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# EXAMINING FEMINIST PERSPECTIVE IN ABOLISHING SEX TRAFFICKING CASE STUDY: SEX TRAFFICKING IN THAILAND

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**Abstract:** Debate between feminist perspectives has become contested both in academic sphere and policy implementation in addressing sex trafficking. Human rights aspects remain critical either to liberate or to abolish sex trafficking. Radical feminist perspective defends the argument to eliminate sex trafficking due to the existence of physical abuses and sexual harassment within the sex industry and the cycle of sex trafficking. Contrastingly, liberal feminist also making efforts in liberating the rights of women to seek a job to be sex workers due to women's autonomy and rational choice as well as the influence of global capitalist system. Such debates, furthermore, cannot be distinguished from the influence of the rooted theories, for instance, postcolonial feminism which argue that sex trafficking is inevitable notably for the colonised countries since the women are triggered to seek for decent income through migrating to another country. In addition, poststructuralist feminism highlighted the crucial point of women's autonomy and rights. This study argues that the attempts to abolish sex trafficking and prostitution remain relevant to date since women who work as sex workers should be acknowledged as the victims of sex trafficking. Taking sex trafficking and prostitution in Thailand as the case study has eventually found that social norms and corrupted officials have become major barriers in combating sex trafficking and prostitution until recently. The government strategies together with the regional efforts hereby the Association of Southeast Asia Nations (ASEAN) in combating the crime of sex trafficking have shown that challenges ahead remain exist.

**Keywords:** Human trafficking; ASEAN; Thailand; Feminism.

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## INTRODUCTION

The consequence of global economic development has resulted in the black side of global migration. The gap between developed and developing countries has obviously shaped and affected economic inequality around the world. Poverty has revealed as a reflection of the inability of countries to provide employment field for their people. Such reason eventually forced poor people to generate better income by going abroad.

One of the most compelling reasons why people migrate is due to the availability of job offers in another country. Interestingly, such reason has reflected the argument of Post-Colonial theory in addressing global migration and its impact. As the rooted cause, the link between global migration and capitalism is undeniable since the Third World or developing countries which the majority are colonised countries become the victims of global capitalism. Aiming to sustain economic development around the globe, the Post-Colonial theory also argues that global capitalist system has eventually created a new space for sex trafficking crime to occur. Such crime, unfortunately, has become the most appealing fields to generate income which is preserved by the operation of the sex industry. Sex trafficking has been utilised as the source for recruiting and transporting people to work in the sex industry mainly prostitution. In addition, the operation of both sex trafficking and prostitution have become trajectories for gross human rights violations.

Furthermore, Post-Colonial theory as a rooted theory in addressing sex trafficking also cannot be separated from the contested debate in feminism. Women as subject and targeting party of sex industries have suffered significant human rights abuses over the decade. Hence, two influential feminist perspectives, for instance, radical feminists and liberal feminist have involved in an unresolved debate in addressing sex trafficking in human rights domain. Liberal feminist defends themselves through echoing freedom of choice for women to work as sex workers. Yet, for radical feminist abolishing prostitution and sex trafficking is the best way to decrease the number of gross human rights violations against women including the practice of women subordination.

However, critiques also contested between those two points of view in addressing sex trafficking issue. The main critique of liberal feminist against radical feminist is that the criminalisation and abolitionist prostitution are not a solution for women. They also argue that there is no one country in this world which immune from sex trafficking and prostitution since those fields are provide women with more significant income. Therefore, women who work as sex workers need to be respected as other common professions. Interestingly, there is a constituent between liberal feminist and the Poststructuralism feminist in addressing the notion regarding autonomy or freedom of choice for women to migrate and become sex workers. Poststructuralism feminist attempt to examine broader perspective notably in criticising liberal feminist not to solely

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apply freedom of choice idea to legalise sex workers and prostitution. This perspective acknowledged that the freedom of women to migrate to what liberal feminist argue is acceptable in order to seek more decent employment. However, the freedom is not tolerable when they migrate to work in the sex industry. Such reason furthermore is reiterated due to sexual exploitation and other women's rights violations to occur notably in the cycle of sex trafficking and prostitution.

One of the most prominent scholars of liberal feminist is Kathy Miriam. Her contribution for the liberal feminist literature is the concept of "Sexual Contract" which explain that women who work as sex workers are legal and once they agree to work in the sex industry, they oblige to their employer. Such phenomenal notion also reiterated that through sexual contract women are conscious and voluntary of working as sex workers.

Notwithstanding the critique of liberal feminists, radical feminist also points out the main idea of liberal feminists in struggling of legalising prostitution has resulted in preserving women subordination and men domination in the practice of it. One of the most influential radical feminist scholars namely Sheila Jeffreys argues that prostitution and sex trafficking are two forms of human rights violations against women.

