-go bars. The study shows that the ability to cope is based on one's ability to execute the response and the type of establishment one is working, not a matter of nationality.

#### **5.4.2 Analysis of CLMV Male Migrant Sex Workers' Accessing to Social Protection**

### **Thailand's Laws and Regulations Relating to Migrant Sex Workers' Social Protection**

In recent years, Thailand has made progressive achievements in expanding social protection coverage that includes ranges of groups of population. However, social protection benefits remain fragmented in practice especially to foreign workers. Even though migrant workers who enter either through MOU or NV process are eligible to same benefits as Thai nationals, some restricted sectors of work made migrant workers unable to exercise their right to benefits (Huguet, 2014). Social protection becomes impossible when sex work is not a legitimate form of employment. In Thailand, sex work is not considered as a work. It is illegal accordingly to Prevention and Suppression of Prostitution Act (1996) or Prostitution Act, and Penal Code Amendment Act (No.14) (1997). Generally, irrespective of migrants' status, migrant workers' employment is protected under the Labor Protection Act B.E. 2541 (1998). Labor Protection Act B.E. 2541 (1998), a concerning the rights and duties of employers and employees, provides minimum standard practices and protections to labors to ensure fairness and occupational health for the maximum benefit of both employers and employees (Ministry of Labor, 2009). Unfortunately, even though Labor Protection Act gives rights and protections to migrant workers irrespective of legal status, illegal sex work is not considered as a legitimate form of employment. Thus, only migrant sex workers who are employed (formal workers) and who are in informal economy (informal workers)<sup>21</sup> are eligible to Thai Social Security System (SSS). However, the eligibility to SSS remains restricted in domestic work. Domestic workers are not eligible for coverage by Thai SSS and are only protected from sexual harassment by their employees. However, it is impossible when these migrant workers who engage in sex industry to report such violation due to their fear of their illegal sex work. Thus, social protection remains limited for migrant sex workers who are not employed as well as who employed in domestic work.

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<sup>21</sup> Informal workers are classified into 3 sub-groups including 1) subcontracted workers and/ or home-based workers and self-employed workers engaged in production 2) service workers in restaurants, and as street vendors, waste pickers and recyclers, and massage workers and 3) agricultural workers (Kongtip, Nankongnab, Chaikittiporn, Laohaudomchok, Woskie, & Slatin, 2015).

At the international level, social protection is recognized as a universal right regardless of nationality. However, Thailand has not ratified the International Convention on Economic, Social and Cultural rights which provides the comprehensive provisions for protections of right to health relating to migrant workers and ratified only the Equality of Treatment (Accident Compensation) Convention, 1925 (No.19) of the below international standards (See Table 15).

Table 15 International Standards for Social Protection of Migrant Workers

<b>International Standards</b>
1. International Convention on Economic, Social and Cultural Rights
2. Equality of Treatment (Accident Compensation) Convention, 1925 (No.19)
3. Universal Declaration of Human Rights, 1948
4. Migration for Employment Convention, 1949 (No.97)
5. Social Security (Minimum Standards) Convention, 1952 (No.102)
6. Discrimination (Employment and Occupation), Convention, 1958 (No.111)
7. Equality of Treatment (Social Security) Convention, 1962 (No.118)
8. Migrant Workers (Supplementary Provisions) Convention, 1975 (No.173)
9. Maintenance of Social Security Rights Convention 1982 (No.157) and its Recommendation, 1983 (No.167)
10. International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 1990
11. Social Protection Floors Recommendation, 2012 (No.202)

Source: Adapted from Thailand Migration Report 2014

There are five basic principles of international standards for social protection of migrants including 1) equality of treatment with particular attention to gender equality 2) solidarity 3) inclusiveness 4) general responsibility of the state and 5) transparent and democratic management (Huguet, 2014). However, the Thai social protection in practice limits to only legal status of migrants.

