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# It's time to get off the fence on sex workers' rights

Joel Quirk, Emily Kenway and Cameron Thibos (Eds.)

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## **About Beyond Trafficking and Slavery and openDemocracy**

Beyond Trafficking and Slavery is an independent marketplace of ideas that uses evidence-based advocacy to tackle the political, economic, and social root causes of global exploitation, vulnerability and forced labour. It provides original analysis and specialised knowledge on these issues with the rigour of academic scholarship, the clarity of journalism, and the immediacy of political activism. BTS is housed within openDemocracy, a UK-based publisher dedicated to converting trailblazing thinking into meaningful change.

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# Introduction

Joel Quirk, Emily Kenway and Cameron Thibos

Public opposition to Covid-19 vaccinations is now a major political issue. Vocal minorities in numerous countries have strongly questioned whether vaccines are either necessary or desirable, and their refusal to get vaccinated has had increasingly lethal consequences. The highly contagious Delta variant has spread rapidly amongst unvaccinated groups, creating major challenges for already exhausted and over-taxed medical staff. Governments have recognised that vaccine hesitancy is a major public health challenge, and have tried all kinds of things – from shot-gun raffles in the United States to free herring in the Netherlands and a cow lottery in Thailand – to persuade more people to get vaccinated.

Anyone can see that there are two very different positions here. One side regards vaccines as essential to the fight against Covid-19. The other side regards the cure as worse than the disease.

Now imagine trying to fight Covid-19 without taking a clear position either one way or the other.

This probably sounds ludicrous. How can you avoid taking a position on an issue which has such obvious ramifications for addressing a major global problem? However, this is exactly the position which numerous activists and organisations try to maintain on another major global policy issue: combating human trafficking within the commercial sex sector.

Attitudes towards human trafficking and commercial sex can be roughly divided into three main camps: pro-sex workers' rights, prostitution abolitionists, and 'on the fence'. The arguments favoured by the first two camps will already be familiar to many people. The former regard commercial sex as a form of work much like any other, while the lat-

ter views commercial sex as inherently exploitative. Both camps maintain that their preferred position offers the best platform for combatting trafficking.

This collection focuses upon the third and final camp: anti-trafficking activists and organisations who try their best to avoid taking a clear public position on the legal status of commercial sex. This is not a fringe project pursued by a small minority. It is not uncommon for fence-sitters to outnumber both advocates of sex workers' rights and prostitution abolitionists within many anti-trafficking circles. Despite the fact that fence-sitters comprise a major portion of the field, their efforts to remain neutral have not been closely scrutinised. So much attention gets focused upon the pro- and anti- camps that they have been able to fly below the radar. This low profile is undoubtedly useful for fence-sitters, since their main goal is to avoid controversy, but their strategic silence come with major costs.

This volume focuses upon three main questions:

- Why are so many anti-trafficking organisations reluctant to take a clear position on the status of sex work?
- What are the main effects of fence-sitting upon politics and policy?
- What would encourage anti-traffickers to get off the fence and directly support sex workers' rights?

The [Beyond Trafficking and Slavery editorial team](#) is not on the fence. We strongly favour and support sex workers' rights.

We also know from first-hand experience that the sex workers' rights vs. abolitionist debate generates

strong emotions. It is not our intention to focus upon this debate here (for those who are interested, the case for sex workers' rights is made at length in our e-book on [arguing for decriminalisation](#)). Instead, we want to find out why so many people and organisations try their best to avoid this argument entirely, and what it means for sex workers when they sit on the sidelines.

### The politics of fence-sitting

Sitting on the fence usually has much more to do with politics than with principle. Anything to do with human sexuality tends to be controversial, and the sale of sexual services is no exception. Political arguments over what to do with commercial sex [go back centuries](#), but they have more recently been transformed by the growth of anti-trafficking from the 1990s onwards. Prostitution abolitionists have learnt to invoke anti-trafficking to justify all kinds of [restrictive and coercive policies](#), and this has made sex workers and their allies justifiably [suspicious of anti-trafficking campaigns](#). However, the growth of anti-trafficking has also contributed to the emergence of a third camp: individuals and organisations who seek to combat trafficking without taking a clear public position regarding the nexus between anti-trafficking and the regulation of commercial sex.

Fence-sitting can usually be traced to a number of overlapping factors. These will not be present in every single case, but they are present in enough cases to talk in terms of general tendencies. As a general rule, fence-sitting occurs when activists and organisations become worried that contributing to public debates over sex work has the potential to 'derail' their anti-trafficking efforts. They therefore decide that they need to try and stand above the fray. Sex work effectively becomes a third rail which organisations are reluctant to touch because of the potential for organisational and political damage. The now famous case of Amnesty International, which controversially decided to [publicly support sex worker rights in 2016](#), has come to be regarded as a cautionary tale in many circles. When Amnesty took the plunge it faced extremely strong criticism for its decision, and the lesson that has been learned

is not that a principled yet divisive stand is important, but that controversy should be avoided.

Financial and political constraints usually play a major role as well. Fence-sitting frequently occurs when anti-trafficking activists and organisations become worried that taking a public position on sex work would jeopardise their funding streams, alienate their supporters, and endanger their relationships with governments, corporate backers, and/or other anti-trafficking organisations.

The role of funding is hard to overstate. Organisations who secure anti-trafficking service provision contracts tend to be strongly invested in 'playing things safe', as taking controversial positions runs the risk of losing future funding. Some funders, such as the US government, have [explicitly restricted their grants](#) to prevent the organisations they fund from publicly supporting sex workers' rights. Others are not quite as direct, yet there nonetheless remains an underlying subtext which means that many anti-trafficking organisations have learnt not to rock the boat on sex work. This creates a self-perpetuating logic. Fence-sitting becomes normalised once most people in the room are fence-sitters.

Many groups justify their lack of a stance by claiming that it's simply 'not necessary' to take one. This is especially common amongst organisations that focus on labour exploitation in economic sectors outside sex work. The thinking is that this is simply not their fight. Yet this creates all kinds of challenges and contradictions, because the same organisations who spend their time talking about links between regulation and labour exploitation in one sector have to turn around and try to avoid talking about regulatory issues once the conversation turns to commercial sex.

This decision not to take a position also frequently includes prosecutors and front-line service providers, who regard their main job as applying laws and procedures as they are set down. Providing services and support to survivors can be demanding and delicate work, and many people who concen-

trate upon service provision do not regard debates over commercial sex as central to their immediate mission. While this stance may make sense at an individual level, it usually becomes harder to justify at an organisational level. Most organisational mandates are not limited to service provision, but also usually feature advocacy, policy, research and raising awareness campaigns.

Fence-sitting is only sometimes a personal decision. It is instead frequently compelled by circumstances, particularly when people occupy positions with significant institutional constraints. It is clear, for example, that United Nations agencies such as the International Labour Organisation or the International Organisation for Migration will always have a hard time getting off the fence, since they are diplo-

omissions and silences. The vast majority of people who work on anti-trafficking issues have personal opinions about sex workers' rights. It is hard not to have a personal opinion on key issues when you spend your days on the front line. However, these personal opinions only occasionally translate into the public stances of their organisations.

Many people in anti-trafficking circles are socialised into silence when it comes to the decriminalisation of sex work. They write reports about trafficking for sexual exploitation that avoid taking a position on sex work regulation. They design projects on labour exploitation which do not have sex work as a case study. They attend stakeholder meetings where sex workers' rights are raised, yet decide not to take a stand. They design campaigns and information

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“It is hard to take a controversial stance if it means risking your organisational survival.”

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matically obliged to accommodate many competing positions. This is also true of most public servants who are tasked with implementing official policies.

Civil society voices and organisations usually have greater autonomy when it comes to policy and advocacy. This means that they have an essential role to play within the politics of fence-sitting, since their lobbying efforts – or lack thereof – will ultimately play a major role when it comes to public policy. It is also important to recognise, however, that civil society is not one thing but many things. Some organisations have more autonomy than others. It is hard to take a controversial stance if it means risking your organisational survival.

### The costs of fence-sitting

The politics of fence-sitting result in all kinds of

sheets about trafficking which avoid taking a position on sex work regulation. Within their day-to-day work they internalise the non-position of their organisation, and regularly keep whatever personal opinions they have to themselves. Sex work gets placed in a very different box to other forms of labour, both mentally and politically.

These silences can be costly in both policy and political terms. Fence-sitting has a tendency to:

- Undercut the effectiveness of anti-trafficking interventions
- Weaken opposition to initiatives that harm sex workers, including abolitionist campaigns sold under the guise of anti-trafficking, by creating a recipe for inaction and self-censorship

- Reinforce existing barriers between commercial sex work and other forms of labour

Trying to combat human trafficking within the commercial sex sector without taking a clear position on fundamental regulatory questions around commercial sex is unlikely to be an effective strategy, yet this is ultimately what fence-sitting requires. [Research into labour trafficking](#) has demonstrated that the laws and regulations governing work, migration, wages, collective organisation, and the social safety net all have profound effects on trafficking outcomes. Changing how regulations are designed and applied can either enable or mitigate forms of vulnerability, abuse, and labour exploitation.

All of these insights apply to commercial sex and human trafficking, yet fence-sitters find it very difficult to publicly grapple with their implications. When you criminalise commercial sex between consenting adults – either partially or wholly – you place it outside the remit of public regulation. This effectively excludes sex workers from the possibility of protection, leaving them in an extremely vulnerable position. Regulations will never be a magic bullet – there will always be problems with their design and implementation – but it is hard to work through the strengths and weaknesses of different models when your position is to not have position. This is the equivalent of anti-trafficking organisations stepping into the ring with one hand voluntarily tied behind their back.

Not taking a position in support of sex workers' rights can also have the effect of ceding political ground to prostitution abolitionists. Laws and regulations governing sex work are frequently debated in policy circles, and these debates regularly result in major reforms. Recent examples include France and Ireland, who introduced the so-called Nordic model in 2016 and 2017 respectively. These and other reforms have had huge effects upon anti-trafficking policies, yet anti-trafficking organisations who remain on the fence decline to say whether these effects are negative or positive. Prostitution abolitionists are definitely not on the fence, so

when anti-trafficking organisations decide not to take a stand they enable anti-sex work campaigners to speak for the anti-trafficking field.

This dynamic applies to many legislative issues. Take, for example, [the introduction of FOSTA-SESTA](#) by the US government in 2018. This law had a major effect upon the online advertising of sex work by making online platforms criminally liable for third party abuses. It has proved to be a [complete disaster](#), imposing all kinds of hardships on sex workers without meaningfully increasing prosecutions. It is hard for most anti-trafficking organisations to publicly grapple with the harms associated with FOSTA-SESTA (and many other anti-trafficking laws), since opposing FOSTA-SESTA would be widely understood to mean 'getting off the fence' and taking a clear position in support of sex workers' rights. This reluctance to enter the political fray, even when things go badly wrong, is a sad indictment of a sector that prides itself on fighting injustice and helping people.

Prostitution abolitionists tend to be narrowly concerned with commercial sex. They have become better at making rhetorical gestures in the vicinity of labour trafficking in other sectors, but these gestures are only rarely backed up by the investment of actual resources and energy. This creates a window of opportunity for people who care about human trafficking but who don't want to engage with abolitionists: bypass sex work and instead focus on labour exploitation elsewhere, where it is possible to talk about the effects of regulation without the 'pimp lobby' being mentioned.

The abolitionists are more than happy to see them go, since this means fewer complications when it comes to the major issue they care about, which is criminalising commercial sex. However, this bypassing of sex work reinforces the established notion that sex work belongs in a different box to other forms of work, and therefore needs to be treated as a case apart. This may make sense from a short-term tactical perspective, but it is likely to come with longer-term costs. Vulnerable workers in many economic

sectors tend to face similar challenges when it comes to a lack of rights, protections and representation, which means that [building solidarity across different sectors is crucial to political transformation](#). Sex workers need to be part of this project.

### **It is time to get off the fence**

You cannot effectively combat human trafficking within the commercial sex sector without having a clear position regarding basic regulatory questions. As we have seen, sitting on the fence means not taking a position regarding whether or not sex workers deserve rights, have accessible routes to challenge harms, and can effectively contribute to [efforts to tackle trafficking within the commercial sex sector](#). We don't expect everyone to reach exactly the same conclusions when it comes to regulation, but it is our opinion that anyone who examines [the available evidence](#) in good faith is likely to move towards decriminalisation.

There are no magic bullets for any form of trafficking, and decriminalisation is no exception. However, getting off the fence and publicly grappling with how sex work should be regulated, and the kinds of rights and protections which sex workers require as workers, needs to be regarded as an essential pre-condition to making progress on other

political and regulatory questions, such as [banking services](#) and [immigration regimes](#). Sex workers are often suspicious of anti-trafficking organisations, and this is unlikely to change overnight if an organisation comes out in support of decriminalisation. But publicly 'coming out' in support of sex worker rights' is nonetheless a crucial step towards building solidarity and working together.

Getting off the fence will always be a challenging for many organisations and activists, since they are frequently subject to strong institutional pressures *not* to take a position. It will also always be easier for some organisations than others to embrace sex workers' rights. So, the immediate challenge is to move some organisations off the fence in the hope that this opens the door for others to follow. Getting even a few funders to publicly embrace sex worker-specific projects would also make a major difference, since organisations who are dependent upon funding for their continued survival tend to be highly attentive to funder priorities. It is also necessary to put greater pressure on fence-sitters to publicly justify their non-position. In some circles, fence-sitting has been normalised to the point where it has become a taken-for-granted default. Sitting on top of a fence should not be a comfortable position.

# The importance of unpopularity: taking a position on law and policy on sex work

Klara Skrivankova

Verbal fencing around sex work and the regulation of prostitution is common in the anti-trafficking field. Sometimes the arguments are fierce, with passionate advocates on both sides committed to demonstrating that theirs is the 'right' approach. So much energy can be expended trying to win the argument that it can be easy to overlook those who silently watch from the sidelines. There are many bystanders to this particular contest – far too many.

Is neutrality on difficult issues ever justified in the social justice space? Taking a principled stance against injustice can upset those with different perspectives. Yet, careful silence can become connivance. Promoting the rights of others is not a popularity contest.