From those aforementioned heated debates, it is argued that despite sex industry has become a strategic avenue for generating income both for countries and sex workers, the human rights violations in the cycle of sex trafficking is urgent to be tackled seriously. The gap which uncovered

is that the quarrel over human rights realm is unequivocal mainly for radical feminist perspective. In order to enhance the position in abolishing prostitution and sex trafficking, radical feminist has to reiterate the position that giving freedom for women to be sex workers means not appreciating and respecting their rights. Instead, human rights must encompass all aspects of women including release them from the sex industry and prostitution crime because they are oppressed and become the victims.

Furthermore, since sex trafficking has resulted in a gross number of victims in the world, one of the most vulnerable regions hereby Southeast Asia has become a centre of international critical attention as the most susceptible region which prone to human trafficking related to sexual exploitation. Due to its poverty, the majority of people become the victims of sex trafficking in Southeast Asia. With approximately 79% of women are trafficked for sexual exploitation purpose (UNODC, 2018). Particularly in Southeast Asia, 255.000 or 1/3 globally represent women who become the victims of human trafficking for prostitution (Holliday, 2016). Such evidence has become a compelling reason for Southeast Asia to be examined further in this research.

As one of the most favourable countries of destination for prostitution and sex tourism, Thailand will be examined as a case study. Thailand remains in Tier 2 which means that this country remains deficient in implementing policy in abolishing prostitution and sex trafficking as well as has become a country of destination for prostitution in Southeast

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Asia. The methodology which will be utilised to obtain the data is sourced from government official reports, media and academic literature. In addition, this research also using qualitative method in examining the literature. It is essential to use qualitative method in this study since it will be explained by words or verbal interpretation and examining the effectiveness of the theory in the policy implementation through case study, hereby sex trafficking and prostitution in Thailand.

Key findings of this research, for instance, 1). The rooted theory of post-colonial and poststructuralist feminist cannot be denied in affecting the contested debate of feminist perspective notably related to radical feminist perspective in abolishing sex trafficking both in academic sphere and in the policy implementation, 2). The delicate progress of Thailand and the Association of Southeast Asia Nations (ASEAN) as a prominent regional organization has reflected that abolishing sex trafficking remains a priority agenda of the Southeast Asian region in struggling for women's right, 3). Local norms of the society and corrupted officials have become two crucial factors in abolishing prostitution in Thailand. Therefore, such cases will be discussed in more detail.

Thus, this research will examine the radical feminist perspective and its compatibility in the elimination of prostitution in decreasing the victims of sex trafficking. This research will be divided into six chapter. The first chapter will explain the background of the study. The second chapter will discuss sex trafficking debates between liberal feminists and radical

feminists. Then, steps in abolishing sex trafficking will be further elaborated in the third chapter. The fourth chapter furthermore will examine sex trafficking in Thailand as the case study. Chapter five will critically assessed the radical feminist perspective in affecting policy implementation in Southeast Asia notably in Thailand in abolishing sex trafficking.

## **MATERIALS AND METHODS**

The research that the author conducted uses a qualitative research methodology. Qualitative research methodology is an approach used to be able to find and understand a meaning (Bakry, 2015). This qualitative methodology appears to understand a phenomenon or social issue that exists in society. So, this methodology is explained as a method used to explain or find answers to a phenomenon or issue that occurs in society. Another opinion explains that qualitative research methodology is research that is explained using a natural point of view (based on facts) and is also interpretive which aims to explain existing phenomena (Bakry, 2015). The sources used in qualitative research methodology led to case studies, individual experiences, interviews, observations, and so on.

Research methodology as research that requires the researcher to go directly into the social environment where the subjects involved in the research are located (Bakry, 2015). So that the research conducted requires the researcher to participate in the existing social dynamics to get answers to the phenomena that are happening in the social process. This is

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considered by Fiona Devine as a differentiator against quantitative research methodologies which do not allow or do not require researchers to go directly into the field. So here the author wants to emphasize that the qualitative research methodology used in this research is the author's way of answering research questions that the author raised. So that later the author will describe the facts described based on existing sources. So that the arguments formed will rely on the existing facts and explain the answers to the existing problems using the evidence that the author uses.

### **Theoretical Framework**

This research uses Radical Feminist as its research framework. A starting point, radical feminist reveal with their perspective. Radical feminist scholar, such as (Pateman, 2016) claims that men dominate the majority of the employment position and at the same time women acquire fewer opportunity on that matter. Women subordination also shaped patriarchy within the working environment in which turn out women intimidation related to sexual abuses (Pateman, 2016). Such a problem has also led women to become sex workers and trapped in prostitution (Pateman, 2016). In addition, (Penttinen, 2008) observed that women in society are framed to be subordinated because of their second-class role in the family and systemic patriarchy. Women also become inferior in generating income from their works (Penttinen, 2008).

Other radical feminist scholars, for instance, (Jeffreys, 2008) also argue that prostitution is an avenue for men in

dominating power against women in which it affects hazardous effects for women. She also highlighted that prostitution creates a detrimental effect on women due to men's authority to access women's body for the sake of men's pleasure. (Jeffreys, 2008) highlighted that prostitution also means that such practice reflects women's inequity. Besides, women in prostitution practice become disadvantaged because their rights such as emotions and psychological conditions are deprived and unnoticed (Jeffreys, 2008).