#### **CLMV Male Migrant Sex Workers' Accessing to Social Protection**

CLMV male migrant sex workers have different accesses to social protection based on their legal status. Accessing to social protection depends on the migrants' employment

status. Those who are employed can get access to state social protection provisions. The legal entity allows them to access social protection in Thailand. Even though the work they carry out is differently specified in the work permit, the employment status allows them to get access to social protection. Their employment under MOU status allows them to be eligible for contribution to and benefits from the SSS, which included health insurance. Non-immigrant visa (L-A), a requirement for MOU application, grants a person basic rights protection including entitlement to minimum wages and benefits equal to Thais, and formal protection under Thai laws. However, accessing to social protection is restricted in domestic work. Male migrant sex workers who enter through MOU process and register under the name 'domestic work' are not eligible to SSS. Technically, Social Security Act (SSA) allows informal workers to be voluntarily insured with their own contribution to receive benefits including disability, maternity, and death benefits for their spouse and dependent children; informal workers in domestic work however are not eligible to SSS. They are also not covered by workers compensation. In contrast, those who register in factory and construction are eligible to SSS. This formal sector allows them to be in SSS according to Article 33 of SSA that provides coverage to formal private employees including sickness, maternity, invalidity, death, child allowance and unemployment under Social Security Fund, and work injury under Workmen's Compensation Fund. However, technically migrant sex workers who are in this formal sector are provided with mentioned coverage, the fact that they are in sex industry makes them unable to access to a specific provision, particularly work-related injuries or disease, fatalities, or disability under Workmen's Compensation. The study however finds that even though some of migrant sex workers are eligible to SSS, it is not their preferable choice to register in SSS due to their monthly contribution. Those who depend on tourist visa are not able to access state social protection provisions. Their carrying out work without a work permit and carrying out work prescribed in the Notification (Section 8 of Decree No.2) limits their access to social protection. They have to pay out of the pocket themselves when utilizing the health services. Since tourist visa holders have no access to state social protection provisions, they depend on social network in community from peer and receiving community. They cannot get access to social protection in terms of state policy but can get access in terms of occupational support from peer community,

specifically sex-work colleagues. Since majority has language difficulty communicating with clients, sex-work colleagues' assistance in helping to communicate with clients ensures them more safety. The other source to access social protection is from receiving community. Even though they do not find social network with their own similar nationality as a source of help, it is at least a source they can access. The plausible reasons for their little social connection with receiving community are due to their engaging in illegal sex work, irregular working time, and poor help from friends/ relatives. Because of illegal sex work, they do not expose their sex-work career to friend or relatives. Their irregular working time also does not allow them to build connection with them. Plus, they perceive that their living condition is better than their friends/ relatives from earning high incomes in sex industry. Therefore, occupational support from peer community is essential for male migrant sex workers' social protection.

It appears that male migrant sex worker who is from Cambodia, Lao PDR, and Myanmar has more access to social protection than one who is from Vietnam. This is because MOU between Thailand and Vietnam on Labor Cooperation has not yet been implemented. Thus, there are lesser choices for Vietnamese male migrant sex workers to utilize. From the four case studies, it shows that Laotian and Myanmar male migrant sex worker has more access to social protection than other two countries from his MOU status under 'construction' and 'factory' registration. Even though the case of another Myanmar male migrant sex worker shows that he legally enters through MOU process under domestic work, he is not eligible for the coverage by the Thai Social Security System. One who has least access to social protection is one who holds tourist visa. Tourist visa holders are not entitled to state health coverage or Social Security System. Their only access to get social protection is through their social network from peer and receiving community.

## CHAPTER VI

### Conclusion, Analysis, and Recommendations

This chapter concludes the findings from Chapter IV and V in Section 6.1. Followed by Section 6.2 regarding the critique of approach of whether or not the SLA is applicable for migrant sex workers' study. It also provides the rethinking of criminalization of sex work in Thailand that it raises more vulnerability to migrant sex workers. Followed by the last Section, the recommendations to both involved stakeholders and further studies.

#### 6.1 Conclusion

In this section, it aims to conclude to what extent does (il)legal status of CLMV male migrant sex workers affect their livelihoods, and to what extent how they manage and get social protection.

