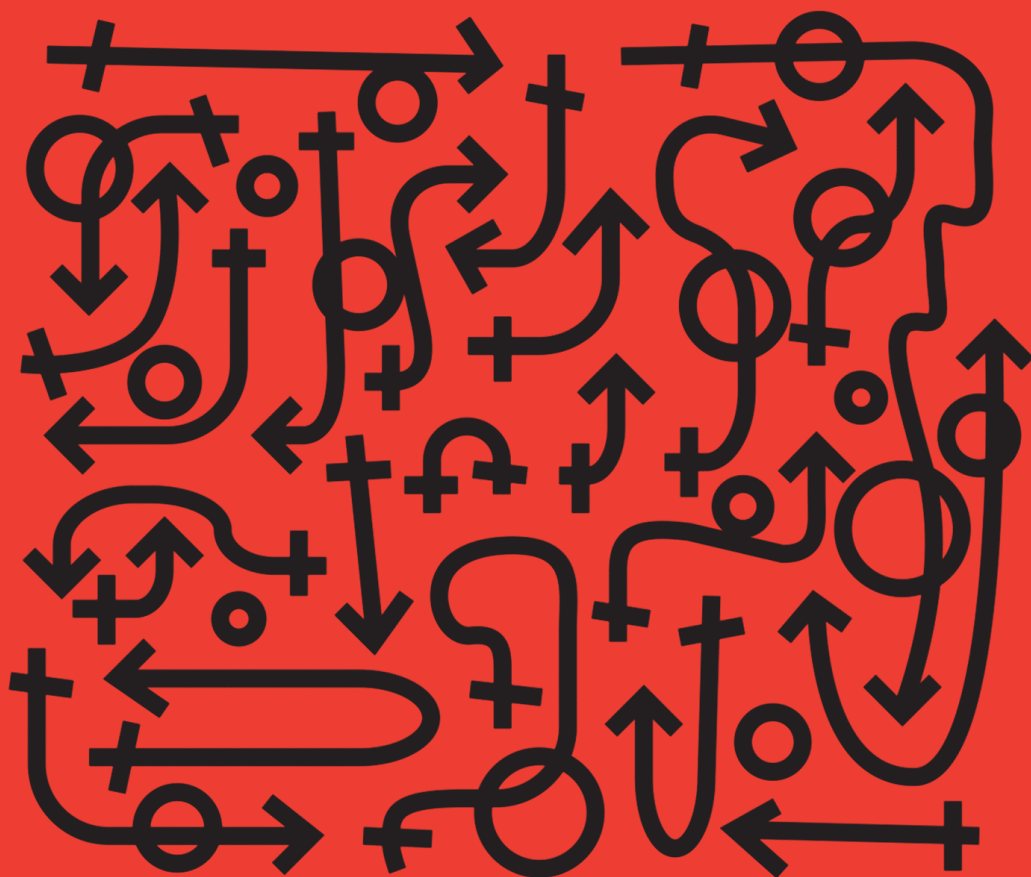


GLOBAL INFORMATION SOCIETY WATCH 2015

Sexual rights and the internet



ASSOCIATION FOR PROGRESSIVE COMMUNICATIONS (APC)
AND HUMANIST INSTITUTE FOR COOPERATION WITH DEVELOPING COUNTRIES (Hivos)

Global Information Society Watch 2015

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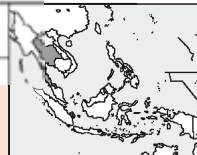
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THAILAND

CYBER SEXUALITY IN THAILAND: THE USE OF THE INTERNET IN THE SEX TRADE



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Introduction

Thailand has a population of about 67.2 million people¹ and has an internet access rate of about 35%.² It also has a reputation for openness and tolerance when it comes to issues of sexuality. But this is a view that is only partly correct. While Thailand is famous for sex tourism, beautiful transgenders and the skills of its sexual reassignment surgeons, the Thai authorities are not so proud of this fact.

The red light districts in the country attract tourists from around the world. The sex trade amongst local people is also vibrant. Although the sex trade is actually illegal, the Thai authorities turn a blind eye to it.

Thai society is still dominated by patriarchal values, firmly held by the older generation and strongly influencing the formal sectors, such as the governmental agencies. Lesbian, gay, bisexual and transgender (LGBT) people are in general accepted and play a prominent role in the entertainment and sex industry. According to a recent poll,³ about 89% of the respondents were comfortable with having gay friends and colleagues and about 80% of the respondents said they would accept a gay family member. However, discrimination is still prominent, especially in the professional work sector. LGBT people are also heavily stigmatised by the media.

Policy and political background

Thailand is now ruled by a military dictatorship, which partly legitimises its power by enforcing Thai conservative and nationalist values, including conservative views on sexuality. The junta-appointed lawmakers are now deliberating several laws related to sexual rights. They scrapped a marriage equality clause for all sexual orientations, gender identifications and expressions (SOGIEs) in deliberations for a draft constitution for Thailand. Because of this, laws that would give LGBT people the right to civil partnership have a dim future.