### **Sex Trafficking in Thailand**

Thailand has become an international attention for its contentious sex industry. The running and growing number of prostitution have triggered this country to be a country of destination for sex trafficking crimes. Historically, the increase of the sex industry in Thailand was beginning when Thailand became a place of leisure for the U.S. army during the Vietnam War. The municipalities become more compelling for women from the urban area to move due to poor economic condition. Then, in 1980 Thailand faced a boost sex entertainment which profitable for the country (Reyes, 2015).

Furthermore, it has become undeniable since Thailand has become a significant tourist destination in Southeast Asia. (Bernstein & Shih, 2014) claimed that tourism to date remains a cornerstone for economic growth in Southeast Asia. The attractiveness of beaches, authentic sites, the harmonious of local people as well as conducive political situation are the key factors which have led Thailand to become an ultimate tourism place for many years

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(Bernstein & Shih, 2014). In addition, the triumph of Thailand as the most favourite tourism place in the world is also supported by infrastructure development in the country. (Bernstein & Shih, 2014) observed that the public amenities, for instance, international airport, luxury and world-class hotel, English sign direction across the cities and less criminality are the most essential factors for boosting tourism in Thailand.

The expansion of the sex industry and prostitution in Thailand, moreover, has led to the crime of sex trafficking to occur in this country. The cycle of sex trafficking itself also become worse due to the human trafficking which involving transnational organized crimes in Southeast Asia. Therefore, several aspects, for instance, economic, social and security within the region reveal as a severe threat not only for the country but also the stability of the Southeast Asian region.

Interestingly, the cycle of sex trafficking in Thailand has caused by mass migration of migrant workers within the Southeast Asian region. Immigrants coming from states in which close based on geographical proximity, for instance, Cambodia, Laos and Myanmar move to Thailand aiming to gain more decent employment. Unfortunately, the most available field of job offering in Thailand is highly related to the sex industry (Sallee, 2012).

More significant economic opportunity and delicate community restriction are two main components which attracts women in Thailand to work in the sex industry (Niamvanichkul, 2013). The number of hotels and leisure places provide

sex workers to boost their income. The practice of this illegal prostitution is through the request from the hotel guests then the prostituted women will be available for them (Niamvanichkul, 2013). The more harsh reality is also proven by the data which show that approximately 425.500 persons currently being victims of human trafficking in Thailand (Yi, 2017). In addition, the majority of them are women from neighbouring countries from Laos and Cambodia who work in the sex industry (Yi, 2017).

Furthermore, the common practice of sex trafficking crime, for instance, confiscated documents, debt bondage, fraud and physical violence also occur in the cycle of prostitution in Thailand. It is evidenced by the experience of a woman from Uzbekistan who was guaranteed by her neighbour to work in a decent job in Thailand. She confessed that she did not understand the detailed regarding her job until she approved the offer then flew to Thailand. Upon her arrival in Thailand, her documents were confiscated and the traffickers violated her rights by forcing her to work in the sex industry (Kobler, 2017). From such evidence, it is apparent that the crime of sex trafficking in Thailand has a contribution from the broader scale of the world. In addition, the cycle also commenced with the closest neighbour.

Due to the high number of people who migrate to Thailand, this country has become the country of destination for sex trafficking crimes. Interestingly, (Niamvanichkul, 2013) argue that Thailand social norms and the ability of men to purchase sex services, as well as the loose of law enforcement, has attracted many

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tourists to come and experience sex in prostitution are across Thailand. It is also related to the income which can be generated by women who work as sex workers in Thailand (Niamvanichkul, 2013). For such reasons, I would argue that Thailand has a complicated situation in dealing with sex trafficking. On one side, the sex workers are those who work to attain more appropriate income, on the other hand, the typical situation also shaped the environment of prostitution to be acceptable to operate in Thailand.

In relations to the above, the reality which remains exist within the sex industry in Thailand is sexual abuses against the sex workers. The consequence of being trafficking to the sex industry is being oppressed. It is argued that the nature of prostitution in Thailand is due to the ability of wealthy men to buy sex services of impoverished women because the men acknowledged that they need money and they must obey the request of men (Pulitzer Center, 2009). Feminist scholar Catherine MacKinnon also points out that the sexual abuses against sex workers in Thailand is due to the inadequate power between the sex purchasers and the sex workers (Pulitzer Center, 2009). Therefore, women subordination is undoubtedly has become an integral part of prostitution.

Efforts to Abolish Sex Trafficking in Thailand Since Thailand has become a country of destination for human trafficking-related sex tourism and prostitution, the reputation of Thailand Government has become critical regarding their efforts to combat this crime. When the state is unable to resolve the problems related to the eradication of human

trafficking, especially the sex trafficking, the position and condition of the country will potentially bring criticism and action from the international community.