#### Research Question 1 (Chapter IV)

In an illegal sex industry, migrants are experiencing barriers than the local due to their migrant legal status. It is the triple legal barriers in labor, immigration, and sex-work laws that potentially place migrant sex workers into vulnerability from engaging in illegal sex work, and migrants' legal status. It is a complexity of their legal and illegal status in the sense that migrant sex workers can also be viewed as legal and illegal at the same time. To clarify, it is apparent that their engaging in sex work is against the sex-work laws, Prevention and Suppression of Prostitution Act (1996) and Penal Code Amendment Act (No.14) (1997). However, the complexity remains ambiguous whether or not migrant sex workers are illegal in regards of their travel and employment status. To work disguisedly as migrant sex workers in entertainment places, CLMV male migrant sex workers manage their legal status by holding either tourist visa or non-immigrant visa to at least secure their migrants' legal status. The legal entity in the sense of legal entering secures their disguise of sex work. On the other way around, their illegal status is from working without a work permit or work differently from that specified in the work permit. The issue of laws is thus complicated to define migrant



sex workers' legal status, and consequently leaves the room for exploitation when they are in a blur area of laws. With that complexity, (il)legal status affects CLMV male migrant sex workers' livelihoods. Those who depend on tourist visa are more affected than ones who are employed. For one to have economic security, it is essential for one to be in employment. Those who are employed have more economic security than one who depends on tourist visa. Tourist visa holders bear the travelling cost to depart Thailand. Amongst the four countries, only Myanmar that has not been granted visa exemption for tourism purposes, and the period of stay is not to exceed 60 days. Even though Cambodia, Lao PDR, and Vietnam have been granted visa exemption, but the period of stay limits of not exceeding 30 days. Those who enter through MOU process bear the cost of hiring employment agency up to 40,000 Baht. However, the period of stay granted has allowed them to stay in Thailand for 2 years with addition 2 years if obtain compared to tourist visa. Employment status thus allows one to maintain working in Thailand in a disguise of migrant sex worker. However, sex industry does not seem to fulfill their economic security sustainably.

The (il)legal status also affects to their establishing of social network. Their engaging in illegal sex work confines their establishing of social network. It affects to their establishing of social network with girlfriend/ boyfriend, friends and relatives who are in host country, and family back home. They keep their sex-work career confidential due to their engaging in illegal sector. However, the study shows a strong connection within sex-work community due to their irregular working time and their confidentiality of sex-work career. It is also to conclude that their different preferences of establishing their similar nationality is due to limitation in language, and homophily. The limitation in language makes the communications amongst the four countries difficult. It is also from homophily that triggers the comfort feeling from having shared characteristics. It is likely that establishing social network is also based on the shared characteristics, for instance, nationality. However, not only is the nationality the dividing factor, but also occupation. The study concludes that even though there is a different preference regarding the nationality, social network in a sex-work community is considered to be a strong tie compared to other social networks they have in host country. They utilize the social resources within sex-work community to sustain their sex-work career, for

instance, language support. They do not consider social network with friends and/ or relatives an important source of support and help due to their engaging in illegal sex work. The strong tie within sex-work community is the core network that defines CLMV migrant sex workers' livelihoods.

Education is considered to be one of the livelihood assets that enable one to achieve better livelihood. However, majority of CLMV male migrant sex workers do not find that education is an important asset to achieve better livelihood. Majority of them thus does not have a plan to further their study because they can make a living without having a high education. This is due to the fact that sex work does not require qualifications. This as a result becomes one of the driving factors for migrant workers to enter this sex industry.