## Who is who?

Twenty years ago the cards were on the table. We used to know each other's stance on sex work. But over the last two decades the anti-trafficking sector has become so skittish on the topic, so silent, that one almost hears a whisper: just don't mention sex work.

When I started working in the field in 2000, one of the first things my more experienced colleagues explained was the positioning of other anti-trafficking organisations. Part of my induction was learning who was *abolitionist* (supportive of the Swedish/Nordic model under which the selling of sex is legal, but buying of sexual services is illegal) and who was *pro sex workers' rights* (supportive of the decriminalisation of sex work and affording sex workers all rights and protections enjoyed by workers in other industries). This information was crucial for collaborations and also made it possible to anticipate likely confrontations in meetings where both sides were present.

Looking back, I would say that things were easier to navigate back then. There weren't that many organisations, nearly all of them worked only with women and girls trafficked for sexual exploitation, and pretty much everyone engaged in some kind of policy and advocacy work. Meanwhile, governments at the time were still denying that human trafficking was even a problem.

Over time the field got busier. International conventions and national laws were passed. The focus broadened to include trafficking in many sectors of the economy and of all people. And anti-trafficking organisations appeared that only sought to provide services to victims – they had no explicit policy and advocacy aims. However, one can neither end nor even reduce modern slavery by only providing services to those trafficked, in the same way as governments cannot prosecute themselves out of the problem. The root causes must be tackled.

With growing number of 'apolitical' service providers the anti-trafficking field has become muddier and the positions taken by organisations on policies surrounding sex work are less clear. The group of the *undecided* has grown.

## Getting off the fence

The way to 'fence-sitting' seems to have been paved by regulators. The custodians of the two main European legal instruments – the Council of Europe with its Anti-Trafficking Convention, and the European Commission with its Anti-Trafficking Directive – have both avoided taking a clear position on sex work. This was a necessary compromise, as it would have been impossible to reconcile the divergent views of member states on this issue. Hence,



both legal instruments are limited to discouraging the demand for services from victims of all forms of trafficking, and individual countries are left to adopt their own approach on sex work. Without this compromise, it would have been impossible for 47 and 28 countries respectively to agree on a common legal text. Yet, this also appears to have sent a message that it is possible to deal with trafficking without taking up the question of sex work.

#### **But is it?**

Over the years, I have heard many organisations explain that they don't take an explicit position. Many of these are service providers who do not wish to be political. It is okay not to have position if you have not had the opportunity to think it through properly, consult relevant stakeholders (especially survivors of trafficking and sex workers) and consider organisational impact. However, maintaining neutrality as a stance because the issue is controversial, or out of fear of upsetting someone, is diffi-

cult to justify if your mission as an organisation is to end human trafficking. It is very hard to change public opinion if you try and avoid confrontations and robust arguments.

Organisations which sit on the fence frequently find it hard to grapple with the fact that laws and policies are often the very structures and systems that enable trafficking to occur in the first place. Take the example of [kafala – a tied visa system common across the Middle East](#). It binds migrant workers to their employers, giving them total control over the workers' status. This has led to widespread exploitation. However, it would be simplistic to say that changing a visa regime alone would stop trafficking.

The overseas domestic worker visa in the UK is a case in a point. For a period of time between 1998 and 2012 domestic workers were able to change employers. Many workers used the opportunity to run away from exploitative employers, get support

from NGOs, and find better employers. Workers had more agency and were able to act against exploitation without losing their status. While the position of workers improved, the change did not completely stop trafficking for domestic servitude because other systemic issues stayed unchanged. For example, enforcement remained weak and exploitative employers rarely faced prosecution, facts which made it easy for them to bring other workers into the UK for the purposes of exploitation whenever one found the courage to leave.

We know that systems and structures impact on the risk of trafficking and our ability to advocate for solutions. Commitment to eradicating the structural causes that lead to trafficking – be they labour market regulation, migration policies, or how rights are enforced – should be the *raison d'être* of the anti-trafficking movement.

That said, no individual policy or regulation will end trafficking, though some can go a long way towards facilitating it. This applies to sex work as well. Evidence from countries that took different stances on sex work, such as the Netherlands and Sweden, show that. Analyses, such as those carried out by the Group of Experts on Trafficking in Human Beings of the Council of Europe (GRETA) show that trafficking still occurs in both countries. They also show that when policies narrowly concentrate on a particular sector problems elsewhere can go unseen. For example, GRETA noted that Sweden, known for promoting the Nordic Model, “focus[es] on sexual exploitation and therefore not all forms of human trafficking are sufficiently addressed”.

The opposing sides of debate over sex work don't agree on much, but they do share a common focus on causes of exploitation entrenched in systems and structures. And while these groups often vociferously disagree on what these causes are and how to solve them, they are all right on a point of process: change needs to occur through transforming structures and systems. That is unavoidably a political project. Avoiding the issue of sex work *policy* weakens efforts to eradicate some of the most egregious manifesta-

tions of human trafficking because it allows governments to pretend that only traffickers cause trafficking and that states themselves play no role.

The focus on systemic change can sometimes provide a common purpose and bring together organisations with different stances on sex work. One example is the UK's [Anti-Trafficking Monitoring Group](#), which is hosted by Anti-Slavery International. Its members have different stances on sex work, and within this group the abolitionist Poppy Project (before it closed in 2015), for example, shared a table with FLEX, a member of international networks that support sex workers' rights. These differences have not prevented organisations within the coalition to be a strong united voice in holding the UK government to account on anti-trafficking.

### Decisions, decisions

Adopting a position on sex work is not a trivial task. Organisations operate in environments where taking a principled stance on the issue can pose a risk, for example from a hostile government. Ultimately, organisational leadership will have to weigh up whether the level of risk connected to having a position is acceptable. The questions leaders will be considering will include: is this the sort of risk that groups that work on social change commonly face, and one that can be managed without much detriment to the organisation, or would coming off the fence imperil the organisation's existence?

When Amnesty International announced its [policy](#) on decriminalisation of sex work in 2016, it did so with the understanding that there would be some backlash from the public, its members and staff. But it took this step because it deemed it to be important for its organisation's core mission and presumably because the leadership considered the associated risk to be manageable.

It is because of the significance of such strategic decisions that they need to be given proper thought. External operational environment, such as sources of funding or the law of the land, will be some of the factors that leadership will take into account.

Anti-trafficking groups were faced with such decisions in 2003, when the Bush administration introduced the so-called [prostitution pledge](#) (this was later struck down by the US Supreme Court in 2013, before being later [upheld](#) in modified form in 2020). According to the terms of the pledge, organisations receiving US funding had to certify that they would not advocate legalisation of prostitution, have an explicit policy opposing prostitution and sex trafficking, and would not use funds to support sex workers.

When faced with these requirements, a number of anti-trafficking organisations that supported sex workers rights decided to stay away from US funding altogether. But not everyone could afford to take this stance. Some signed the pledge, even if it meant a deviation from their position, because US funding was a lifeline. Not just financially, but also politically. I remember a conversation with a director of an anti-trafficking organisation in an authoritarian country. She told me that US money was indispensable for her organisation. It not only provided financial sustainability, but some protection from persecution and harassment by the regime, which knew that the US was monitoring the organisation.

#### Where next for anti-trafficking organisations?

There may be a variety of good reasons why organisations do not take a position on sex work. They might not have the time to properly think it through. They may be worried about financial implications. They may face an hostile external environment that makes it very difficult to take a public position. However, not taking a position on sex work simply to avoid confrontation, I believe, is not an acceptable position for an anti-trafficking organisation.

But neither is taking one purely from an ideological standpoint uninformed by the realities of stakeholders' lived experiences. Rigid ideology is never

helpful. The Netherlands and Sweden both demonstrate the need for evidence-based policy arising from dialogue that includes survivors of trafficking and sex workers. Both positions may seem reasonable starting points for policy action. However, they need to be tested and adjusted against evidence of impact. Having an inflexible ideological position on either of these ideas is anathema to obtaining effective changes in policy and practice. It risks pushing for solutions that are not based on facts and evidence, but on evidence adjusted to fit the ideology.

While ideology is not helpful because of its proximity to dogma, principles are useful in guiding decisions on anti-trafficking. For example, there is the principle that government policies should help people access decent work and protect them from exploitation. Policies that advance these goals might not necessarily be labelled as 'anti-trafficking', but will be so in their effect.

Personally, I believe that in relation to sex work these principles are advanced by decriminalisation. I believe that this position is supported by the preponderance of the evidence collected across the world with the participation of sex workers, starting with the landmark [work](#) by Jo Bindman and Jo Doezema in the 1990s, published by Anti-Slavery International.

That this evidence has not translated in more widespread policy changes across the world is perhaps an indication that too many policy makers find ideology a convenient alternative to thinking. But it is perhaps more indicative that too many individuals and organisations mandated to work to end trafficking have shied away from the robust conversations necessary to establish effective protection for workers in this brutal industry.

And that is a failure for which there are no excuses.

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*Views expressed in this article are the author's own and do not represent opinions of any organisations she has been associated with.*

## INTERVIEW

# Criminalising sex workers' clients makes trafficking worse

Andrew Wallis

**Emily Kenway (BTS): Why did you found Unseen?**

**Andrew Wallis (Unseen):** Back in 2007 the understanding around trafficking was overwhelmingly one of trafficking for sexual exploitation. And then there were these other things – such as forced labour and domestic servitude – that were annoyances off to the side. I was concerned about exploitation as a whole, not any one of these on their own. I approached a whole bunch of charities and asked what I could do, and they basically told me to bugger off. So, I said, 'All right, fine. I'll set up something and get on with it.'

If you start something new, you're disrupting. And if I think back to 2007, the focus was on the immediacy. There was very little focus on the strategic, on the big levers that needed to be pulled. I started Unseen to provide direct support to victims and to effect change at a systemic level. I wanted to do both. And we would say that what we do on the front line always informs what we do at the strategic level.

Our first foray was setting up safe housing. We then became part of the process for the National Referral Mechanism, which handles suspected cases of human trafficking, and from there we expanded into outreach and reintegration work. In 2013, as chairman of the slavery working group at The Centre For Social Justice, I led on the creation of the report 'It happens here: equipping the United Kingdom to fight modern slavery'. This report had a big impact on the UK Government, and it is one of the reasons why the UK passed the Modern Slavery Act in 2015. So ten years ago we were pushing for a lot of changes at once: we wanted an anti-slavery commissioner, a helpline, better support for the victims, better understanding of how children are involved, and transparency and supply chain legislation for

businesses. Our goal has always been to see how quickly we can achieve systemic change so we can actually end exploitation.

**Emily: Where do you think questions regarding the sex sector and sexual exploitation fit within the trafficking sector in the UK?**

**Andrew:** Let me give a slightly historical answer to that question. I once took part in a meeting in the House of Commons or House of Lords, I can't remember which, on the intersection of sex work and trafficking for sexual exploitation. It's seared into my mind because it descended into an absolute shouting match. For me it was just semantics – of course the two are linked. But for the others in the room, it was a turf war.

You had everybody at once. You had those that were saying, 'You should ban all sex work and that would resolve the demand issue.' You had those arguing for complete decriminalisation. You even had government officials trying to hold the line of, 'we've got legislation that works'. I don't know how they had the temerity to even say that. Everybody was in their entrenched positions.

My take from that experience was that this is such a hot button issue. How do you navigate it without causing eruptions from somebody? Everybody was fiercely holding their lines so that you could never find a middle ground, or find compromise, or even have a dialogue that was worth having about the problems.

I was once a trustee for the One25 project in Bristol, which works with street-based sex workers. I felt like I understood the awful impact on an individual when they reach the level of street-based sex work. And for me, it was irrelevant whether or not

the person had chosen to engage in sex work before they began to be exploited. The point was that they were now being exploited – so let's help them.

**Emily:** So has Unseen taken a public position about the regulation of commercial sex work?

**Andrew:** No, and partly because of that meeting in Parliament. It was just like, 'Whoa, okay. This is a minefield.' I would say that different views are held in Unseen. And it's not a problem. We're very clear in terms of what our boundaries are, and that we're against all types of exploitation and particularly

cused on dealing with what's in front of them. And then at the organisational level, our standpoint is to ask what works and where's the evidence. And if there isn't evidence to show that it works, then why are we doing it?

Over the past 14 years, I've seen funding, policy, procedure, and government action based on the flimsiest of evidence. And my response to that is, 'That is a waste of time, energy, and money. And it's not moving things forward.' Yet we keep making the same mistakes because we're not taking the time to gather evidence on what works, and

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"There was no point entering into this debate because it is just too toxic."

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those that meet the threshold of trafficking. But I didn't want us to get drawn into this discussion. I didn't think it was going anywhere or that it would achieve anything. That wasn't a philosophical or moral stance, it was pragmatic. There was no point entering into this debate because it is just too toxic.

**Emily:** Did the internally different positions also make that complex to navigate?

**Andrew:** No, I don't think that was an inhibitor. It was that if we say anything, we're just going to invite fire and brimstone from some sector. And what does that achieve?

**Emily:** That meeting in Parliament was quite a while ago. Has there been an ongoing conversation around this at Unseen, or did it more or less stop there? Did Freedom United's recent announcement that it supports decriminalisation, for example, spur a conversation in the office?

**Andrew:** It's not a huge area of discussion for us. I think for my frontline colleagues, they're too fo-

then doing that. If you do that the whole discussion moves from the emotive camp to the practical camp, and that's where we need to be. That's where Unseen tries to be, and in some ways it diffuses the contentiousness of it.

**Emily:** Commercial sex is treated differently than other forms of labour exploitation. The package of tools that people talk about for agriculture or factories – trade unions, labour inspections, etc. – doesn't get translated across. Why do you think that happens? Why is sex work such a sensitive issue?

**Andrew:** I think there are a number of things at play. Part of the problem with such deep-seated issues is that the approaches of the various agents involved are fundamentally different. There are also no easy solutions or quick wins, and when that's the case we end up hamstrung by our political system. You've basically got a two-year window before politicians are thinking about re-election, but if you're going to address any complex issue you need to be thinking in terms of 20 to 40 years. We're talking generations. That can't be done within the political

construct – it will always be kicked into the long grass for being too difficult to deal with.