As one of the signatories of the Palermo Protocol, Thailand has shown their commitment to combat sex trafficking with compliance to the international agreement. Thailand became one of the 169 countries which agreed to obey the protocol in preventing, penalising the perpetrators and safeguard the victims due to their responsibility as receiving country (Robinson et al., 2016). In addition, the consequence of the operation of the sex industry within the country has put Thailand to become the centre of international consideration related to the implementation of the Palermo Protocol. Palermo Protocol is undoubtedly has become a significant milestone as a strong instrument in encouraging international cooperation in combating human trafficking notably pertaining to sexual exploitation. In order to strengthen the obligation of the states, the Palermo Protocol has put the priority on sex trafficking crimes (Robinson et al., 2016). Meanwhile, I would argue that the vague point in the protocol prevails debatable among the decision makers and lobbying group. The debate arises due to the distinction between human trafficking related to labour and sexual oppression. Therefore, every single signatory must obey the law and tackle such crime to the maximum level to decrease the number of victims.

Thailand has been cautioned due to its precarious status as a part of sex trafficking crime. Thailand's status in combating sex

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trafficking is on Tier 2 Watch List which means that this country is attempting to abolish sex trafficking and prostitution, yet, remain facing gross number of victims and not compelling enough to show the evidence (European Court of Auditors, 2017). In addition, the peak number of human rights violations in Thailand regarding sex trafficking has attracted international scrutiny. The world leaders also remain questioning the commitment of Thailand in tackling this crucial problem due to its low rank in achieving progress based on the US Tier.

In the relations to the above, Thailand government has expressed their serious pledge in overcoming the situation and respecting human rights in Southeast Asian region. In this regard, Thailand government has taken one step ahead by ratifying the ASEAN Convention against Trafficking in Persons, Especially Women and Children (ACTIP) in July 2016 (Parameswaran, 2016). This agreement in line with the primary instrument hereby the Convention on Transnational Organised Crime and the Palermo Protocol and which also concern on the prevention, protection and the prosecution in tackling human trafficking related to sexual exploitation (Segrave et al., 2017). Such strong and legally binding agreement aims to strengthen the cooperation between ASEAN Member States (AMS) in combating human trafficking notably sex trafficking both for women and children.

The significance of ACTIP itself remains in progress as a reflection of ASEAN human rights protection and promotion within the region. The ACTIP was applied since March 2017, and it means that the improvement

regarding the implementation will be gradual to date. However, (Gallagher, 2001), a specialist on human trafficking argue that the Palermo Protocol has remarked as a breakthrough and one step ahead in addressing human trafficking crimes related to sexual exploitation. She also believes that notwithstanding its shortcoming, it reflects a significant development in setting international regulation (Robinson et al., 2016).

Notwithstanding the implementation of set instruments and agreement in the international stage, Thailand government also has undertaken several legal instruments in order to combat the cycle of sex trafficking. Abolishing sex trafficking has passed an extended period in Thailand, and it has become a chronicle in addressing this grievous crime. It is proven by the fact that in the national level, Thailand government has tackled sex trafficking through several developments of regulations, for instance, 1928 Royal Decree on Trafficking in Women and Children, 1921 International Convention on Trafficking of Women and Children (Segrave et al., 2017). However, those set of regulations have become obsolete due to the growth of human rights violations, the more severe condition of the sex industry in Thailand and undetected the cycle of the transnational organised crime.

After constant law enforcement during 70 years (Segrave et al., 2017), Thailand government eventually expanded the national law in order to attain more efficacious effect in combating sex trafficking. The development of the national law of Thailand in dealing with sex trafficking, such as, the Measures in

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Prevention and Suppression of Trafficking in Women and Children Act 1997 which concern in targeting and punishing the perpetrators. Then it was substituted with the Anti-Trafficking in Persons Act (ACTIP Act) which much broader than sex trafficking itself. This law also encompassed all forms of human trafficking including human rights violations against migrant workers notably in the fisheries manufacturing (Segrave et al., 2017).

Despite the above mentions law, Thailand government to date has undertaken major steps in overcoming and tackling this problem. Several endeavours, for instance, prevention, persecution and protection of the victims are seriously implemented.

## **RESULTS AND DISCUSSION**

### **Contribution to Radical Feminist Perspective**

The existing and perplexing debate in international fora remains crucial for the future of the sex trafficking problem. A heated debate between radical feminist perspective which concern in abolishing prostitution and sex trafficking is still facing a challenge from the liberal feminists view which focuses on women liberation and legalising prostitution and sex trafficking. Yet, the gap between those two perspectives exists between the ideal stance and the implementation.

Sex trafficking as a consequence of blind and black side of globalisation is arguably has become an undeniable profitable sector for the sex industry worldwide. Data obtained by (Seckan,

2012) that since 2000 with approximately 29.210 USD have been generated from the sex industry including the cycle of sex trafficking and prostitution. Such compelling income notably for countries income has, however, resulted in the detrimental effect on gross human rights violations.