The nature of illegal sex work and migrant's legal status gives migrant sex workers prone to health risks. Holding different types of travel documents have an effect on the different health coverage a person is entitled to. It affects their choices of utilizing health services in relating to their legal status. Either tourist visa or non-immigrant visa, vulnerabilities can put CLMV male migrant sex workers into risks. It is also from the lower type of sex market CLMV male migrant sex workers are engaging. Because there is no arrangement from the establishment for migrant sex workers to receive health checks or blood tests, it is thus migrant sex workers' self-arrangement that they have to bear for their own cost of treatment. However, it is difficult to attend the health services due to their irregular working hours (nocturnal lifestyle). They thus prefer to utilize the testing service from NGO's outreach program nearby their establishment. It is also questionable whether different sexual identity impacts on livelihoods. From the extensive studies, even though they show the HIV prevalence amongst homosexual identified, the study shows no linkage between HIV/ AIDS infection and sexuality identity. The study argues that it is rather a matter of sexual role and sexual behavior than sexual identity to define one's livelihoods. There is no difference amongst heterosexual and homosexual migrant sex workers because they are all in insertive role and they practice safe sex to clients.

Since sex work is illegal and considered an immoral work, it cannot be denied that the public discourse over sex work is in pessimistic view. Even though CLMV male migrant sex workers have not experienced social marginalization, it is probably because they do not expose their sex-work career. These migrant sex workers either heterosexuality or homosexuality have their self-stigma in early times of their engaging in sex work that prevents them from establishing social network which may be necessary as a source of help and support living in a foreign country. However, self-stigma is lessened due to their changing of perspective by seeing sex as work, or labeling themselves as escorts, massagers, or waiters. This self-stigma lasts for some certain time because their engaging in sex industry is away from home, which possibly makes less potential judgments from friends, relatives, or family, and because high incomes of sex industry encompasses the stigma feeling that makes them remain working in this sector. Even though other studies have shown the different degree of stigma between heterosexual and homosexual sex workers, this study concludes that there is not distinct difference in regards of their sexual identity and stigma.

Engaging in illegal sex work also leads to possible violence. It allows clients to take advantage from migrant sex workers from their engaging in illegal sex work. It is likely that those who work in go-go bars and beer bars are more vulnerable than those who work in massage/ spa shops because sexual activities are operated outside the establishment. These migrant sex workers who work in go-go bars and beer bars thus have less control of the situation and take protective strategies to ensure their safety. It is necessary for them to establish a relationship with sex-work colleagues, captain, or manager to enhance their level of safety. Not only sex-work laws that put CLMV male migrant sex workers into vulnerable, but also from labor and immigration law. They are in violation of labor and immigration law from carrying out work without a work permit and carrying out work differently specified in the work permit. Their entering and departing Thailand is also relating to the purpose of prostitution, which is in violation of Immigration Act B.E. 2522 (1979). From these vulnerabilities they are experiencing, it depends on one's capacity to cope to maintain working in sex industry. The capacity to cope means the lesser vulnerabilities they experience.

### **Research Question 2 (Chapter V)**

As a response to their survival and threats, CLMV male migrant sex workers have come up with two coping strategies: 1) Loophole Strategy (Invisibility) and 2) Protective Strategy. Even though their engaging in sexual services is against the sex-work laws, they know how to be invisible working disguisedly in sex industry by managing their legal status either holding tourist visa or non-immigrant visa. This allows them to work disguisedly in entertainment places. Particularly to those who hold tourist visa, they know how to remain their legal status by doing visa run and not overstaying to maintain working in sex industry. Those who enter through MOU process show up to Immigration Division every 3 months to remain in Thailand. Their invisibility coping helps them maintain working in sex industry. However, it is to be aware that not everyone has the capability to cope. Ones who are employed are granted more access to social protection compared to tourist visa. Ones who depend on tourist visa have no coping strategy to get access to state social protection provisions. They have to depend on their social network from peer and receiving community. They also know how to protect themselves when going out with clients. Since the nature of sex work is prone to violence, they protect themselves from the potential risks that might arise by developing relationship with clients, establishing social network with sex-work community, assessing the clients, negotiating the agreement, refusing the clients, and reporting to manager. The study shows that their level of coping with clients depends on the type of establishment one works with. Amongst the three establishments (massage/ spa shop, go-go bars, and beer bars), it appears that migrant sex workers who work in a massage/ spa type of establishment has a greater control of situation because sexual activities are normally operated within the establishment. Those who work in go-go bars and beer bars on the other hand have lesser control of the situation, and therefore depend on their sex-work network by informing the place, return time, and clients' appearance. The study also concludes that the way male cope with situation is different from female. They do not put up with violence or harassment, and do not remain silent when problem arises. They rather confront and speaks out if it does not go as agreed.