I think the second thing is that there's a huge amount of misogyny at play in tackling it. Third, I think you have very loud voices with opinions that aren't necessarily backed up with fact. Everybody's talking very, very loudly and nobody's listening to anybody else. You also have a historical legacy, in that our mishmash of laws around prostitution have been built up over time and – still – are hung up on Victorian values. Then you have public sentiment, which has a lot of denial in it. One in 10 men purchase sex, something I always like throwing in at a conference, which meets up with that 'what if it was your daughter' question. I could go on and on. So when you then say, 'Okay, so what about this issue?', you have all of these things intersecting at once.

I think we have to have the humility to accept that this is a really complex issue, that we need to go slowly, that we need to hear from all voices, and that we actually need to try and define the outcomes we want. Some of those outcomes may be the least-worst options.

**Emily:** When you said misogyny is part of the problem, what do you mean? Do you mean buying sex demonstrates misogyny? Or do you mean that wanting to give sex workers rights hits up against misogyny and people not caring about sex workers?

**Andrew:** When I was doing the 'It Happens Here' report, we looked at the Nordic model and I ended up having a long conversation with the Swedish minister who brought the Nordic legislation into effect. It was really, really revealing. The takeaway for me was that it came out of 40 years of gender equality legislation. What they said was, when someone purchases sex a transactional relationship forms that creates an imbalance between the buyer and seller. They brought in the Nordic model to try and correct that imbalance. It then got jumped upon in terms of trafficking, but even back in 2011/12 when I had this conversation they were saying that the evidence for reducing trafficking was pretty thin.

**Emily:** Trafficking certainly features in the rhetoric supporting the Nordic model now, but you're saying that wasn't the intention of the Swedish government. So the evidence is poor because that wasn't the point?

**Andrew:** It is my understanding from that conversation that it wasn't the intention when they brought it in. They weren't trying to address trafficking per se, they were trying to address the gender imbalance created through the transactional relationship.

I brought this up at a conference in Northern Ireland when they were considering bringing in the Nordic Model. I asked the conference why they thought that uplifting a piece of legislation from one jurisdiction and dumping it into a totally different jurisdiction would yield the same results. Or that doing so would even be appropriate? To me, that's just unthinking, that's lazy. It was a moralistic crusade. I got quite a bit of blowback when I said this, but I feel like [the results now coming out of Northern Ireland](#) have proven me right.

I went over Diana Johnson's [recent proposal](#) for the UK and it's Northern Ireland all over again. They are arguing that criminalising buyers is going to deliver something, when there is no evidence at all that it's going to deliver that thing. There is an absence of hard evidence that shows that it works. As Unseen we're saying that we cannot support the introduction of Nordic model-type legislation if it is put under the banner of tackling trafficking because there's no evidence for it. In fact, the evidence is to the contrary: it makes the situation worse.

**Emily:** Unseen, and indeed lots of the sector, haven't taken a public position on this topic for the reasons you described. But do you think you can take effective action against trafficking in the sex sector without having a position on the regulation of commercial sex?

**Andrew:** I just don't see the evidence for what is being put forward at the moment. I can't get behind it. Not just the Nordic model – all the models being proposed. Take the Dutch model. If you go down

that route, you actually see an uptick in trafficking for sexual exploitation. I've spoken with everybody from the former Dutch Rapporteur and the Dutch Police to Dutch NGOs and they're all consistent on that. Or you go with the German model. Again, all the NGOs I've spoken to in Germany, as well as German legislators in private, say that the model attracts further trafficking for sexual exploitation. Or you go down the path of the New Zealand model. I've been to New Zealand a couple of times, I've talked with organisations there, and what they do is not the panacea either.

Everybody is looking for a silver bullet solution, and that's just not life. So I keep coming back to the questions that we need to be asking. Why are people ending up in these situations? Why is there demand for trafficking for sexual exploitation? How can we address the fundamental demand for purchased sex? The drivers for exploitation are around cheap goods, cheap services, cheap labour. I used to add cheap sex to the list until I got told off for it. But I was saying it for a point – it is labour.

The really hard work is around how you address those demands. They are ingrained societal demands, not just in the UK but everywhere. It's almost like people will purchase sex regardless of what you do. Why? I think I agree actually with the Swedish minister. In that moment where you end up in a transactional relationship you don't have equality. Fundamentally, what we're talking about is how to create an equal society. And if you're perpetuating things or allowing things that create inequality, then over time problems start to emerge.

**Emily:** What was your reaction to the open letter from Decrim Now that strongly opposes the introduction of Nordic Model-type legislation in the UK?

**Andrew:** I was going to sign that letter as Unseen's CEO, and it was completely my fault that my name didn't get onto that letter. I wanted one word to be changed. I could have signed it whether or not the word was changed, but then I was too busy and I missed the deadline.

I think where I am – this is not Unseen's position but where I am – is that I agree. I think decriminalisation is important. But I worry that it too is being viewed as a silver bullet. I said already that the response needs to be generational and holistic. My fear is that we'll do this one thing, and then there will be unforeseen consequences as well as things that don't get done because we did decrim.

Back to my conversation with Sweden: the other thing they stressed was that when they brought the legislation in, they also brought in funding to provide support and pathways out of sex work for those that wanted it. It was a package. Now, I'm not passing judgement on whether or not it has worked. All I'm saying is that complex problems need comprehensive, complex solutions, ones which are properly resourced, tested, and evidenced. In the UK, I think we need a long-term commission to unpack it, understand it, and put in place what's needed.

**Emily:** One of the recent developments in this space is that more and more people are saying that migrants and sex workers should be included in the conversation. This is obviously harder to do under criminalising models than under decriminalisation. Do you think it's relevant to have sex workers in the conversation about what the trafficking sector should do about the sex industry?

**Andrew:** Of course. They absolutely have to be in the conversation. They need to be informing what enables them to be 'safe' and what allows them to identify things that are unsafe. That, to me, is an immediate goal. But I also want them in the conversation because, just as we talked to victims of trafficking, we should be talking to sex workers. This is the bit that's just not done. And I feel I'm banging my head against a brick wall with the Home Office on this one. There is continual talk at an extremely general level around the push factors into exploitation. The narrative there hasn't changed for 10 years. But we did a bit of work internally within Unseen and it doesn't match that narrative. You've got to talk to people that are in it and affected by it if you want to get the story right.

If we don't talk to people directly then it's always filtered. Even talking to me about what trafficking victims feel, I'm filtering it and processing it and I'm going to give an opinion. You sometimes want it raw. But then the question becomes, how do you go from the raw and the anecdotal to a statistical level that holds true? How do you find a balance between individual stories and systemic issues?

This chat has brought to mind something else, which is that I've found myself wondering how much the UK is being influenced by the United States. There's something that always confuses me whenever I go to the US. I go there thinking that I know what I'm talking about when it comes to trafficking. But when I arrive in the US, I find myself thinking that a) I

**Andrew:** I think we can say with certainty that it won't be Sweden. It will be a variation on Northern Ireland. Crudely speaking, we'd bring in the Nordic legislation on top of the current system and that would deliver the same results. Systems are perfectly designed to deliver the results you get, and if you don't like the results, you actually have to change the whole system. You can't just put the sticking plaster on it. And that's what I think this is.

Nobody is disputing what Diana Johnson is saying, that sex trafficking is hugely wrong and damaging and something should be done about it. That's fine, not a problem Diana. But doing something when there is no evidence that it works and when there is evidence to the contrary, and thinking that just because you're

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“We cannot support the introduction of Nordic model-type legislation if it is put under the banner of tackling trafficking because there's no evidence for it.”

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really don't understand this country and b) I don't understand what is going on here. If you look at the trafficking organisations in the US, you'll see that there is an obsession with sex trafficking to the nth degree. And it is in combination with the huge preponderance of faith-based charities there as well. You've got 50 states with different laws around prostitution, they have a massive problem with 'child prostitution', and it all dominates the conversation around trafficking in a really unhealthy way. The big funders in the US also have very clear positions and clear funding preferences. I wonder if some of that is starting to creep into the UK discourse as well.

**Emily:** What do you think it will mean for commercial sex and trafficking if Diana Johnson succeeds and we end up with the Nordic model in the UK?

doing it in England and Wales you're going to have a different outcome – that's just nonsensical.

**Emily:** So in terms of the effect it would have on the trafficking, the effect would be either be negligible or make it worse.

**Andrew:** No. Make it worse. It will make it worse. Everywhere that they've brought that type of the legislation in, all the evidence shows it doesn't work. It makes the situation around trafficking worse. It drives it further underground. It will hurt those that you're trying to help.

**Emily:** Are you comfortable with anti-trafficking being used as one of the key reasons to promote and support Nordic models?

Andrew: No, I'm not comfortable. I'm hugely uncomfortable with it. My question is this: which trafficking organisations have Diana Johnson and others talked to that have led them to this position? We looked at the Nordic model when we wrote 'It Happens Here', I've spoken to academics since, and I've looked and looked and looked and I can find no evidence in defence of this.

Emily: Any final thoughts?

Andrew: Just one further observation on engaging with survivors or workers. Years ago, I asked a clinical psychologist about the journey to recovery for somebody who has been exploited.

What is the timeline? They of course said that everybody is individual, but if we're talking in generalisations there is probably at least a seven-year window between exiting exploitation and being able to talk about the issue without retraumatising. A minimum of seven years. So, this whole thing of greater incorporation of survivor voice: I'm not opposed to it, but we need to remember our duty of care.

I once went to an international conference where I met up with a number of good friends who are survivors of trafficking. During dinner one of them said to me, 'What you probably forget, and we forgive you for forgetting it, is that even though we can talk about it, the impact of it is with us always. So even things like if I go to the toilet, I can't close the door and lock the door. It just triggers me. Because I'm in a small, confined space and locked. And I live with that every day. And I can put things in place to cope with it, but things can still trigger me.'

So, when we say that we want to hear those voices, we have a duty of care as to how we do that. And I think we also have a responsibility to recognise that just as we filter things, they filter things because of the circumstances that they've been through. I'm bringing this up to re-emphasise the complexity around this. How we both receive and give information is really, really critical. Especially with something that's so emotive as this.

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*This interview has been condensed and edited for clarity.*

## The anti-trafficking movement has left sex workers behind

Lydia Caradonna

“We don’t want to confuse our messaging,” said a representative from one leading UK anti-trafficking NGO when Decrim Now, the sex workers’ rights group I organise for, met with them to discuss the decriminalisation of sex work.

Over the past few years, we have sat with academics, advisors, activists, and advocates. We hear this sort of thing a lot.

You can divide the anti-trafficking movement into three broad groups. Two of them, the sex work abolitionists and the harm reductionists, are both open about their politics. They may stand on opposite sides of a fence but they are, at least, transparent about their positions. The third group is much more cagey. These are the people who refuse to touch the issue or keep their position ambiguous in order to ‘not confuse their messaging’. In my experience this is the largest group.

### Unnecessary separation

For as long as I have been organising within sex workers’ rights movements – starting when I was 19 – trafficking has been a point of tension.

Survivors of trafficking were frequently held up as our natural opponents, and decriminalisation was tarred as a selfish pursuit that would also decriminalise trafficking. Neither of these things were true. Trafficking survivors and sex workers usually have aligning interests and are often the same people, and it is ludicrous to think that decriminalising sex work would make it any more legal to force someone into it. But the sex workers’ rights movement was put on the back foot by these attacks, and to defend themselves activists began to argue that sex work and sex trafficking were separate issues.

For a few years, before a conscious effort was made within the movement to educate ourselves on the growing [trafficking hysteria](#), we would respond to questions about trafficking with assurance that we were only discussing ‘consensual’ sex work. Sex trafficking, we said, was something else entirely.

This was incorrect, and perhaps short-sighted of us as a movement. It ignored not only the fact that trafficking survivors often slipped into sex work, but also that sex workers could become ‘trafficked’ simply by performing a normal day’s work. In the United Kingdom this redesignation happened *en masse* in 2015 when the Modern Slavery Act defined sex trafficking as third-party facilitation with no coercion necessary. This legally designated a huge portion of the sex industry – including myself – as trafficking victims even if we did not consider that to be true. The definition is so broad as to include sex workers who are moved around internally by a third party, which turned me into a victim of trafficking the moment my brothel manager put me into a taxi to visit a client in his own home. The Modern Slavery Act made the legal definition of ‘trafficked’ meaningless, but it also made it impossible to continue to argue that sex work and sex trafficking aren’t connected. They are.

The unnecessary separation may have contributed to the number of NGOs who refuse to take a position on sex work because they don’t feel like sex work is an issue that is relevant to them. “Sex work is different from trafficking,” one policy officer explained to me, using our own movement’s talking points as a way to avoid supporting our movement. “We don’t need to take a position, really. We’re not trying to impact or change the sex industry.”



In April 2019, I was swept up in a modern slavery raid. The brothel that I work in was one of a string of locations targeted in a five-day crackdown on immigration offences, and the officers attending had just taken three people from the nearby car wash into immigration detention. There were, thankfully, no clients in the building. The five of us working were either making food or doing our makeup when the officers barged into the girls' room. They shouted at us, separated us, and as they photographed our passports I couldn't help but think that the legislation that the anti-trafficking sector pushes for might have something to do with us after all. The law does not recognise a separation between sex trafficking and sex work, so why do we?

#### Cultural consciousness

It is challenging to criticise the anti-trafficking movement: how can someone be opposed to a movement aimed at combatting slavery? Is opposing the anti-trafficking movement implicitly *pro* slavery? In the cultural consciousness, opposing slavery and

trafficking is considered a 'unifying' consensus issue. Unlike most stories involving migration, trafficking and slavery are never presented as 'divisive' or controversial issues, and the great NGO-industrial complex is very rarely criticised or questioned.

But it is also true that the general population has very specific, *very* incorrect, ideas about what trafficking and modern slavery look like.

Our entire conception of trafficking is based on the few media stories that are filtered down to us by news editors and producers and the things that we see in movies. Trafficking by kidnap is a particular favourite – the kind that can be imagined as a crime imposed against nice, normal people who are taken from their ordinary, middle-class lives. TV writers and true crime podcasters love this, especially when sex is mixed into it.