Several countries, for instance, New Zealand, Australia, the Netherlands, Germany and so on which legalised prostitution (Bhattacharya, 2015) reflected that sex trafficking has become the main engine in contributing income for sustaining economic growth in the country. However, the reasons why those countries attempt to liberalising sex trafficking as what refers to the perspective of Liberal feminist is vague since the source of the sex workers who work in the prostitution and sex industry are rooted from the sex trafficking cycle (Blake, 2000). In addition, the moral hazard which also created the situation becomes worse is due to the corruption by the officials.

In relations to the above, such betrayal of the officials means that the country is consciously violated the rights of women. It is evidenced by the fact that the authority or governments of the countries are frequently not well informed regarding statistical data even not alert to their renown in the eyes of world leaders (Seckan, 2012). I would argue that it has also become unfortunate if the prostitution and sex trafficking are not abolished because the legalization of them means that the corruption of the government is also legal and permitted. Even though liberal feminist defend that the rights of sex workers will be well protected due to the

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government supervision, it apparently does not eliminate the abuses against the sex workers. It is supervised, yet, the practice remain occurs.

The most prominent radical feminist scholar, Sheila Jeffreys, emphasises that the decision made by the governments of several countries in decriminalising prostitution is not a solution to combat sex trafficking (Jeffreys, 2008). Jeffreys's ideal perspective also reflects that the existing of the sex industry means preserving patriarchy value in women sub-ordination regarding the demand of men in purchasing sex services. Women's rights violations, for instance, sexual assault and physical abuses remain to prevail when the sex workers attempt to fight against the need of the sex buyers notably the use of contraception. For that reason, targeting and penalising the sex purchasers are essential strategies to undertake. (Cho, Dreher and Neumayer, 2013) reported that as a country which abolishes prostitution and the sex industry, Sweden has implemented a strict law in punishing the sex buyers. The operation of the law namely the Act on Prohibiting the Purchase of Sexual Services was executed in 1999 (Blake, 2000). Such finding has shown that since 2000 the number of prostitution has been decreased in Sweden up to 50% from 2.500 prostitutions to 1500 (Cho, Dreher and Neumayer, 2013). However, in this particular case, instead of facing the resistance from the society to caught and warn the sex buyers within the prostitution area, applying the law and strict regulations in Sweden becomes the most effective strategy in decreasing the demand and making sex industry becomes less

attractive is effective. The law enforcement in Sweden has depicted that national law has power in punishing the sex buyers through giving significant amount of fine. This success also contributed by the police officers who caught then penalise them.

Moreover, a complicated stance in feminist debates in combating sex trafficking is the "human rights" value. This domain seems to unresolved debate. Liberal feminist pleads for the idea that being sex workers is a freedom of choice and every person should respect that right. Contrastingly, even though women decided to be sex workers and working in prostitution, human rights violations including sexual abuses and physical force remain to exist pertaining to women discrimination when they cannot fulfil men's need. Legalizing prostitution at the same time means smoothing the crime of sex trafficking and the women subordination within the sex industry means that women are discriminated.

In relations to the above, I would argue that human rights cannot be simplified merely as a freedom of choice for women. The explanation of the importance of human rights in abolishing prostitution seems rarely discussed. Criminalizing of sex purchasers and the perpetrators including brothels and pimps as well as treating sex workers as victims is often misunderstood as repression of human rights. However, such argument apparently equivocal since the sex trafficking and prostitution themselves are obviously forms of human rights violations.

As an additional point, I would suggest that radical feminist perspective is possible to be more appealing if the domain of

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human rights has an unequivocal position. The explanation should encompass all aspects of protection of women because endeavour to abolish prostitution and sex trafficking also uphold human rights value in respecting women's dignity. One of the most fundamental value is protecting women's chastity by avoiding them to be sex workers. (Doezema, 2002) argue that for the sake of protecting their honour and virginity, women are conscious not to work as sex workers. By working as prostituted women, they are trapped in sub-ordination and discriminated system which more preserve men's domination (Doezema, 2002).

Human rights realm will always be contested and complicated because there is no universal agreement in dealing with prostitution and sex trafficking. However, the attempts of the international community through signing and ratifying several influential conventions by all accounts signify human rights protections for women. Align with the Palermo Protocol, the Convention on the Elimination of All Forms of Discrimination against Women as a part of principal instrument in abolishing prostitution and sex trafficking also aiming to respect women's pride and dignity (United Nations General Assembly, 2017). Such passed agreement urge all states to undertake all possible strategies to combat sex trafficking for sexual exploitation (United Nations General Assembly, 2017).

Thus, the justifications mentioned above are consequential for strengthening stance against prostitution and sex trafficking mainly pertaining to echoing human rights value in protecting and

respecting women. In addition, several explained strategies and the implications in decreasing number of prostitution and sex trafficking has shown that the abolishing of such crimes has resulted in the positive outcome.