Since CLMV male migrant sex workers have their individual coping strategies as a response to their survival and threats. It is also questionable on how they manage to get access to social protection in Thailand. Different perspectives result to different policy designs to migrant sex workers on to what extent migrant sex workers should be given rights and protections. There is different perspective regarding social protection for migrant sex workers between government and NGOs. It appears that social protection from the state's perspective is related to migrants' legal status to their rights of social protection. State recognizes migrants' rights and protections only if they are legal. In contrast, NGOs' perspectives of social protection are linked to rights-based approach that either legal or illegal deserves to get social protection from the state.

In national level, the study concludes that to access the social protection is based on migrants' employment status. Legal entity allows them to access social protection even though the work they carry out through MOU process is differently specified in the work permit. Employment status allows them to get access to social protection, except domestic work, which is not eligible to SSS. Technically, those who are employed are eligible to SSS and are covered with several coverages including sickness, maternity, invalidity, death, child allowance and unemployment under Social Security Fund, and work injury under Workmen's Compensation Fund, the fact that they are in sex industry however makes them unable to access to a specific provision, particularly work-related injuries or disease, fatalities, or disability under Workmen's Compensation. The study however finds that even though some of migrant sex workers are eligible to SSS, it is not their preferable choice to register in SSS due to their monthly contribution. The study further concludes that even though male migrant sex workers who hold tourist visa cannot get access to social protection in terms of state policies, they will manage to access to social protection through social network from the community: peer and receiving community. Especially peer community; they consider sex-work colleagues regardless of nationality as a source of help rather than their own similar nationality. Irrespective of migrants' legal status, there is an alternative way of accessing social protection in Thailand, which is migrant health insurance. Even though social protection provisions in Thailand cover different groups of people, including undocumented migrants, the access to health services in practice, for instance, migrant

health insurance scheme, is deficient. The study concludes that this alternative way is not migrants' preferable choice and is deficient system in practice.

To sum, working in an illegal sex work poses several risks that are beyond their ability to control, CLMV migrant sex workers however know how to maintain their sex-work career with their coping strategies as a response to several confinements including laws, and other vulnerabilities. However, not everyone has the capacity to cope. Migrants' legal status remains a main barrier as either to their individual coping strategies or to access social protection. It defines to what extent migrant sex workers should be given rights and protections.



## 6.2 Analysis

This section provides the critique of Sustainable Livelihood Approach whether or not it is applicable for migrant sex workers. It also provides the rethinking of criminalization of sex work in Thailand that it raises more vulnerability to sex workers, particularly migrant sex workers.

### **A Critique of Approach: Is SLA Applicable for Migrant Sex Workers?**

Even though the elements comprised in the SLA framework are indefinite which allows one to assess upon a particular situation, the core elements in defining one's livelihood seems to be incomprehensive in explaining migrant sex workers' livelihood in Thailand. In vulnerability context, migrant sex workers are affected different way from the original SLA (trends, shocks, and seasonality). It is not a result of trends, shocks, and seasonality that affect migrant sex workers' livelihood. The example given by the SLA defines vulnerability context in terms of poverty and environment crisis. It looks at trends in the aspect of population trends, national/ international economic trends, or technological trends. It looks at the shocks in terms of national shocks, economic shocks, conflict, or livestock health shocks. Seasonality is to look at the price, production, health and employment opportunities. These factors do not make up the vulnerability context for migrant sex workers. It is rather vulnerability from the transforming structures and process that is over their limited or no control from engaging in illegal sex work. It is the process that determines the way in which structure and individual operate and interact that leads to the product of social marginalization to migrant sex workers. It is the product of societal norms where engaging in sex work is an immoral work. It is also the process of laws that defines the limited rights and protections to migrant sex workers including labor, immigration, and sex-work laws. Violence is considered to be vulnerability that is beyond migrant sex workers' control including sexual coercion from clients. The original SLA of vulnerability context places focus more on in the aspect of what constitutes poverty or environmental problem that is beyond one's control, for instance, population trends, or natural shocks, which is inapplicable in the sense of migrant sex industry.