The term “public morality” is found in several Thai laws, and plays a key role in controlling public expressions of sexuality, since sexual practices and services can be interpreted as contravening public morality. In the name of public morality, prostitution, pornography and sex toys are illegal under the Criminal Code in Thailand and penalised with up to 15 years of prison. Nevertheless, the law is not strictly enforced, and such services and products are easily found on the streets of Bangkok.

The Thai Computer Crime Act (CCA) has also banned pornographic sites and information related to them in the name of public morality. Under the CCA, anyone who posts immoral or obscene information or pornography on the internet can face a maximum imprisonment of five years or a fine of no more than USD 32,000 or both. Authorities use the CCA as a magic pill to deal with all problematic content on the internet. The law is now being used more and more frequently for online defamation. Whenever the state, private companies or individuals are dissatisfied with content posted on the internet, they file a court application using the CCA, instead of the defamation law itself. Since the CCA carries a heavy penalty it is also used as a way of legal bullying: internet users are told to delete content if they do not want to face CCA charges. Article 14 (4) of the CCA bans the downloading of any pornographic content.

Protecting “Thai values”

In order to protect “Thai values” and to control the flow of information online generally, the junta is aiming to pass several laws to control the internet and digital media. One is the Prevention and Suppression of Temptations to Dangerous Behaviours bill,⁴ which initially aimed to suppress child pornography. However, the draft law also criminalises “media which may lead to dangerous behaviour”, considered to be mostly available on the internet. The following sexual practices are defined as dangerous and must be banned: bondage, discipline, domination and submission (BDSM), group sex, swinging, incest, bestiality and necrophilia.

1 data.worldbank.org/country/thailand
2 data.worldbank.org/indicator/IT.NET.USER.P2
3 news.voicetv.co.th/thailand/228414.html

4 Kummetha, T., & Areerat, K. (2015, 10 February). Thai junta's new censorship bill the first to define right/wrong sexual acts. *Prachatai*. prachatai.org/english/node/4772

Although the idea of “public morality” has been part of Thai legislation for some time, these sexual practices have never been declared illegal. So the question needs to be asked: Why should it be illegal to view these sexual practices online?

According to the bill, anyone distributing content which contains unlawful sexual acts could face up to five years imprisonment and a fine of up to about USD 50. Moreover, any internet intermediary who knows that this content exists on the network under their control, and who does not remove the content, faces a jail term of up to five years or a fine up to about USD 14,000, or both. The bill also empowers the police to search computers for illegal content without a court’s search warrant.

This is an alarming trend. The banning of content that expresses alternative sexual identities further suppresses the freedom of individuals to pursue pleasure in the ways they like.

Alternative sexual services online

Although there is not much awareness of alternative sexual practices among Thais in general, Thailand is popular for providing these services. But because of the social stigma attached to them, they are not offered openly in the country’s red light districts. The customers, most of them foreigners, have to access these services using the internet.

Based in Bangkok, Mistress Pasaya (aka Fon) is a popular BDSM blogger and dominatrix in great demand who makes about USD 13,000 per month. She runs a website where potential clients can book a session with her. She receives about 150 requests for BDSM sessions a month, but only 60 will be accepted. In order to be one of the 60, one has to compete by writing emails to attract her, and most importantly, show that one is truly a submissive. But how? The trick is revealed in her blog posts.

Mistress Pasaya and her dominatrix mentor, Mistress Jaa, have written about 1,000 blog posts about their experience of teasing, seducing, forcing and hurting men. The blog shows that the most challenging side of BDSM is not to hurt or force, but the seduction, teasing and denial. The blog also shows how professional they are, and how intellectually demanding their work is, rebutting the myth that sex work is an unskilled job. “I enjoy BDSM because I play with my clients using my brain, my imagination and my understanding of how men think,” Pasaya, who claims to have gone to college in Australia, writes on her blog.

If one is not a fan of BDSM, there are dozens of escort services, most of them for foreign tourists, that can be booked online too. The websites provide photos and information about the girls and the

kinds of services the clients can expect from them. For Thais, a popular type of sexual service is called “bath-sauna-massage”. A session of the service comprises bathing, a massage and sex. Since there is fierce competition between massage parlours, the internet is used to differentiate services and to attract customers. There are also dozens of online communities of parlour goers who share experiences of sex services through reviews. This allows sex workers and parlour owners to review feedback from clients, and to change or improve their services where necessary.