The general public also has a voracious appetite when it comes to sex trafficking. A quick online

search for ‘sex trafficking merch’ provides a unique window into a problem that it is fashionable to care about. Celebrities like the American country singer Carrie Underwood use their platforms to amplify the messaging, posting pictures with red crosses on their hands and turning a human rights issue into an Instagrammable moment. It is an issue that people care about.

In the US, prosecutors refer to the ‘[Taken effect](#)’, where prosecutors could no longer use the phrase ‘human trafficking’ in a courtroom because the jurors’ conception of the crime had been so warped by seeing Liam Neeson save his pretty white daughter from a sex trafficking ring after she was snatched while on holiday.

Yet all of this is startlingly rare. Statistically, we know that most victims of trafficking started out by choosing to leave their normal lives behind and migrate elsewhere, only to end up prey to someone along the way. We know that people are more likely to be trafficked into domestic work than sex work. Yet none of this features in the public’s general understanding of trafficking. And, entirely unsurprisingly, those same Liam Neeson fan jurors turned out to be far less sympathetic when the victims turned out to be poor brown people who had been exploited in agricultural or mining industries.

Trafficking is also an issue that has been shifted, more and more, away from conversations about labour rights and safe migration and towards prohibitionism. There is a misguided belief that the existence of sex work is the cause of sex trafficking, rather than an understanding that the sex industry is attractive to traffickers *because* a huge history of criminalisation has rendered it extremely easy to dismiss and deny our rights as workers.

Sex workers in exploitative situations have very little recourse to justice because to demand it can result in the closure of our workplaces. Survivors of sex trafficking are, typically, undetected because the entire industry is forced to operate as far away from the eyes of law enforcement as possible.

Sadly, this is a level of nuance that has not reached the people sharing pastel infographics on how to spot a sex trafficker. The anti-trafficking movement depends on popular support, and a push to decriminalise the very industry that has been vilified as the root of all patriarchy is a recipe for a PR disaster. When Amnesty International introduced a decriminalisation policy, they were smeared in the international press and accused of everything from ‘[fueling rape culture](#)’ to ‘[abandoning](#)’ people in the sex industry – the same people who had called for the introduction of the policy and spoken in favour of it at the debate. One need only look at the global fallout of Amnesty International’s sex work decriminalisation policy to understand what can happen when organisations dare to make policy based on principles of harm reduction and evidence.

### Money

The public vote with their wallets: Of the people who donate to anti-trafficking initiatives, many feel very passionately that sex work is wrong.

Even though decriminalisation is harm reduction, taking a side that advocates a non-carceral approach to prostitution is somehow seen as an endorsement of the industry. It is simple maths, therefore, to throw prostitutes under the bus to avoid alienating potential donors.

Perhaps the biggest problem, however, is the major funding organisations. By far the largest funder of anti-trafficking efforts is the US government; Martina Ucnikova, an analyst at the [Walk Free](#) foundation, [calculated their contribution](#) as being an average of \$68.7million a year in 2014, a figure which has certainly increased.

In 2003, the US government passed the Trafficking Victims Protection Reauthorization Act, which required *all* anti-trafficking initiatives receiving government money to pledge that they would not support any attempt at legalising sex work. This affects not only domestic organisations, but also the hundreds of NGOs around the world who receive US funding for anti-trafficking.

The US anti-prostitution pledge is not unique. While some funders, such as the Open Society Foundations, are vocal about their support for the rights of sex workers, many others will not fund NGOs that support decriminalisation. In many cases, reluctance to weigh in on sex work is actually reluctance to sacrifice funding.

### The impact

The truth is that the anti-trafficking movement has a responsibility to take a position on sex work. Even if an organisation claims it is not trying to impact the sex industry, it is by this point wilful blindness to ignore the ways that anti-trafficking work and law directly influence our access to rights and safety. There is impact, and refusing to take a position is an act of complicity.

Sex workers have seen first-hand the impact of the anti-trafficking movement on our lives and safety – not just through individual instances like brothel raids, but through entire legislative moves and governmental campaigns.

In the name of anti-trafficking, the US passed the FOSTA-SESTA acts that shut down the venues that sex workers could use to advertise independently and made them [more vulnerable to exploitation](#).

In the name of anti-trafficking, the general public are being educated on how to ‘spot’ a trafficked person – using criteria indistinguishable from spotting a sex worker, like ‘being skimpily dressed’ or ‘possessing condoms’ – and then [directed to call the police](#).

And in the name of anti-trafficking, harsher border policy is proposed, which leaves all those wishing to migrate [more vulnerable](#) during their journeys – often increasing the risk of the same trafficking that is supposedly being prevented – whether they are engaging in sex work or not.

NGOs have a moral duty to take a position on sex work, and to do so considering the facts and evidence rather than their funding streams. I ask, as a prostitute affected by the actions of the anti-trafficking movement: when is it time for you to stop leaving us behind?

It is no longer the case that NGOs can simply stay out of the debate or refuse to muddy the waters by taking a position on sex work. Unless anti-trafficking efforts are **explicitly pro sex workers’ rights**, they can and will cause harm to the sex worker community.

# Why Freedom United supports the decriminalisation of sex work

Joanna Ewart-James

Fences are not comfortable places, yet when it comes to sex work anti-trafficking organisations are clambering for a perch. They like it up there because it keeps them from being sucked into a long-standing political argument, in which one side declares that all prostitution (never sex work) is exploitation and therefore trafficking, while the other maintains that sex work is work. This division also extends to policy proposals. One side pushes a form of criminalisation softened via 'Nordic' references. The other argues that sex workers and sex workers' rights should be protected, including from trafficking, and that criminalisation hurts rather than helps. This isn't the only polarising debate within anti-trafficking circles, but it is an especially vociferous one. A lot of people are doing their best to stay out of it.

In this heated political environment, the fence feels like a safe space from which to watch the debate without risking partnerships, allies, funding, and supporters. Many fence-sitters are human rights-centred organisations for whom the decriminalisation of sex work would be a natural fit, yet for one reason or another they are not comfortable taking a public position. A few big names have taken a stand. Both [Amnesty International](#) and Human Rights Watch have made strong cases for why decriminalising the sex industry would protect human rights and create resilience to trafficking for sexual exploitation, and both organisations have been heavily criticised for doing so. Their experiences have reinforced existing tendencies within human rights circles to avoid taking a public stand on commercial sex, as other organisations don't want the same thing happening to them.

Part of the challenge to changing this dynamic is the degree to which commercial sex dominates the anti-trafficking conversation. The consequence of this was that, for a long time, trafficking into other sectors was severely neglected. That disinterest unintentionally created a sheltered space for new entrants. As more and more anti-trafficking organisations appeared, the work largely split between those focusing on sex trafficking through a prostitution lens and those focusing on non-sex-related trafficking – a way to operate without stepping on toes. Using their programmatic focus as an excuse to keep blinkers on has kept the peace, but sex workers and their ability to fight exploitation and trafficking has suffered for it.

## Taking our first steps off the fence

In the case of my own organisation, Freedom United, our lack of engagement with debates over sexual exploitation became the proverbial 'elephant in the room' as we sought to present to our supporters an accurate and complete picture of modern slavery today. We had been producing campaigns and content which addressed the seemingly endless ways in which people can be exploited and abused, yet we had not been specifically engaging with debates over exploitation in commercial sex. A decision was taken to redress this imbalance. Starting this journey also presented an opportunity to step even further away from projects we found dubious, for example by rejecting invitations to participate in sensationalist films on trafficking for sexual exploitation.

Our first step was to educate ourselves on how sex workers' rights are essential to resilient systems against trafficking for sexual exploitation. To this

end, Freedom United interviewed representatives from both [Empower Foundation in Thailand](#) and the [English Collective of Prostitutes](#) in 2020 in order to better understand how sex worker-led organisations have been excluded from anti-trafficking spaces and why police ‘raid and rescues’ are harmful.

Not long after this event, Freedom United began a [campaign focusing upon Pornhub](#). Our goal was not to shut it down and criminalise the porn industry, as some campaigners wanted, but to instead introduce changes which would help victims of trafficking while addressing the legitimate concerns of piracy raised by adult performers and sex workers. This was sensitive political terrain. We carefully drafted our campaign material to make clear that we were calling on Pornhub to implement measures to prevent the exploitation of victims of trafficking through measures such as age and consent verification, and to thereby address some horrific examples of sexual abuse on their site. Crucially, this campaign also sought to address the long-standing criticism by sex workers in the industry regarding the lack of effective regulation. Mindgeek, Pornhub’s controlling company, had “destabilized and monopolized” the industry, thereby enabling forms of piracy which were seriously impacting the livelihood of performers.

### Entering the political fray

This Pornhub campaign made it impossible for Freedom United to sidestep arguments over attitudes and approaches to commercial sex. At the same time, Pornhub was also being targeted by an organisation called ‘Traffickinghub’, which was in turn linked to the fundamentalist group Exodus Cry. Their goal was to stop pornography and commercial sex work without any regard for how this would further stigmatise sex workers. This created messaging challenges. We were afraid that our campaign’s careful wording and language would get lost amongst the noise generated by Exodus Cry, and that compelled us to put more effort into clearly differentiating Freedom United from ‘end demand’ campaigns led by anti-trafficking organisations who favoured carceral solutions.

We further clarified our position on sex work in a [submission](#) to a public consultation organised by the Scottish government around the theme of ‘[Equally Safe: challenging men’s demand for prostitution](#)’. In our submission, we concluded that the available evidence suggested that the partial criminalisation of sex work, the so called “Nordic Model”, would not be effective in preventing human trafficking. With this submission, Freedom United effectively demonstrated that it had decided that it was no longer worth maintaining a position on the fence in order to save relationships.

Once off the fence, we found that it was necessary to take an even stronger public stand. In December 2020 the International Slavery Museum in Liverpool, England announced the ‘ArtXFreedom’ exhibition to visually document opposition to sex trafficking. This exhibition was produced in partnership with Traffickinghub and Exodus Cry, and featured dehumanising imagery which included an image of a naked woman with tape over her mouth and abusive comments plastered on her body. These images were directly contrary to content guidelines which Freedom United developed for our inaugural campaign, [My Story, My Dignity](#), which calls on both the media and other non-profits to adopt guidelines to help end the sensationalism often used when portraying trafficking.

Given the circumstances, Freedom United felt obliged to join many others in [speaking out](#) publicly against the Traffickinghub exhibit. In response to this criticism, National Museums Liverpool quickly pulled the exhibition. Many organisations are reluctant to call out other organisations working in the same field, but this exhibit was really harmful for both trafficking survivors and sex workers, so we decided it was important to take a clear public position.

### What do our supporters think?

It was important for us to find out where Freedom United’s supporters stood on the topic of decriminalisation of sex work at this juncture, since they are crucial to our social movement theory of change. We therefore conducted a survey that included the

question “Would you like to see Freedom United work on tackling sex trafficking through the decriminalization of sex work?” Two-thirds of our respondents answered ‘Yes’. We knew that we would risk losing some of our supporters by speaking out in favour of decriminalisation, but the survey suggested that the majority would still stand with us.

As part of this exercise, we also tried to arrange a live debate on the best way to tackle sex trafficking between decriminalisation advocates and advocates of the Nordic (end demand) model. We invited several speakers from both sides of the argument to participate, but only the advocates for decriminalisation were interested in participating. The ‘end demand’ advocates either rejected or ignored our invitations. As a result our webinar primarily featured

massage parlours as an effective strategy to address sex trafficking. To this end, we created a resource hub which pulled together Freedom United’s work on [trafficking for sexual exploitation](#). This growing resource includes an explanation of why we back decriminalisation, [Q&A pages](#), common myths, and a word of caution to the anti-trafficking movement about crying trafficking where it’s not yet been proven.

### **Funding makes the world go around?**

Freedom United has one big organisational advantage over many of our peers: we have independent sources of funding that neither explicitly nor implicitly influence our work. This allows us to chart an independent path when it comes to tackling human trafficking. Such freedom is rare. The human rights

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“Funder preferences and requirements are probably one of the most significant factors keeping organisations on the fence.”

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voices that spoke in favour of decriminalisation as the most effective solution. This lack of balance was quickly seized upon by end demand campaigners. Even people we invited (and who chose not to respond) found it in themselves to sign an open letter from Nordic Model Now! expressing their “very serious concerns about the webinar”, to which Freedom United also [promptly responded](#).

Now that Freedom United had solidified our position, we also needed to develop and share information and campaign materials explaining the approaches and why we support decriminalisation. We wanted to demonstrate that we would actively engage with sex worker organisations and their concerns. One way we have done this so far has been to submit evidence at recent town hall debates in Ontario, Canada to counter efforts to criminalise

movement is not awash with funding, and funder preferences and requirements are probably one of the most significant factors keeping organisations on the fence on sex work. Fears about losing future revenue frequently result in self-censorship, and there are times when not taking a position on sex work is set out as an explicit requirement for support.

Funding from the US government, one of the most influential actors in the anti-trafficking space, comes with an infamous clause that directly prevents recipient organisations from activities that “promote or advocate the legalization or practice of prostitution or sex trafficking”. Similarly, the Anti-Prostitution Pledge requires organisations to have an explicit policy against sex work and trafficking and to agree to not use private funds to support sex workers. This was successfully challenged

by US non-profits in receipt of federal funds to fight HIV/AIDS in 2013 as a breach of First Amendment rights to free speech. However, even in this programme the US Supreme Court recently ruled that these kinds of restrictions could still be imposed on foreign-based recipients, a decision which does not bode well for organisations receiving anti-trafficking funding ready to challenge the clause.

This creates a major dilemma. Is the benefit of publicly speaking out in support of sex workers' rights as a trafficking resilience strategy worth the likely cost of lost funding? The focus must, or rather should be, on pushing for progress towards ending trafficking and fighting measures that undermine it. Therein lies a challenge: to pursue an approach which confronts popularly-held opinions in the hopes that the evidence will shift attitudes (and eventually reach funders and funding policies); but whilst pursuing that shift, maintaining sufficient resources to be in a position to do that.