Livelihood assets of migrant sex workers are defined differently from the original SLA. This is due to the inapplicable explaining of the livelihoods in the context of migrant sex workers. To exemplify, financial capital does not imply the condition of what constitutes a stable income for one to maintain one's standard of living. Financial capital focuses only the financial resources that one use to achieve their livelihood objectives. It is the availability of cash or equivalent that one adopts to achieve positive livelihood outcomes. However, in the context of migrant sex industry, their entry into sex industry is not only the high incomes offered in this sector, but the study also aims to look at their economic security of what condition that makes them economically secured under several vulnerabilities they expose to. It is not to look at their availability of either cash or equivalent that brings them better livelihood outcomes. What lies behind is the condition of legal and illegal status that makes them economically secured or economically insecure. It is to look that holding different types of travel document is the condition of making one's economically secured. The study also shows that one who is employed is more economically secured than one who depends on tourist visa. The result of this shows that a condition of (il)legal status makes one's economic security different. The social capital in the original SLA is also incomprehensive in explaining migrant sex workers' livelihoods. The social capital is partially applicable in explaining that social capital is the "social resources upon which people drawn in pursuit of their livelihood objectives", however, the context of migrant sex workers also involves with the matter of nationality in drawing out the social resources. It is the social network, "homophily", that denotes the tendency of association of people based on their shared characteristics including social, political or economic characteristics. In the context of migrant sex workers, nationality denotes the tendency of their association. Even though the study finds that there is a different preference of establishing social network based on nationality, social network within sex-work community, especially is considered to be a strong tie compared to other social networks they have in host country. This is due to the occupation. Nationality is not only the dividing factor, but also occupation. Their engaging in sex work can be dividing factor that confines their establishing of social network. From this case, it represents that the term 'social capital' lacks of the explanation in terms of propensity of human interaction based on commonalities. It is not only what one utilizes social



resource to pursuit one's livelihood objectives defined by original SLA. Homophily provides more layers of analysis in understanding the four nationalities (Cambodia, Lao PDR, Myanmar, and Vietnam). For human capital, it is applicable in explaining migrant sex workers' human capital in terms of education and health. The study finds that limitation in language skill makes them difficult to negotiate to clients. It is the language difficulty that makes them prone to violence from clients. It appears that even though majority of them completed higher secondary education, the limitation in language skill affects their sex-work career. It also appears that majority of them do not find education important to be invested. To achieve positive livelihood outcomes, it will only be achieved if people themselves are willing and able to invest. However, in this case, education is not a choice of their improving better lives. In terms of health, it shows that migrant sex workers practice safe sex to clients, and utilize testing service – an outreach service nearby their establishment. This health asset helps improve the better livelihoods.

The livelihood strategies of SLA only refer to the range and combination of activities and choice that people make/ undertake in order to achieve their livelihood goals without implying their limited choice in their vulnerable situation. The coping strategies in fact imply more on one's little control of the situation. Coping is the process of executing the response to their survival and threats. It implies in the sense that one has no resources and thus needs to cope. It is what one draws out what they have to respond to their survival and threats. Livelihoods strategies define a limited scope of what people are incapable of due to the vulnerable situation. The term livelihood strategies do not imply the relationship with vulnerability. As WHO (1990) explained, there is a relationship between vulnerability and capacity to cope. The general principle of livelihood strategies is that those who have livelihood assets are more likely to be able to achieve better livelihoods. The ranges of options enable one to maximize their achievement of livelihood outcomes, which is partially true. However, the livelihood strategies only represent the relationship between livelihood assets and livelihood outcomes that one draws out from their livelihood assets. It ignores the fact that it is not always that one can draw out their livelihood assets to achieve their livelihood outcomes. It is also the matter of vulnerabilities that they are experiencing that is