### **Policy Implementation in Combating Sex Trafficking**

It is irrefutable that socio-cultural factors contribute to the success of policy implementation at the national level. As a part of parties who ratified and implemented the international agreement in abolishing prostitution and sex trafficking, the operational and enforcement of the law in Thailand also facing shortcoming and challenges. As a paradise for tourism destination, Thailand has served its best to entertain all the tourists and foreigners. However, human rights violations as a consequence of the existence of the sex industry revealed and threatened the rights of migrant workers there.

The operation of the sex industry in Thailand has attracted international attention to take actions in combating sex trafficking as the main lane in supplying sex workers to work in the sex industry. One of the major influential factors which has led women in Thailand working in the prostitution sector is the value of the society. It is worth noting that prostitution is acknowledged and permitted by the society. Women in Thailand should have self-esteem before they have a spouse through prostituting themselves, so that, they are capable of getting married (Niamvanichkul, 2013). In addition, the practice of the local norm in Thailand in

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which women work as sex workers will be paid if they can do their job accordingly, so that, the society accepts them because they are able to generate income for themselves (Niamvanichkul, 2013). The situation also becomes worse due to the practice of Mail Order Brides in which the perpetrators purchase the women to be sex workers and remunerate the money to their parents and retailers (Niamvanichkul, 2013). Therefore, the local value remains challenging and becomes a burden for policy implementation.

In relations to the above, it apparently that Thailand government will constantly face friction with the local belief of women self-esteem through prostituting them in the sex industry. (Tarancon, 2013) suggested that endeavours of Thailand government in creating parent awareness pertaining to the severe risk of prostitution and sex trafficking should be maximised. In addition, the role of media is absolutely fundamental in echoing the consequence of prostitution and sex trafficking especially targeting young people as the audience. A television program, for instance, "MTV's End Exploitation and Trafficking (EXIT) has been transmitted across Thailand (Tarancon, 2013). She also found that such step remains protracted in creating a more positive atmosphere to abolish sex trafficking and prostitution. Therefore, integrated cooperation both Thailand government and local media should be strengthened since press or media also require freedom and protection from the government in reporting the sex industry and echoing justice message to the international community.

Interestingly, the government of

Thailand is also reinforcing national law and regulations by involving airlines. (Yi, 2017) found that since Thailand has a position as Tier 2 Watch List based on the government performance in combatting human trafficking for prostitution purposes, Thailand government has bolstered their commitment and cooperation. It is evidenced by the strategy in echoing and campaigning the consequence of human trafficking by targeting the tourists. In addition, warning and caution board "Human Trafficking is Illegal and Destroys Our Country" are also promulgated in the airport mainly in Suvarnabhumi Airport as the main gate to enter Thailand as well as raising passenger awareness through the in-flight video before landing in Thailand (Yi, 2017).

In relations to the above, the airline has become the central prevention doorway in preventing people to be trafficked. (Patrick, 2018) observed that the campaign called #EyesOpen created by the International Air Transport Association (IATA) has been spread in social media as a part of the global effort in combating human trafficking between stakeholders, airline staffs and passengers. Such strategy seems become a milestone and marked as one step forward due to the role of airline and flight staffs are crucial in avoiding passengers who possibly are trapped to be the victims of human trafficking as well as protecting them from the feasibility of deportation and criminal conviction.

Moreover, regarding the steps in abolishing prostitution and combating human trafficking, for instance, prevention, protection and persecution, the Thailand government's performance remains

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delicate. (Human Rights Watch, 2017) reported that Thailand still deteriorated concerning effective policy implementation in abolishing prostitution and human trafficking. The observation proves that migrant workers in Thailand remain experience violations and trafficking both by the perpetrators and fraudulent government officials. In addition, the endeavours to end such kind of modern slavery were prevail inadequate (Human Rights Watch, 2017).

Another observation by (Human Rights Watch, 2017) also revealed that migrant workers feel scared in reporting their cases to the officer. Such burden remains occur in Thailand due to futile protection (Human Rights Watch, 2017). Therefore, I would argue that the protection scheme and strategy formed by the government apparently ideal and ambitious, yet, the implementation and the field report remain are contrastive. It might also be the influence of the law enforcement personnel and knowledge regarding protecting the victims is unsupervised, or even they neglect the above mention fact.