The reviewers of massage parlours have developed a set of ratings. The ratings cover four aspects: “body”, “face”, “service”, and “girlfriend factor” (GF). The girls who have big breasts, skinny figures, cute faces and fair skin usually get high scores in the first two categories. Girls who perform several different sexual acts, especially the uncommon or unhygienic ones, such as oral sex under water, usually get high scores in “service”. Meanwhile, GF relates to interpersonal skills with clients, and whether the sex workers can make their clients feel at ease – as if the client is spending time with a girlfriend.

In each review, the reviewer will say which parlour they visited, and which worker serviced them. Then they tell their stories in detail, from the moment they walk into the parlour. Unsurprisingly, they read like erotic stories. They then rate the service and say whether they will return to the parlour again. The community has also developed a list of common terms that are used in reviews. For example, they have several terms to describe the types of women’s breasts and sexual acts performed.

Some parlours offer discounts to customers who say they are visiting the parlour after reading a review online.

The internet is also a space where people share experiences of sexual reassignment surgery. There are web forums and blogs where those who have undergone the operation write extensively about the surgery with pictures. Since most of the clients are foreigners, the sexual reassignment surgery clinics use websites to attract and communicate with potential clients. Foreigners can write emails to the clinic and make an appointment online before they come to Thailand.

The internet also offers ways of asking for counsel on sexual health and sexualities anonymously. Due to social norms, women and people with different types of SOGIE find it difficult to discuss issues of sexual health. However, the internet allows people to anonymously and openly discuss sexual and reproductive health. The topics range from sexually

transmitted infections, to planned and unplanned pregnancy, to sexual pleasure. Doctors have also joined these forums to offer advice. There are also forums for people with different types of SOGIE to find friends and sex partners. The forums have search categories such as “Find gay king”, “Find gay queen”, and “Find lesbians”.

Meanwhile conservative Muslims in Thailand, most of whom live in the three southernmost provinces, use Facebook to promote the “good” behaviour of Muslim women. For example, the Muslimah page⁵ on Facebook promotes the proper attire of Muslim women, such as how long the hijab should be, and how to fit the cloth so that it should be in accordance with Islamic norms. It also condemns Muslim women who post pictures of themselves online, saying their beauty should only be revealed to their husbands. This shows that the internet can be used to promote more freedom or less freedom – freedom of expression online is not simply about offering a voice for progressive values and human rights.

Conclusions

Given the above discussion, the following conclusions can be reached:

- The internet is crucial to the development of sex tourism in Thailand. The internet serves as a space where clients express their needs, allowing the sex trade to meet these needs. Sex workers also empower themselves by using the internet to connect with potential clients directly.
- The internet also helps sex workers to articulate their realities and identities. This fosters a better understanding of people with different types of SOGIE and those involved in prostitution.
- The internet allows for a relaxation of patriarchal norms. The potential to express one’s sexual orientation anonymously, and to discuss sexuality openly, leads to better sexual health.
- At the same time the internet is used to promote conservative values that repress sexual differences and alternative identities.

Action steps

The following advocacy steps are suggested for civil society:

- Sexuality has to do with personal taste and this should be a clearly guaranteed right in the constitution.
- Instead of suppressing sexual activities, services and products, forcing users to go underground, the Thai authorities should decriminalise and regulate them in order to better control standards, safety and the age of consumers and providers.
- The Computer Crime Act should be amended to decriminalise pornography and obscene websites, but establish measures, such as age verification, to regulate access to this content.
- The Prevention and Suppression of Temptations to Dangerous Behaviours Bill should be amended. It should not criminalise content which is an expression of sexual diversity and different sexual tastes.

5 <https://www.facebook.com/Muslimah.Oy>

Sexual rights and the internet

The theme for this edition of Global Information Society Watch (GISWatch) is sexual rights and the online world. The eight thematic reports introduce the theme from different perspectives, including the global policy landscape for sexual rights and the internet, the privatisation of spaces for free expression and engagement, the need to create a feminist internet, how to think about children and their vulnerabilities online, and consent and pornography online.

These thematic reports frame the 57 country reports that follow. The topics of the country reports are diverse, ranging from the challenges and possibilities that the internet offers lesbian, gay, bisexual, transgender and queer (LGBTQ) communities, to the active role of religious, cultural and patriarchal establishments in suppressing sexual rights, such as same-sex marriage and the right to legal abortion, to the rights of sex workers, violence against women online, and sex education in schools. Each country report includes a list of action steps for future advocacy.

The timing of this publication is critical: many across the globe are denied their sexual rights, some facing direct persecution for their sexuality (in several countries, homosexuality is a crime). While these reports seem to indicate that the internet does help in the expression and defence of sexual rights, they also show that in some contexts this potential is under threat – whether through the active use of the internet by conservative and reactionary groups, or through threats of harassment and violence.

The reports suggest that a radical revisiting of policy, legislation and practice is needed in many contexts to protect and promote the possibilities of the internet for ensuring that sexual rights are realised all over the world.

GLOBAL INFORMATION SOCIETY WATCH

2015 Report

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