beyond their ability to control even though they have ranges of options, for instance, laws. In the migrant sex industry, laws are the main vulnerability that affects their ranges of choices to achieve positive livelihood outcomes. It is difficult for one to achieve positive livelihood outcomes when is confined by several laws including labor, immigration, and sex-work laws. As Lazarus (1996) explained, coping is the process of executing the response. It is the three processes of stress that one first perceives a threat to oneself, brings to mind the potential response, and copes to such threat. In this case, the term livelihood strategies may not be applicable in explaining migrant sex workers' response to threats. It is incomprehensive in explaining the process of one as the response to threat. In the case of migrant sex workers, the study shows that they are aware of their engaging in illegal sex work. They acknowledge their potential to HIV/AIDS infection or possible violence that may potentially experience. This is how one perceives a threat to oneself. They bring into mind regarding the potential response and cope to such threat, for instance, changing the tourist visa to non-immigrant visa, or adopting protective strategies to protect oneself from clients. In sum, the coping strategies thus fit more to migrant sex workers context where it implies their little ability from engaging in illegal sex work.

The livelihood outcomes are the achievements or outputs of livelihood strategies. The expected outcomes of CLMV male migrant sex workers are the increased income, help and support, and improved health. CLMV male migrant sex workers maintain themselves invisible to work in sex industry is because of high income they can maximize. They also establish social network especially with sex-work community to get help and support in times of difficulties, especially sex-work colleagues who are the main source of help in giving language support. They also adopt protective strategies to have a good health, for instance, practicing safe sex, or refusing clients when attempting to remove condom. These are the outcomes of what CLMV male migrant sex workers expect to have positive livelihood outcomes.

To sum, the SLA of migrant sex worker is not applicable due to different context of what SLA generally defines to in the area of poverty and environmental problems. The

issue of migrant sex workers is the special circumstance that draws out different elements in considering their livelihoods.

### **The Criminalization of Sex Work: A Way of Raising More Vulnerability?**

It is questionable whether the criminalization of sex work raises more vulnerability to sex workers, particularly to migrant sex workers where they are experience double disadvantages compared to Thai sex workers from their migrants' legal status. Because sex work is operated in private sphere, it leaves room for exploitation in this clandestine sex industry. Sex workers are in general discriminated and stigmatized from being sex worker. However, migrant sex workers have the double stigma. They are unfavorable to the society since they are not Thai citizen, and considered to be "cheap, disposable, a marginal, substandard class of citizen" (Wagenaar et al., 2017: 209). It is the societal discourse that defines them to deficient and non-citizens, and sex work as moral wrong that is often pushed by state agenda. Equating human trafficking with prostitution is used as a tool for state to codify prostitution as a moral wrong as well as translate all the trafficked persons as a victim of sexual exploitation. The criminalization of sex work has made migrant sex workers subject to violence that allows clients to take advantages from their engaging in sex work. Generally, irrespective of migrants' legal status, migrant workers' employment is protected under the Labor Protection Act B.E. 2541 (1997) that concerns on rights and duties of employers and employees to ensure fairness and occupational health. Since sex work is illegal, and considered as an illegitimate form of employment, these migrant sex workers are unable to exercise their rights and protections under such act. The criminalization of sex work has led to the violation of rights to employment. Migrant workers who engage in sexual services are subject to deportation due to the lack of work permit, and also their staying relating to prostitution. They are in violation of several laws from the decriminalization of sex work including labor, immigration, and sex-work laws. Their inability to rights to employment also implies that they are inaccessible to occupational health. The fact that they are in sex industry makes them unable to access to a specific provision in occupational health, particularly work-related injuries or disease, fatalities, or disability under Workmen's Compensation. Their fundamental rights to health is also limited from Thailand not ratifying the International Convention on Economic, Social and

Cultural rights, the comprehensive provisions for protections of right to health relating to migrant workers. This may lead to poor health from the nature of sex work that poses health risks. From these several vulnerabilities, it is to rethink if the criminalization of sex work does more harm than good. Why makes sex work not a work?



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