In terms of international agreement compliance, the dynamic and instability remain embedded in the real field. (Reyes, 2015) reported that the Thailand government has obeyed the international agreement namely 1996 Prevention and Suppression of Prostitution Act to abolish the prostitution and sex entertainment. The authority penalises the brothels for 20.200 baht (\$555), and they will be detained up to ten years. Heated debates also occur among the government in order to decriminalised both sex workers and sex purchasers (Reyes, 2015). However, there is

no agreement from the debate. Yet, the government remain to abolish prostitution and at the same time, nothing can control the expansion of the sex industry and sex entertainment in this country (Reyes, 2015). In addition, (Gugić, 2014) the shortcoming of targeting the purchasers and the perpetrators also due to the connection between them with the family members of the sex workers or victims who benefited the income. Therefore, this more complex cycle of sex trafficking in Thailand has reflected the undeniable factors from the closest people around the women or sex workers. This tranquil reality also apparently will become a significant barrier for the policy implementation except if the police officers are able to act forcefully even though its related to family members. Therefore, the operation and implementation of Thailand government as explained above remain to require more critical assessment. The real condition of victims and the cycle of sex trafficking and prostitution in Thailand has put this country in more serious human rights violations. In addition, the examination of the human rights condition within the region of Southeast Asia since the sequence and lane of the perpetrators not merely exist inside the country but also outside.

In examining the existence of sex trafficking and prostitution in Thailand, I would suggest that the influence of the rooted theory, for instance, post-colonialism and poststructuralism has shaped an argument that this crime is inevitable. Migrating to another country, in this case Thailand, for the sake of getting decent income and better employment has become a characteristic of women

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originated from colonised countries. It is evidenced by the fact that poststructuralism theory highlights that it is common for women to do so since they experienced suppression due to colonialism as their countries historical background and discrimination (Hinger, 2010). In addition, I would argue that abolishing the sex trafficking and prostitution in Thailand which remain highly essential will still face friction. Radical feminist understanding in attempting to abolish such crimes will face continuously face unresolved cycle notably when it needs to be implemented accordingly in the field.

In the relations to the above, efforts in abolishing sex trafficking also will encounter the hegemony of global economic capitalism which resulted in preserving the sex industry itself. It is proven by the fact that sex trafficking is a form of new imperialism in which poverty cannot be seen as a single factor which triggered women to work as sex workers. It is even more is acknowledged as a normal impact of global capitalist system (Reinares, 2014). Therefore, I would suggest that the correlation with post colonialism view's in addressing sex trafficking should put into consideration and concern to create more implementable strategy in abolishing sex trafficking.

### **Human Rights Development in Abolishing Sex Trafficking in Southeast Asia**

It is argued that the 1948 Universal Declaration on Human Rights (UDHR) has become a referral instrument for the implementation of human rights around

the world. It is also often assumed that human right is possible to be universal or culturally relative which is rooted from local values and norms. Yet, it should be agreed that in abolishing prostitution and sex trafficking which resulted in gross human rights violations the perception of human rights should be universal. In international fora, debates in addressing human rights cases prevail exist. Therefore, it is indispensable to scrutinise the different capacity building of the countries in dealing with this misfortune.

Prostitution and sex trafficking in Thailand which has become an international spotlight is arguably because of the powerless and protracted development of human rights in Southeast Asia. To date, with approximately only four countries, for instance, Indonesia, Malaysia, the Philippines and Thailand have a national human rights institution ([aseanhrmech.org](http://aseanhrmech.org), 2007). I would criticize that such a milestone depicted the reality that Southeast Asian remain in ongoing progress to be settled in implementing human rights value in the region. This development apparently also demands stronger commitment from other member states due to the urgency of human rights protection. It is because the major influence country, for instance, Singapore and Brunei Darussalam are not taking a part to be solemnly combating transnational organised crimes. The circumstances, however, has reflected that upholding human rights body within national boundaries for the rest of ASEAN member states remain not necessary notably for those aforementioned two major countries. For that reason, it seems slightly common

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for the countries which do not respect human rights as one of the caused human rights violations prevail exist within the region.

In dealing with human trafficking issue particularly sex trafficking and sexual exploitation within Southeast Asian boundaries, the human rights body namely ASEAN Intergovernmental Commission on Human Rights (AICHR) has become a breakthrough for human rights development in ASEAN. AICHR which was established in 2009 has reflected the progress of ASEAN's commitment to tackling human trafficking problem seriously (aichr.org, 2012). As a part of the strong commitment in combating sex trafficking cycle in Southeast Asia, AICHR has pioneered the ASEAN Convention Against Trafficking in Persons (ACTIP) Especially Women and Children which already entry into force in 2015 (ASEAN Secretariat, 2017).

Moreover, it is argued also that the compelling point of ACTIP is due to its legally binding instrument. (Yusran, 2018) points out that the creation of ACTIP should be regionally since its dealing with transnational organized crimes in the region. Such a way is also undertaken in order to strengthen the cooperation and consensus as the "ASEAN Way" to be enforced accordingly. Therefore, to implement effective and targeted policies and agreement, ACTIP is designed to ensure that all ASEAN member states comply with and adhere to the prevailing rules and respect the promotion and protection of human rights in the region.