#### **Now is the time to speak up on sex work**

Anti-trafficking organisations have to be prepared to build bridges when they choose to enter the fray and speak out in favour of decriminalisation. The

polarisation has understandably caused an 'us' and 'them' mentality, as some anti-trafficking organisations continue to actively impede sex workers' pursuit of rights, putting them at greater risk of violence, abuse and trafficking.

Yet this need not be a polarising debate. The evidence is clear that full decriminalisation of sex work builds resilience to trafficking by both increasing the negotiating power of sex workers over working conditions and creating space for reporting concerns and holding others to account without fear of penalty. Freedom United is building alliances with organisations that are willing to take a stand and finding ways to create safe spaces for individuals and organisations to explore joining us. Human rights activists often declare that 'silence is acceptance'. For 'rights-based' anti-trafficking organisations sitting on the fence, now is the time to speak up.

## REPORT

# Lost in translation: do anti-trafficking organisations reflect their employees' views on commercial sex?

Emily Kenway and Joel Quirk

A fierce political debate is currently taking place in Great Britain regarding commercial sex. Diana Johnson, a Labour Party MP, has made a series of efforts to criminalise the purchase of sexual services in line with what is known as the 'Nordic model'. Echoing arguments made elsewhere, Johnson and her colleagues at the All-Party Parliamentary Group on Commercial Sexual Exploitation maintain that this model will help reduce human trafficking for sexual exploitation. Or, as she likes to put it, “[bust the business model of sex trafficking](#)”.

Johnson's proposal has provoked strong opposition by sex workers and their allies. In April 2021, the UK's Decrim Now campaign published an [open letter](#) opposing the Nordic model that was signed by over 150 anti-trafficking and sex work experts, academics and activists (as well as the two authors of this article). This letter maintained that there is a compelling body of evidence demonstrating that the Nordic model has not worked elsewhere, and that it would have all kinds of harmful effects upon marginalised sex workers if it were introduced in the UK.

Preventing human trafficking forms a major part of Johnson's case for the Nordic model, yet numerous organisations who have dedicated themselves to ending trafficking have expressed no public opinion at all about the merits of her proposed legislation. Not all civil society organisations have been reluctant to take a stand. Other prominent civil society voices, including Amnesty International, Liberty, and Momentum, have taken a position in support of sex worker rights, so this widespread reluctance amongst anti-trafficking organisations to take a public stance warrants further inquiry.

As part of our larger feature on [‘sitting on the fence on sex work’](#), Beyond Trafficking and Slavery recently conducted an anonymous survey of staff at anti-trafficking organisations to find out how they approach political arguments over commercial sex. This survey featured a mixture of yes/no and open-answer questions, and was administered via targeted emails to staff at civil society organisations in the UK focusing on human trafficking. An email contact list was compiled building upon the UK listings from the [Global Modern Slavery Directory](#), supplemented by further personal contacts. Organisations which work solely on child trafficking were excluded, because child exploitation raises different questions. In all 104 people were invited to contribute and 25 chose to participate. This article describes what we found.

### Key results

**The vast majority of respondents (92%) reported that their anti-trafficking organisations *do not* have a public position on the legal status of commercial sex.**

Five main reasons were offered to explain the absence of a public position:

- A need to do further research before formulating a position.
- It is not necessary to take a public position since their organisations either only work with people once they have been trafficked, rather than with sex workers in general, or because they work on exploitation taking place outside the sex sector.

- Their main focus is trafficking, and taking a position would be “mission creep”.
- The topic is too politically controversial.
- Taking a public position would risk creating problems by harming relationships with funders (36%) or with other organisations in the field (52%).

**However, two-thirds of respondents (68%) also reported that taking a position on the legal status of commercial sex matters for anti-trafficking.**

There is a tension between these two responses, with people working for organisations which don’t have a public position on sex work also reporting that having a position on sex work matters for anti-trafficking. Some of the thinking behind this apparent contradiction was revealed via responses to a follow up question which asked respondents how their public position – or lack thereof – on commercial sex affected their anti-trafficking strategy.

Answers to this question stressed the negative effects of the criminalisation of sex work on rights, safety and exploitability. One respondent stated that “Any criminalisation of work has a direct impact on the likelihood of exploitation and the ability of sex workers and those who are potentially at risk of exploitation to seek appropriate support if needed.” Others highlighted the role criminalisation played in making sex workers vulnerable to trafficking:

[1] “Our strategy takes an approach that criminalising people is deeply unhelpful, will drive them underground and will increase their vulnerability.”

[2] “... being illegal means girls and women will have more fear of seeking help when help is presented. It’s another form of control traffickers can use. It adds additional shame. Women need to be protected and given better rights, being considered a criminal is never going to help the situation.”

The fact that they worked for organisations who

did not have a public position on sex work was also identified as a problem by several respondents. Not having a position was said to “undermine our policy position that workers should have basic and fundamental rights that mean they can keep themselves safe at work” and to result in limited engagement with “a group that may be at particularly high risk of exploitation.”

These responses suggest that many anti-trafficking staff in the United Kingdom recognise that the legal status of sex work has important policy ramifications, yet they nonetheless work for organisations that have not taken a public position regarding sex work policy.

**Two thirds of respondents have a personal position on sex work (68%), with 88% of respondents who shared their personal opinion on sex work (15 of 17) expressing their support for either legalisation or decriminalisation.**

This aligns with our analysis above. While anti-trafficking organisations try to remain neutral as institutions, this neutrality is much less evident at a personal level. Many of our respondents strongly endorsed treating sex work *as work* from a personal standpoint:

[1] “I personally believe that sexual services should be legal so that sex workers can be recognised as workers, be able to enjoy protection such as unionisation and access to welfare/benefits when needed, and legal protections against abuse.”

[2] “Decrim now! Only by doing this can sex workers gain better and safer working conditions.”

[3] “It aligns with my human rights values.”

[4] “I am an advocate for workers’ rights, which includes rights for sex workers. These rights must ensure that sex workers can carry out their work safely and without risk. Legislation which criminalises workers only serves to drive them underground making them isolated and vulnerable to abuse.”

Others highlighted the regulatory advantages of legalisation or decriminalisation:

[1] “Yes because it could be properly regulated making sex workers less vulnerable to attack”

[2] “Making it illegal doesn’t stop trafficking, it just means it’s pushed underground making it harder to stop exploitation.”

[3] “I’m of the belief that criminalising the sale of sexual services will not address concerns linked to sexual exploitation, which is often the narrative used to support criminalisation ... criminalisation will serve to increase sex workers’ risk of violence and exploitation since they will have less channels available to enforce their rights as workers and seek support if they need it.”

Not everyone endorsed this overall stance. One respondent indicated that they were “not in favour of the sale of sexual services” due to the “risk of sexual exploitation”.

It is also worth noting that around a third of respondents did not express a personal position on commercial sex, which is a significant minority. Most who didn’t express a personal position didn’t explain further. However, one person stated that “I haven’t done sufficient research to take a position personally. It is an extremely divisive topic which has perhaps made me hesitant to engage more fully.” This suggests that, for this respondent at least, limited knowledge and political controversy are making it difficult to form an opinion.

While four people indicated that they did not have a personal opinion regarding sex work, another four simply skipped the question entirely. This is one of several questions where a minority of respondents did not answer yes or no, and instead did not answer at all. Another question with a notable non-response rate asked whether people felt able to express their personal viewpoint in public if it differed from the viewpoint of their organisa-

tion. These non-responses can probably be traced to people not being sure whether to answer either yes or no, which in turn speaks to the complexities and politics of the underlying issues.

**Most respondents felt able to publicly share their personal position (64%), yet a majority also expressed concern that their relationships with other organisations (52%) and with funders (36%) would suffer if they supported decriminalisation.**

The 64% figure suggests most anti-trafficking specialists feel able to express their personal opinions in public despite a widespread reluctance to take a public stance regarding commercial sex at an organisational level. This was not always the case: a minority of respondents (16%) reported feeling unable to state a public position if it was different from that of their organisation. So while self-censorship happens occasionally, it is far from the norm: there remains room to share personal opinions in public within many organisations.

The other findings strengthen the earlier point about differences between personal opinions and organisational constraints, since many respondents also expressed concerns that publicly supporting decriminalisation would have negative implications for their relationships with other organisations (52%) and with funders (36%). In a further question, 68% of respondents answered ‘no’ when asked whether they think that anti-trafficking organisations in the UK “feel comfortable expressing a public opinion on sex work”. The fact that two thirds of respondents believe that the sector as a whole is reluctant to speak up is hugely significant. Anti-trafficking organisations tend to be very reluctant to criticise their peers, since they routinely work closely together and share common goals. So the fact that so many organisations currently remain on the fence is likely to contribute to a mutually reinforcing dynamic, where it is much easier to remain neutral than to take a clear position on commercial sex and potentially damage relationships with their peers and other stakeholders.

As our findings earlier showed, respondents gave several reasons why organisations do not have a public position, including lack of research, irrelevance to their specified remit, political controversy, and concerns about funders and peer organisations. Our findings suggest that most staff at anti-trafficking organisations are personally supportive of sex worker rights, and that most feel able to raise their voices personally in public, yet there remain major constraints when it comes to taking a position at an organisational level.

**92% of respondents indicated that their organisation had *not* taken a public stand regarding Diane Johnson's proposal to introduce the Nordic model in the UK.**

This brings into focus a stark divide between sex worker-led organisations, who collectively mobilised in strong opposition, and anti-trafficking organisations, who only rarely took a public position. Given this divide, it should not be surprising that 52% of respondents also indicated that they had not heard of [the open letter from Decrim Now](#), which was central to political opposition to Johnson. Only three respondents indicated that their organisations had an internal conversation regarding whether to sign the letter. Seven reported that they had considered signing the open letter in a personal capacity, four of whom did. Only one of those four was a member of an organisation which had a public position on sex work.

These results can be interpreted in two different ways. In one reading, a lack of knowledge regarding the letter suggests that sex workers' rights organisations could do more to engage with the anti-trafficking sector. Alternatively, this lack of knowledge can also be read as symptom of a broader lack of engagement by anti-trafficking organisations with sex worker-led organisations. There is truth in both. Sex workers and their allies have [frequently written](#) about their [disillusionment with the anti-trafficking sector](#) and their [reluctance to engage with them](#) because of [how they have been treated](#) within anti-trafficking circles. And, as this sur-

vey shows, many anti-trafficking organisations do not view engaging with the sex sector or supporting workers' demands as part of their remit. Both readings ultimately point in a common direction: many anti-trafficking professionals are not aware of key initiatives by sex workers' rights activists. As we previously discussed, 68% of our respondents believe that the status of commercial sex matters for anti-trafficking strategy, but it is hard to incorporate this position into programming if you don't sufficiently engage with sex worker organisations.

We don't want to read too much into the Decrim Now letter as a singular issue. We recognise that open letters are common, and that this was only one of any number of things which called upon the time and energy of staff at organisations which are continually overstretched. Some people may have wanted to sign, but ultimately never followed through due to the press of other demands on their time. The fact that Johnson's proposal was (initially) a private member's bill, rather than a party political matter, could also have been a contributing factor here, since a calculation may also have been made that it was unlikely to succeed and therefore didn't merit much investment.

It is worth noting, however, that the Decrim Now letter also overlapped with a public petition which called upon the UK government to [restore rights to domestic migrant workers](#). Many anti-trafficking organisations threw their public support behind this second petition, which was eventually bluntly rejected, while remaining silent on sex work. The fact that many anti-trafficking organisations supported one public initiative but not the other is symptomatic of a larger reluctance to take a public stand regarding commercial sex.

**Separating sex work from human trafficking?**

Some respondents maintained that they were specifically focused upon human trafficking, and therefore did not need to take a position regarding commercial sex more generally. The following response provides a good example of this approach:



We don't take a position on the sale of sexual services. Our focus is on cases involving trafficking or where children are in commercial sexual exploitation. Our casework therefore focuses on supporting women who want to leave exploitation and/or children who cannot consent to such abuse. We support them to access services after leaving exploitation, and we want to ensure traffickers are held to account. We don't see it as our position to speak to situations where women consent to providing sexual services.

Organisations that are narrowly focused upon specialist support provision may well determine that they don't need to take a position, since they only focus on what happens once harm has already occurred. However, many anti-trafficking organisations that provide victim support services also operate policy and advocacy arms. Where this is the case, the failure to have a public position becomes much less defensible, especially if they are in the

68% of respondents who also thought that taking a public position matters for anti-trafficking strategy.

Not having a position on commercial sex becomes increasingly difficult as the conversation shifts to policy and regulation. Human trafficking can be found in many sectors, including farming, construction or domestic work, and in all of these sectors it represents the sharp end of a spectrum of exploitative conditions. Not all people who work on farms or in homes are trafficked, yet the regulations that govern workers in these sectors nonetheless play a crucial role in determining how and why workers are vulnerable to exploitation and abuse, including human trafficking. Many policies and activities build upon this insight. Take, for example, the licensing of labour providers via the Gangmasters and Labour Abuse Authority, which attempts to reduce trafficking by improving workplace regulations across specific industries.

This overall framework is directly applicable to commercial sex. If you want to reduce trafficking for sexual exploitation, you need to look at the role of regulation in making workers vulnerable to abuse (or in preventing it). Maria Grazia Giammarinaro, the former UN Special Rapporteur on Human Trafficking, acknowledged this when [she said](#) that “Exploitation, and therefore trafficking, begins with the enabling of a breeding ground for the disregard of fundamental labor rights”. It therefore follows that regard for labour rights must be maintained in order to reduce trafficking, and that means focusing upon the rules which determine how all people are able to work, bargain, and exercise their rights.

This relationship between regulation and exploitation is already widely acknowledged in other economic sectors, but many people continue to insist that the sex sector should be treated as an exception to the rule. This is reflected in the following response:

Because we are trying to avoid mission creep – our focus is on victims of [modern slavery and human trafficking] exploitation and while there are overlaps we recognise there is a breadth of opinion out there that could draw us into endless debates whilst not moving the issue forward and/or distracting us from our core mission.