Another interesting value from ACTIP is because this legally binding agreement

has reflected the strategy in abolishing human trafficking notably for sexual exploitation. (Yusran, 2018) argue that ACTIP is an agreement under two main umbrella of ASEAN that is Human Rights and Security. Reflecting that this agreement will serve as a guard for targeting and punishing the perpetrators while at the same time undergoing functions as well to protect victims of human trafficking. In addition, this progressive regional legally binding agreement has also become a translation of embodiment of international agreement along with the United Nations Convention against Transnational Organized Crime and the TIP Protocol due to the constant growth of the crimes as well as the victims of human trafficking in Southeast Asia (Yusran, 2018). However, such milestone which has been achieved by the ASEAN apparently becomes a significant endeavour of ASEAN in bolstering its bargaining power in the international stage. Such reason is due to the insignificance of ASEAN's power in international fora and its slow progress in human rights development.

The more unequivocal advancement of ACTIP also proven in its operation of the instrument. It is proven by the distinction made in the agreement which altered with the TIP Protocol to merely urge the signatory states to deem in giving support and facilitation for the victim protection. It has been transformed into more clear instruction that the states must compel the agreement to take care of the human trafficking victims (Yusran, 2018).

Notwithstanding the progress which has been achieved by ASEAN in designing ACTIP, the protracted process of ratifying

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and implementing the ACTIP remain questionable. I would argue that the constant movement of other ASEAN member states is because of the influence of AICHR's role as an overarching body of human rights in ASEAN. In one side, AICHR has moved one step forward to the promotion and protection of human rights. On the other hand, (Munro, 2011) points out that unfortunately AICHR only becomes an institution in which the mandate merely to set the guidelines and not able to receive a report or complaint of human rights violations.

In relations to the above reason, it apparently that the coverage realm of AICHR in enforcing human rights remain limited. It is also affected due to the character of ASEAN namely non-interference. The style that reflects the value to respect the sovereignty of other countries precisely in the realm of its practice becomes a major obstacle mainly in dealing with human rights problems. (Yusran, 2018) points out that the loose point of ASEAN in preserving such value has resulted in a more vulnerable situation of human rights development due to each member state should solve their domestic problem individually.

Thus, shortcomings mentioned above of the ASEAN human rights body notably AICHR has reflected that the further major change and improvements should be done in order to address human rights problems in Southeast Asia accordingly.

## **CONCLUSIONS**

The contribution of two influential feminist perspectives both liberal feminist

and radical feminist has affected the policymakers around the world in addressing sex trafficking problem. Contested debate remains exist due to the dispute concerning human rights value either to echo freedom of choice for women to be sex workers or abolish the sex industry itself which has trapped a high number of women to be the victims of sex trafficking.

Liberal feminist perspective which struggle for women's rights to be sex workers is apparently vague since the practice of prostitution has resulted in sexual abuses against women. In addition, the operation of prostitution itself means preserving women subordination and men domination. The rational choice of women to work in the sex industry also becomes the primary argument of liberal feminist.

The rooted theory, for instance, postcolonial feminism which highlighted that women originated from colonised countries are inevitable to migrate and face the cycle of sex trafficking since they situation which embedded the country has forced them to seek for decent work. In addition, poststructuralist feminist also countering liberal feminist perspective in which seeing freedom of women to be the sex workers. The autonomy of women has been misused due to the sexual abuses and physical violence which exist both in the cycle of sex trafficking and prostitution.

Radical feminist furthermore has attempted to echo the rights of women to escape from the prostitution and the cycle of sex trafficking. Radical feminist has achieved significant movement internationally through influencing the debate and lobbying in the international

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for a which resulted in the agreed international agreement namely the Palermo Protocol.

The Global Alliance against Trafficking in Women (GATW) has influenced countries in the world to combat sex trafficking and to abolish prostitution.

Moreover, the implementation of the policy in the country which abolishes sex trafficking and prostitution is apparently challenging. Taking Thailand as the case study, the deficient of this country has revealed since the local norms accept and acknowledge that women who work as sex workers are normal. In addition, a more severe condition which occurs is that the perpetrators and the family of the sex workers have a connection in benefiting income from their job. Regarding protection and persecution, Thailand has shown that the law enforcement is still loose.

As a part of the country in Southeast Asia in which this region prone to be the most vulnerable area of sex trafficking, Thailand has complied with the regional agreement namely the ACTIP. This milestone of the ASEAN human rights development has reflected its commitment to align with the Palermo Protocol. However, the real condition of protracted progress of ASEAN mainly AICHR has obviously shown that protection and promotion of human rights in this region remain premature.

Therefore, the more appropriate strategy along with the goal of radical feminist in abolishing sex trafficking is urgently required. The suggestion for Thailand government is to cooperate stronger with relevant stakeholders,

increasing funding to protect and promote human right both in national and regional level as well as educating local people to understand the dangers of sex trafficking and stronger law enforcement in penalising the perpetrators through collaborating with airlines and harbour. Thus, it would be more appealing for further research if the position of radical feminist in abolishing sex trafficking will be suitable for the implementation in real life. Further research also needs to positioning unequivocal stance, so that, the reasons for abolishing sex trafficking will be unquestionable.

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