This is one of the main rationales for separating sex work policy from anti-trafficking: it is better to prioritise victims and try to avoid “endless debates” over a controversial and complex topic. And as resources are limited, isn’t it better to avoid engaging entirely? While this position may sound attractive, at least initially, it effectively means that anti-trafficking organisations are removing themselves from a policy conversation which has profound

effects upon their capacity to advance one of their main goals: reducing trafficking.

### **The personal is not sufficiently political**

One of the key findings of this survey is that there is a disconnect between personal views and organisational positions. Based on our findings, many people working for anti-trafficking organisations have concluded that the criminalisation of the commercial sex industry increases harms for workers and helps to enable trafficking to occur and thrive. However, these personal positions are not widely reflected in organisational policies, with political considerations, organisational priorities, and concerns about peers and funding generating pressures to avoid taking a clear public position regarding the status of commercial sex.

This in turn makes it hard to have policy conversations about governance and regulation. Many tools have been developed to prevent and address trafficking in other commercial sectors: ensuring workers have access to rights information and language education, regular and rights-based labour law enforcement, and trust in authorities to provide support. As demonstrated by the [Rights not Rescue programme](#) run by the International Council for the Rights of Sex Workers in Europe, these kinds of tools can be effectively used in the commercial sex sector to build resilience to exploitation and to aid identification by creating safe spaces, using outreach for peer identification, and by creating bonds of trust with authorities. There will always be scope for further improvement and refinement when it comes to policy, but it is very difficult to get to this point in the conversation when most anti-trafficking organisations have a policy to not talk about policy as far as sexual labour is concerned.

## There is no neutral position on whether sex work is work

Inga Thiemann

Many anti-trafficking organisations and first responder organisations within the European National Referral Mechanism system try to avoid taking a stance on sex work. This is not a new phenomenon. When I first engaged with anti-trafficking organisations' views on sex work in 2014, I encountered clear positions but I also received a number of answers like these:

'I think there are two sorts of views. There is an official view and there's a sort of widely held unofficial view. The official view is, we are a [faith-based organisation], so our thoughts on prostitution are aligned with the teachings of [the Church]: ... it's sinful for both parties, but special consideration and sympathy must be given to the person who is selling the service. ... The unofficial position, which most people in our organisation hold, is ... about 'is anyone suffering?'. (A UK-based charity)

'As a Christian organisation our view is based on faith. We do believe that sex is created for couples to express a loving relationship. ... [Yet] we work around the world with women who are working in prostitution, in the sex industry, and we would be very careful not to be judgmental and careful not to treat people in a way that might make people feel inferior or judged.' (A UK-based charity)

'We have very heterogenous member organisations, due to their history or their political positions, so we integrate and represent very different organisations. But generally speaking we would view ourselves as 'in the middle' [with regard to views on sex work]. (A Germany-based umbrella organisation)

This last interviewee went on to explain that, in practice, members of the organisation were pragmatic: they were focused on helping victims of traf-

ficking rather than those voluntarily engaged in sex work, so their views did not matter for their work. They were ultimately staying out of the debate.

Not much has changed in the years which have passed. There continue to be many organisations who seem unsure of where they stand, or try to stand everywhere at once, or simply do their best to avoid the conversation. This tends to be justified in pragmatic terms: by occupying the middle ground they avoid both the puritanical zealotry that is sometimes associated with opposition to sex work and the controversy that would certainly come with endorsing decriminalisation. Moreover, it also comes with the advantage of insulating anti-trafficking organisations from potential changes in government policy. If the laws governing commercial sex change, it is less likely to damage your relationship with government if you don't have a clear position.

These appeals to pragmatism are frequently tied to concerns over funding. Many governments favour faith-based organisations with long histories of charitable work, and therefore award contracts and funding to [established organisations with politically 'safe' profiles](#). A good example of this larger dynamic is the position of the Salvation Army as the UK government's preferred service provider for the National Referral Mechanism, which handles suspected trafficking cases. For charities and service providers, proximity to government and a reputation for neutrality can be a major competitive advantage in an environment where non-governmental organisations struggle to survive. As a case in point, the Salvation Army replaced another organisation, the Poppy Project, which [folded shortly thereafter](#).

Apart from concerns over funding, I was also told that 'staying out of it' enables organisations to more

effectively focus on victims' needs without any 'distractions'. According to this logic, abstaining from the debate over sex work means taking the moral high ground.

### 'Staying out of it' means becoming a bystander

There is much more going on beneath the surface. One of the main problems with these appeals to 'neutrality' is that they reduce the political and personal stakes associated with the status of sex work to an intellectual abstraction. 'What to do with sex work' becomes a hypothetical moral question that might feel personally important but which carries no real weight. The claim that staying neutral allows organisations to get on with the 'real work' of victim services reinforces this approach.

Yet that understanding of the problem is anything but neutral. It accepts the anti-sex-worker premise that abstract questions of morality and specific views on feminism *are able to* outweigh concrete safety issues. In doing so, it affirms that the sex work policy debate does not have to centre on sex workers' livelihoods, safety and their rights as workers, but can also be about what 'we', as a society, believe is 'right'.

Anti-trafficking organisations' neutrality also implicitly endorses a second key anti-sex-worker assumption, namely that sex work is fundamentally different to other types of work. Indeed, that sex work is not real work at all. How? By giving equivalence to workers' calls for greater protection of their rights *at work* and 'end demand' groups' calls to 'protect' sex workers *from* their work. In no other sector would anti-trafficking organisations feel so comfortable giving both positions equal value, and the only route to doing so here is by accepting the idea that sex work is different from, and lesser than, other forms of work. Only if that is the basic premise does it make sense to ignore sex workers' assertions that decriminalisation would make them

safer, because only then can their safety *at work* be seen as irrelevant or optional.

Thus, it is not a neutral position to claim that workers' rights in the sex industry are irrelevant to anti-trafficking organisations' work on the ground. Anti-trafficking organisations claim to exist to end exploitation in the world of work and to help survivors of trafficking. Given that, it is definitely a position to insist that – in contrast to any other industry – workers' rights make no difference to the situation of vulnerable or exploited sex workers. It is a position to not care whether improved access to labour protections could improve working conditions within the sex industry. And it is a position to suggest that victims of trafficking in the sex industry, unlike victims of trafficking in any other sector, should not be compensated for the wages they did not receive. (As I [explain elsewhere](#), the avenues to rights and compensation are under-utilised for victims of trafficking in the sex industry in comparison to other sectors, even in countries in which sex work is legal.)

By claiming neutrality, anti-trafficking organisations ultimately reinforce the notion that sex work is not work and that there are [two entirely separate types of human trafficking](#), sex trafficking and labour trafficking. This enables an approach to human trafficking into the sex industry which leaves only temporary service provision and 'rescue' [without access to rights](#), and it pushes rights-based approaches to exploitation within the sex industry even further to the fringe.

If stakeholders do not engage with the question of whether or not sex work is work, it becomes possible to assume the question is simply unimportant. A matter of personal viewpoint that doesn't have an effect on anything. In reality, rights-based approaches depend on stakeholders' affirmation that sex work is work. It's time to come off the fence.

# Fence-sitting and its discontents: the fear of taking a stand on sex work in the United States

Sienna Baskin

The anti-trafficking field in the United States is composed primarily of organisations who provide direct services to survivors of human trafficking. This typically includes social services such as counselling and legal services. The US government provides around **\$300 million per year to this field**, and year after year that funding increases and the field grows. Beyond their main work of helping survivors, anti-trafficking organisations advocate for policy change and reforms to benefit survivors or prevent human trafficking. At the state and federal levels, they contribute their knowledge about how trafficking happens and how people are affected by both trafficking and official responses to trafficking.

The federally funded anti-trafficking field interacts with sex workers when they serve and protect survivors: survivors may work alongside, or are at times themselves, voluntary sex workers. Criminalisation of the sex industry clearly harms survivors of trafficking in the sex trade. However, the majority of these organisations believe that their receipt of federal money prevents them from advocating for the end of criminalisation. A legislative provision known as the ‘Anti-Prostitution Pledge’ requires federal grantees to sign a statement that they will not “promote, support, or advocate the legalization or practice of prostitution”. This was first enacted in 2003 as part of President George W. Bush’s programme to fight HIV/AIDS around the world (which also included a provision directing one third of prevention spending towards ‘abstinence only’ initiatives). Shortly thereafter, the Anti-Prostitution Pledge was also added to the Trafficking Victims Protection Act, which authorises the funding for anti-trafficking organisations. Its authorship is credited to Chris Smith, a Republican senator still in office.

## A chilling effect

HIV/AIDS organisations brought a constitutional challenge to the Anti-Prostitution Pledge and, in 2013, the US Supreme Court found that **it violated their First Amendment rights**. However, the provision in the trafficking act is a separate law. It has not yet been challenged, and continues to be in force for both foreign and US-based anti-trafficking organisations.

Some federally-funded anti-trafficking organisations believe they can support decriminalisation without “promoting legalization”, and thus not run afoul of the law, or that there is other room for interpretation. But the threat is real. Organisations have been audited and questioned if they are suspected of supporting the decriminalisation of sex work or of defending sex workers’ rights.

This has a chilling effect upon how organisations approach sex work. Some anti-trafficking organisations do oppose decriminalisation, and they may speak freely. But those that support sex workers must err on the safe side. They hide their partnerships with sex workers’ rights defenders, prevent their staff from testifying in support of legislative proposals championed by sex workers, and edit their public communications to avoid any potential violations of the pledge. The threat of losing funding – and of trafficking survivors losing what may be their only resource in a community – causes organisations to be cautious, fearful, silent.

The Anti-Prostitution Pledge is a clear act of political silencing and compulsion that contravenes First Amendment free speech protections. It has emboldened those opposing sex workers’ rights, who face no such restrictions on promoting their views.

And it has enabled anti-trafficking organisations who support or would like to support sex workers to collectively sit out this important conversation. More broadly, it has restricted the development of knowledge in the anti-trafficking field and in the public sphere about the scope, details, and impact of various legal approaches to commercial sex.

There are only a few examples of decriminalised sex work in the world, with [New Zealand being the most well-known model](#). However, the [effects of this approach where it has been implemented have been ground-breaking](#). Decriminalisation has reduced harm in the sex industry and opened avenues to justice previously unimaginable. Developing a similar model within the US would take study, collaboration, and a knowledge and evidence base. This is hard to do when you cannot talk freely with

Philanthropic foundations are also strongly inclined to stay ‘on the fence’ regarding sex work. In 2019-2020, the Sex Worker Donor Collaborative worked with Strength in Numbers to research global funding for sex worker rights, including what [strategies would help funders to deepen existing support or unlock new funding](#). In addition to the [tragically low amounts of funding available](#) (less than 1% of human rights funding in 2018 was given to sex workers’ rights), we also identified several reasons why philanthropists are reluctant to stand a stand.

For many funders, fence-sitting happens pre-consciously. Even funders who regularly support programmes focusing on poverty, women’s rights, racial justice, criminalisation, and other issues in which sex workers’ rights are central, often don’t feel like they have to take a position on sex work.

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“Funders have something to lose if they align themselves with unpopular ideas.”

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all stakeholders about decriminalisation. Thus, when the sex industry is discussed, there is tendency for opponents and even proponents to focus on moral questions – not on the evidence of effects or details of implementation. Decriminalisation bills are not treated as a serious and necessary public policy proposals that they are.

#### Funders on the fence

The power of the Anti-Prostitution Pledge is partly due to the limited sources of funding that anti-trafficking organisations have outside the federal government. Local community foundations can rarely sustain these programmes, and national funders are unlikely to fund direct service provision at a national scale – the bread and butter of most of anti-trafficking organisations.

They may claim they don’t know enough about sex work to form an opinion, because sex workers and sex workers’ rights defenders are not seen as a community which these funders need to consult or be accountable to.

On some level, these funders erase the many sex workers affected by their grant-making because they are uncomfortable with the existence of sex work. Although sex workers routinely traverse and code-switch through many terrains, there is a strongly held idea that sex workers can’t be made palatable. That bringing them more fully to the table would disrupt the flow of philanthropy culture, which is polite, wealthy, and largely white. As the reproductive justice organisation Women with a Vision attests, sex workers’ “existence is political”.

Many funders can easily avoid this discomfort and face no negative consequences.

### Fear and power

There are other funders who are clear that their grants affect sex workers, yet consciously avoid taking a clear position. We interviewed some of these funders for the 2019-2020 research. Some encounter strong and opposing opinions from their grantees regarding the best approach to commercial sex. In the US, there is a growing movement to implement the Nordic model of criminalising just those who buy sex, with many survivors as spokespeople. This leads to political disagreement and counter-campaigns, with people with lived experience of the sex industry on both sides. When faced with this disagreement, some funders find it impossible to take a position reflective of all of their grantees.

Other funders are allies to sex workers, but quiet ones. They may want to fund sex worker rights defenders and sex worker-led organisations yet don't take the plunge. They may find a way to fund these organisations, but at a distance, through intermediaries and without fanfare. Funders have something to lose if they align themselves too closely with unpopular ideas. Condemnation of sex workers runs deep in almost every culture, and criminalisation creates further stigma. Foundations have public reputations and wealthy individuals, including individual donors, have their own reputations and standing to protect. They also have little reason to identify with sex workers' struggle, so reputational risk can easily outweigh their interest in supporting the cause.

Foundation staff's power is based on relationships with these wealthy individuals. They may fear they will lose some of the relational power they need to get their recommendations and priorities accepted by their boards, and thereby to get funding to other important communities. We found that foundation staff we interviewed associated sex work above all with reputational risk. Some were even reluctant to even talk to us at all. This fear is not completely unfounded. Many human and civil rights organisations have supported sex workers in their advocacy

and public statements without reproach. But in a few cases, like [Amnesty International](#), there was a severe backlash. Unfortunately, when funders are silent in a world where the narrative against sex workers is so mainstream, this silence prevents the world from knowing how much support there really is.

### Getting off the fence

As many other movements have proven, fence-sitting is a refuge that cannot last forever. Discomfort feels personal but is also cultural, and culture changes. We have seen it change for transgender people as they have asserted their full humanity, gathered allies, suffered backlash, and pushed forward to a future where trans identity is more accepted and celebrated. We also see sex workers taking their rightful leadership of movements and conversations that affect their lives.

Legislative campaigns are one lever they are using in the US. More and more sex workers are moving from talking about decriminalisation to actually writing and proposing bills and ballot initiatives to change laws. This has already happened in at least eight states in the US, and if this wave continues it will become harder and harder to avoid taking a position. Politicians will have to meet with sex workers, hear their testimony in public hearings. Residents will open their doors to sex workers and their allies with clipboards and talking points, or see their proposals at the ballot box. Candidates will be asked where they stand. Will anti-trafficking organisations testify in support, in opposition, or remain silent? Will funders fund these campaigns or their opposition?

Those of us who are allies to sex workers need not sit by and wait for this change to happen. We can call out the racism and classism inherent in continuing to support criminalisation. We can fund the research, policy development, and organising necessary to develop proposals that prevent harm and serve all communities. We can move now from fence-sitting to overt solidarity, taking our fraction of the risk, and dismantling inequities to make sex workers welcome.

# Between access and sex workers' rights in Portugal

Mara Clemente

Debates between advocates of sex workers' rights and their neo-abolitionist counterparts have long dominated conversations regarding commercial sex. However, there are other voices and organisations within civil society who have various incentives to avoid taking a clear position within this now familiar debate. In Portugal, many anti-trafficking organisations favour a fluid and ambiguous position that allows them to be either advocates or 'fence-sitters' depending on context. However, the impulse to claim neutrality greatly increases when an organisation becomes incorporated into the anti-trafficking apparatus of the Portuguese state. It appears that advocates of both sex workers' rights and neo-abolitionism have determined that staying out of this particular battle is a price worth paying in order to access the various benefits associated with state partnership, including funding opportunities and a growth in public recognition.

Many organisations have, by this point, chosen this route. This result is an environment where service provision is the main priority, and where anti-trafficking organisations find it increasingly difficult to speak up regarding 'controversial' topics such as commercial sex or the harm of securitisation.

## Sex work and NGOs in Portugal: a peripheral issue for a peripheral actor

The sale of sex has not been a major focus for activism and mobilisation in Portugal. [Women's groups](#) have often been drawn from the female ranks of left-wing political parties and, until relatively recently, they rejected the 'feminist' label. Contraception and abortion were the main women's issues for a long time, together with the more general struggle to rebuild Portuguese society following the transition to democracy in the 1970s.

Although prostitution was decriminalised in 1982, protecting the values and interests of society took priority over the interests of sex workers both in law and in public debate for a long time. One key moment came in 2003, when the 'Mothers of Bragança' mobilised in opposition to a perceived 'invasion' of the northern region of Portugal by Brazilian sex workers – whom they held [responsible for disrupting the families' economic balance](#) by selling sexual services.

The framing of prostitution as a form of patriarchal violence by, especially, faith-based organisations has also made for a difficult environment in which to organise. Nevertheless, since 2011 some NGOs, sex workers and scholars have come together in a network, the [Network on Sex Work](#) (Rede sobre Trabalho Sexual), which represents a major breakthrough in the development of a pro-sex workers' rights alliance within Portugal. But, some NGOs within the network still remain reluctant to publicly champion the cause due to their close relationship to the government and their involvement in anti-trafficking programmes.

## Neoliberal actors in anti-trafficking

To better understand the contextual position of some of these NGOs, it is useful to consider that international anti-trafficking instruments leave it up to each state to determine the best way to address sex work through domestic legislation and policy. This is a necessary compromise, since governments have never been able to agree on a shared approach. From an anti-trafficking standpoint, the main goal of these instruments has been to develop the infrastructure required to support an anti-trafficking system. But in many countries, civil society organisations have used their presence to try and turn the fight against human trafficking into a fight against prostitution.

This has also happened in Portugal, although the fight against trafficking started slowly in the country. Civil society voices in Portugal are nowhere near as strong as they are in places such as the United States, and until recently human trafficking was considered a low priority by civil society and government alike. The impetus for change has primarily come from international pressure, especially the European Union.

Competing views on the sale of sex emerged as the Portuguese government began to develop its anti-trafficking system, creating a potential flashpoint. At the same time, the neoliberal construction of the system situated the state as the core agency in setting anti-trafficking rules and constructing trafficking subjectivities. State institutions now define what it means to effectively participate in anti-trafficking and set the terms of entry for organisations wanting in. To prevent potential conflict government officials carefully select the organisations they work with, and the partners they've chosen are ones they trust to not strongly advocate for changes in prostitution policy or against the current security-led approach to trafficking. For the NGOs concerned, the opportunity to join forces with the government is seen as [highly attractive](#) primarily because of the amount of capital that comes with it. The end result: a neoliberal bargain which has seen the Portuguese state elevate and incorporate civil society voices who have tacitly agreed to not be 'too political'.

The most prominent example of this neoliberal bargain is the Family Planning Association (*Associação para o Planeamento da Família*), the main NGO working in anti-trafficking in Portugal. Since 2008, the association has run shelters, training activities, and awareness campaigns. It has also played a major role in coordinating local anti-trafficking networks set up with the help of the state and the EU. In recent times it has also expanded its programmes to facilitate the identification of 'trafficking victims' by the police and their subsequent repatriation, thereby consolidating its key position within the larger anti-trafficking system. The Family Planning Association has been part of the Net-

work on Sex Work since 2011, but its involvement in anti-trafficking activities and funding has meant that it has become increasingly reluctant to champion a public position on sex work. Whenever it contributes to official anti-trafficking programmes it adopts a deliberately neutral position, despite having formally declared its support for sex worker rights in [2014](#).

Other organisations also change their positions depending on context. This is the case of the Portuguese Association for Victim Support (*Associação Portuguesa de Apoio à Vítima*). Despite its participation in one of the main anti-trafficking networks supporting the sex workers' rights movement, the [Global Alliance Against Traffic in Women](#) (GAATW), this association does not publicly champion sex work at a national level. It avoids any participation in the public debate for the rights of sex workers and declares a 'neutral' position regarding the sale of sex. And, like the Family Planning Association, it also receives a substantial amount of government funding. In particular, it financially benefits as a subcontractor for trafficking 'prevention' activities and as a manager of a specialised shelter for trafficked women.

Some neo-abolitionist organisations, including women's organisations, also engage in similar manoeuvres regarding the sale of sex. This is the case of the Women's Democratic Movement (*Movimento Democrático das Mulheres*). By accepting the invitation of the main institutional anti-trafficking interlocutors to collaborate, the movement has left aside any struggle for new prostitution policies. In return, they are able to maintain a dialogue with the heavyweights in the field and access funding in this area – once again, mostly related to awareness-raising and training activities.

The Women's Democratic Movement has an entirely different position on sex work to the Family Planning Association and the Association for Victim Support, yet all three organisations have ended up with a common position – on the 'fence' – due to their shared connection to the Portuguese

anti-trafficking system. Institutional constraints prevail over ideological and moral commitments.

#### Any chance to speak with ‘fence-sitters’?

There is an ongoing debate within Portugal over government policies regarding sex work, wherein different opinions are expressed and different civil society voices are recognised. Despite the difficulties posed by stigma and the substantial absence of any type of funding, a growing contribution to this debate is coming from sex workers themselves, in particular the [Life Sharing Group](#) (Grupo de Partilha D’a Vida) and the [Sex Workers Movement](#) (Movimento dxs Trabalhadorxs do Sexo). However, there is much less room for debate when it comes to human trafficking policies. The existing anti-trafficking system silences all related struggles, [downsizes ‘sex trafficking’](#), and obstructs criticism of the existing security regime by positioning anti-trafficking within the larger war against crime.

NGOs embedded within this system find it hard to be effective allies to sex workers, depriving migrant sex workers especially of a critical source of protection from the problems they face in their working lives. Furthermore, it raises barriers between sex workers and other political actors inside and outside anti-trafficking. As a result, the fight against trafficking has lost much of its critical and trans-

formative potential, and instead has strengthened the bureaucratic powers of the state over both ‘victims’ and other actors.

There is no easy way to persuade anti-trafficking NGOs to get off the fence. And these days there seems to be a lack of opportunities for engaging in critical debate. That said, one could imagine some structural changes that could make such persuasion easier. The emergence of new funding sources, for example, could potentially lead to a wider diversity of anti-trafficking actors, a robust debate on trafficking and its ‘victims’, and, with this, the chance of moving some organisations off the fence. Greater inclusion of migrants’ and workers’ rights organisations in Portuguese anti-trafficking could also change the discussion, if they are allowed to speak freely without risking their funding. And, of course, greater support for the self-organisation of migrant sex workers and their involvement in the fight against trafficking could potentially make sitting on the fence a much less attractive position. New research has also influenced some organisations to more strongly favour sex workers’ rights in Portugal, and thus we cannot underestimate the opportunity to strengthen critical research on trafficking and its dialogue with civil society organisations.

## The common cause of drug reform and sex workers' rights

Anastacia Ryan

Global outrage regarding human trafficking and sexual slavery has had a major effect upon how women engaged in sex work are represented. No longer publicly imagined as morally corrupt or bad women per se, they are now more likely assumed to be victims of sexual slavery and trafficking. As a result, punishment and discipline have given way to more neoliberal mechanisms of control under the guise of 'rescue'. Prostitution has been [increasingly re-classified as a crime](#) that uniquely victimises women and children, and as this US-led conflation of prostitution with trafficking has spread 'raid, rescue and rehabilitation' operations [have increased](#) throughout southeast Asia and other Global South contexts. These morality-based agendas make help and support conditional on exiting sex work and/or abstinence rather than prioritising rights, recognition and respect.

This politics of 'rescue' has resulted in multiple forms of abuse, and opposition to the approach has galvanised sex workers across the globe. This activism and advocacy, however, has been undercut and ignored. Friends have also been difficult to find. There has been a distinct lack of support from other communities and organisations negatively impacted by discrimination and criminalisation. Instead of taking up calls for decriminalisation and labour rights, potential allies have remained on the sidelines rather than standing in solidarity.

This is true of most anti-trafficking organisations. The image of the feminised sex slave has become so enmeshed in the public imagination that NGOs are afraid to embrace sex workers' rights amid concerns that backing decriminalisation will potentially erode public and state support for trafficking victims. They are also worried that taking a stand in support of decriminalisation would open up their

organisations to attack and put their funding and donations at risk.

Perhaps more perplexing has been the lack of engagement with sex workers' rights by those spearheading campaigns for the decriminalisation of illicit drugs. Some drug policy reform organisations do see the parallels and are vocal in their support. Yet for others, there is a clear sense of 'fence-sitting' when it comes to supporting the full decriminalisation of prostitution. This is hard to understand. Both sex workers' rights groups and drug reform groups understand the harms created by criminalisation and stigma, and spend their days fighting to reduce them. They also have overlapping constituencies. Yet despite this common ground many refuse to offer their support. Perhaps most concerning are the politicians who champion the right of people to use drugs, yet somehow find it in themselves to also [embrace the 'rescue' of sex workers](#).

### 'Rescue' as sanctioned violence of sex workers

The brutal realities of the criminalisation of sex work and the conflation of prostitution with trafficking are fundamental to sex worker activism. Many of these problems have been creatively documented by [Thailand's Empower Foundation](#). Their advocacy was a highlight of the International AIDS Conference in Melbourne in 2014, where the audience was captivated by a performance of sex workers that captured the day-to-day challenges they faced: condoms and earnings confiscated, raids on their workplaces, and bribes in the form of free sexual services to authorities. In Thailand, as elsewhere in the world, rape, arrest, detention, and police brutality haunt the daily experiences of sex workers.

I first saw Empower's performance while working with the [Asia Pacific Network of Sex Work Pro-](#)



jects (APNSW) in Thailand. At this project, I heard countless stories of sex workers taking dangerous routes across borders to search for work in neighbouring countries. Women recounted how vulnerable they were to rape, violence, and extortion by both border officials and those they paid to facilitate their journey. But one of the most significant problems, they said, were the attempts by the police and NGOs to ‘rescue’ them. For many sex workers, the main problem was not the ‘smugglers’ or ‘traffickers’, but the state, its agents, and civil society supporters.

Caught between the ‘Tiger and the Crocodile’, sex workers continue to experience the double-edged sword of repression. They can be either bad women motivated by self-interest to sell sexual services, or fallen victims of malicious male violence, abuse and trafficking. Both conceptions are vastly oversimplified, yet they have been the driving force of varying degrees of state regulation and surveillance for decades. Despite the rhetoric of ‘rescue’ – a deeply gendered, paternalistic and misogynistic concept

– most sex workers primarily encounter the state through state-sanctioned violence.

The lobbying power of ‘mutant feminism’ has led to scaremongering tactics so militant that even those renowned for integrity on women’s rights, like [UN Women](#), have chosen to sit on the fence on the issue of sex work law reform. It’s not hard to imagine why, for they have seen what happens when groups choose a side. [Amnesty International](#)’s announcement that it would support decriminalisation attracted [ferocious attack](#) from groups that prioritise the eradication of prostitution over all else, including the safety of sex workers.

#### Shared experience as the basis for solidarity

Whilst potential conflict may partly explain ‘fence-sitting’ by those advocating for the decriminalisation of drugs, the benefits of solidarity between the drug reform movement and the sex workers’ rights movement are well established. This begs the question as to why a shared platform of

advocacy for rights, recognition and respect has not emerged within the landscape of UK activism.

For UNAIDS bodies, including the World Health Organisation, the shared context between sex workers and people who use drugs (alongside men who have sex with men, people in prison, and trans persons) is their identification as “[key affected communities](#)” at risk of HIV. This recognition provided a platform for solidarity and cooperation, and allowed groups to leverage their collective bargaining power to address the structural conditions that put these populations at greater risk of HIV infections: unjust laws, discrimination, violence and stigma. Solidarity between sex worker-led and drug user-led advocacy movements forced the impact of punitive laws on HIV-risk to become a key focus of the landmark 2012 [Report from the Global Commission on HIV and The Law](#). Many subsequent [calls for decriminalisation](#) followed.

The common risks to sex workers and drug users extend far beyond health and HIV risk. The criminalisation of drugs has created an illicit market that contributes to violence, breeds corruption and fuels conflict. The criminalisation of sex work, likewise, has created an underground sex market where exploitation and violence, including vulnerability to trafficking, can flourish. Poverty is a driving force for involvement in both contexts, yet because these are illicit markets anybody who participates in them is at risk of experiencing harsh enforcement measures. It goes without saying that there are globally racist and classist dimensions to these wars too.

There has been an arising hysteria of ‘county lines’ drug operations in the UK, whereby drugs are moved from major cities to rural areas and small towns by recruiting vulnerable children to transport and deal them. Such [media hype](#) is commensurate to reporting on human trafficking, with media articles often heralding police crackdowns as great rescue operations in which victims are saved and criminals are ‘[hunted](#)’ and brought to justice.

There are of course documented problems of exploitation and violence associated with the sex trade, the drug trade, and people smuggling. But phenomena such as trafficking, ‘county lines’ and trafficking ‘gangs’ – currently the entry point and preoccupation of policy makers, NGOs and the media – are a by-product of criminalisation, an approach that has consistently failed to develop indicators of ‘impact’. These narratives of harm steer attention away from the structural conditions that render children vulnerable to drug gang recruitment; the vulnerabilities caused by the absence of labour rights for sex workers; and the lack of safe and legal routes for migrants to work in the UK. In not addressing the root causes of victimisation, ‘county lines’, anti-trafficking and anti-migrant narratives justify more state and police powers, ever expanding prison numbers, and [increased enforcement budgets](#).

#### [The utility of trauma](#)

27 May 2021 marked 50 years since the UK’s Misuse of Drugs Act 1971 received royal assent. This pivotal anniversary propelled charities, scientists, ex-police, public health specialists, bereaved family members, and over 50 MPs and Peers from all parties to [call on the Government to urgently review legislation](#) criminalising some psychoactive substances. This call to acknowledge a record of policy failure – reflected in the UK’s booming illicit markets and record number of drug-related deaths – did not extend to coalition building around reform of sex work.

Despite advocating for drug policy reform, [some leading politicians in this field](#) in the UK reject full decriminalisation of sex work. While emphasising the importance of evidence-led drug policy, listening to those with ‘lived experience’ and embracing the campaign call for decriminalisation is not something these politicians seem willing to do. This political and intellectual inconsistency has been foregrounded by various, so far unsuccessful, attempts by Labour MP Diana Johnson to bring a package of measures purported to ‘[bust the business](#)

model of sex trafficking'. These proposed measures would increase criminalisation to end demand and punish those 'profiting from sexual exploitation'. The sex workers' rights movement has mobilised against these laws and pointed to evidence from other contexts that this approach **increases risk and violence** against workers. Even if the claims to want to 'help' people in prostitution are genuine, if they continue to support any aspects of criminalisation then they are failing to consider the gendered, paternalistic and misogynistic underpinnings of such rescue-based approaches.

Trauma-informed understandings of stigmatised behaviours have come to permeate debates in the UK and particularly in Scotland. Whilst seemingly well-intentioned, a trauma-based understanding of *why* people engage in 'bad' behaviours is often used to justify legal, policy and service approaches that fail to acknowledge agency, autonomy and the ability to regulate one's own life. Such approaches come with a warning from the sex workers' rights movement. Misplaced notions of sympathy and understanding, and conditionalities placed on access to support, cause more harm than good. Migrant sex workers can sing a song about this, as their access to justice has become conditional on conformity to victimhood, including having to identify as a 'victim of trafficking' to support residency status applications.

An approach that urges us to look beyond the 'drug user' to see the 'traumatised addict' is no less infantilising then looking beyond the 'sex worker' to see a 'victim of exploitation'. They claim these approaches will support rather than punish people for their misfortune, but in reality this is just another

form of control that makes rights conditional on acceptance of 'help'. When an unrepentant drug user or sex worker refuses to abstain and to assimilate to 'responsible' citizenship, the result is a further casting to the margins of criminality. Persistence of 'bad' behaviour leaves the individual alone, left to navigate stigma and discrimination without protection of the law.

### **Broaden your fight against harm and stigma**

A call for solidarity is an invitation to see one's own story as bound up and interdependent in the story of others. Whilst this may at times prove uncomfortable, solidarity brings shared knowledge and, more importantly, collective bargaining power. The call to affirm the life, dignity, and rights of people who use drugs while remaining neutral on the issue of sex work is siding with the forces that oppress both communities, including approaches that merely repackage prohibition as conditional support.

As organisations, activists, and politicians that campaign at the intersection of drug policy and sex work reform, we must recognise and see the value of working in solidarity. For the drug policy reform movement, the support of sex workers' rights and decriminalisation must be a core and explicit value, as the drug laws and those laws that prohibit sex work often collide, criminalising those who are the most visible to law enforcement. It is imperative that stakeholders from both camps discuss, strategise, learn from each other, and advocate in ways that end unjust laws and discrimination, increase safety and harm reduction, and advance rights-respecting agendas.

# Institutionalised victimhood: the ‘progressive’ alternative for sex work in the Philippines

Sharmila Parmanand

The Philippines was the first Asian country to ratify the 2001 United Nations Human Trafficking Protocol. It also enacted its own anti-trafficking law in 2003, which continues to be nationally celebrated as a victory for women’s rights. The campaign for this law was led by women’s rights groups such as the Coalition Against Trafficking in Women – Asia Pacific (CATW-AP) and the governmental Philippine Commission on Women\* (PCW). Ending the sexual exploitation of women and children was a core focus of their campaign.

The introduction of the anti-trafficking law has created confusion regarding whether sex workers should be treated as criminals or as victims of trafficking. The law defines ‘trafficking’ in broad language such as the “abuse of the vulnerability of individuals for the purpose of exploitation”, and this regularly leads to the conflation of all forms of sex work with “sexual exploitation” in anti-trafficking policies and practices.

At the same time, the sale of sex is criminalised under the Philippines’ Revised Penal Code and law enforcement agencies can legally arrest and detain sex workers. This regulatory tension has allowed law enforcement officers discretion in their actions and rendered sex workers vulnerable to harassment, extortion, and violence.

## Dominance of the ‘victim’ perspective

For CATW-AP and PCW, anti-trafficking represents a political opportunity to redefine sex workers as victims, or ‘prostituted women’, rather than criminals. Since 2004, PCW has championed an

anti-prostitution law based on the Nordic model, which decriminalises the sale of sex while criminalising buyers and third parties. This proposed law is backed by the Philippine Inter-Agency Council Against Trafficking (IACAT), whose members include PCW and CATW-AP as well as NGOs like International Justice Mission (IJM).

The shift from criminal to victim is intended as a signal of sympathy and support. But by defining sex work as a problem to be solved, rather than as a form of work that could benefit from greater rights and protections, the Philippines is able to use **raids, rescue, and rehabilitation** as the primary strategies for ‘protecting’ sex workers. This in turn increases their precarity, reinforces stigma, **redirects them to low-paid and insecure work**, and entrenches their exclusion from political life. As usual, sex workers have not been asked what they think about these policies. Many sex workers prefer their flexible hours and higher rates to the long working hours and low wages offered in retail, factory work, or domestic work.

## Fence-sitting

The Philippines’ anti-trafficking practices have been criticised by a small number of academics, activists, and journalists, but this has not yet translated into organisational opposition. No major anti-trafficking or women’s rights organisation in the Philippines publicly supports sex workers’ rights. Amnesty International - Philippines has not backed Amnesty International’s endorsement of the decriminalisation of sex work. And **the absence of a visible sex workers’ rights movement in the Philippines**, owing to criminalisation, stigma, and a woeful lack of re-

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\* Formerly known as the National Commission on Filipino Women.

sources, no doubt reinforces the dominance of the anti-sex work position in anti-trafficking.

However, some organisations that had previously taken a strong anti-prostitution position have moved towards more 'politically neutral' territory. IJM and Visayan Forum Foundation have responded to criticism of their anti-prostitution rescue missions by pivoting toward child sexual exploitation in their programming and sidestepping the question of sex work. Others have shifted their focus to 'labour trafficking' in fishing, agriculture, and domestic work, thereby perpetuating the distinction between 'sex' and 'labour'. HIV/AIDS organisations tend to be more welcoming of sex workers, but they do not generally engage with anti-trafficking and rarely openly advocate for sex workers' rights. There are several reasons for this public silence on sex work, and they vary among individuals and organisations.

#### Political costs of advocating for sex workers

To be clear: anyone who came out in support of sex workers' rights in the Philippines would almost certainly pay a political price. The understanding of prostitution as victimhood has powerful cultural inertia and is accepted as a core feature of a "third world anti-imperialist feminism". Despite some notable exceptions, most conversations on prostitution in the Philippines are underpinned by nationalist critiques of colonialism and global inequality, with prostitution in US bases and the sexual exploitation of Filipina workers overseas as central themes. Feminist Catholic nuns are particularly influential in Philippine women's movements, having led organisations such as GABRIELA, Development Action for Women Network (DAWN), and the Third World Movement Against the Exploitation of Women. These groups all lobbied alongside CATW-AP for the anti-trafficking law.

Support for sex work is furthermore framed by several leading, Philippine-based scholars and activists as a form of Western ideology that ignores structural poverty and racism. This inhibits organisations and individuals from openly supporting sex workers' rights. Apart from professional survival,

the need to preserve alliances among progressive groups to lobby for other issues – such as ending violence against women and children, reproductive rights, and other workers' rights – is often part of the perceived trade-off between challenging the dominant paradigm on sex work and keeping the peace. Leaders of the Catholic Church and Christian groups wield significant influence over Philippine politics and universities, and public figures who deviate from the rescue paradigm risk being branded as immoral.

Pressure from abroad plays its part as well when it comes to silencing support for sex workers. The United States' influence on anti-trafficking policy, in particular, prevents alternative perspectives on sex work from gaining currency. The US is the biggest external source of anti-trafficking funding for government agencies and local and international non-profits working in the Philippines, and remaining silent on prostitution or officially opposing the legalisation and practice of prostitution is a requirement of financial support. Therefore, regardless of the personal inclinations of their leaders, organisations that rely on USAID have a financial incentive to avoid including sex workers' rights on their agenda.

This gatekeeping is intensified by the structural configuration of the Philippines' Inter-Agency Council Against Trafficking, which formalises state and civil society cooperation. NGO members in IACAT are appointed to three-year terms and are dependent on votes from the government member agencies to secure a seat. Membership in IACAT provides NGOs a stronger platform for advocacy, access to funding, and greater institutional credibility. Yet organisations which openly support sex workers' rights are unlikely to be given a seat at the table.

Finally, the policy conversation suffers from the false assumption that believing sex workers means disbelieving survivors of trafficking, and the prospect of being perceived as ignoring the plight of survivors has created a chilling effect on those who may otherwise believe in sex workers' rights. Trafficking survi-

vors, or women who were rescued from prostitution or who exited, are regularly invited to participate in anti-trafficking awareness-raising, fund-raising events and IACAT consultations. Their testimonies were highlighted in legislative hearings for the anti-trafficking law and are regularly featured in radio and TV programmes that discuss women's rights. These survivors' stories are valuable, but they have been used to de-platform sex workers who do not identify as trafficking victims.

### Costs of silence

For some individuals and organisations, silence and ambiguity might be a strategic attempt at harm mitigation. It allows them to quietly minimise their participation in problematic practices, such as anti-prostitution raid and rescue operations, without endangering their access to US funding or being accused of undermining the suffering of survivors. Perhaps silence is a cover for buying time until the political environment becomes more conducive for sex workers' rights advocacy.

Most major progressive groups have also likely accepted that treating sex workers as victims is still better than treating them as criminals, and that this represents the outer limit of what is politically possible at this time. Against this background assumption, it makes sense to push for poverty alleviation and social protection but it would be unproductive to argue for workers' rights because the only viable 'compromise' solution is the Nordic model. Therefore, they end up nominally supporting (or not opposing) PCW's push for the anti-prostitution law.

It is true that the criminalisation of the sale of sex is harmful and unjust and needs to end. However, the harms of institutionalised victimhood have escaped open scrutiny. Criminalising the purchase of sex still leaves sex workers vulnerable to police surveillance and extortion, and still drives them to work in hidden and unsafe spaces. The Nordic model deprives sex workers of rights and political

agency, perpetuating harms. At the same time, poverty alleviation is a long game with no guarantee of success. Neither will benefit sex workers today.

Silence helps perpetuate a self-fulfilling cycle: public and policy conversations on sex work generally take place without any involvement of sex workers or organisations who advocate for sex workers' rights, which reinforces incomplete and flawed understandings of sex workers' needs. Despite the diverse experiences of individuals who sell sex, the incorrect belief that all sex workers are being abused, forced to work against their will, and in need of rescuing is left unchallenged. Criminalisation and stigma have restricted sex workers' ability to organise, raise funding, and advocate for themselves. Fence-sitting is a missed opportunity to destigmatise sex work, engage in collaborative research with sex workers, fund sex worker-led projects, share advocacy platforms with them, and disrupt the momentum of a proposed law that institutionalises their victimhood at a crucial window where more, not less, discussion is necessary.

Even if anti-sex work proposals are coming from a place of care, they entrench a narrow conception of women as political subjects who can only demand rights based on their identities as innocent victims in need of protection. The Nordic model appears to be the only realistic path forward because Filipinos' political imagination has been limited to accept only two possible categories of sex workers – victim or criminal – both of which require policing and prosecution at the expense of labour rights. The violent war on drugs in the Philippines, which is opposed by a wide umbrella of progressive groups, provides an opening to debunk carceral approaches to social justice problems. Funders, media organisations, academic institutions, and NGOs should finally bring sex workers' voices into the front and centre of this discussion.

## INTERVIEW

# Freedom Network USA supports sex workers' rights

Jean Bruggeman

**Joel Quirk (BTS):** Much of anti-trafficking work focuses on service provision for victims. How does this emphasis affect the capacity of organisations to speak out on controversial issues such as the decriminalisation of sex work?

**Jean Bruggeman (FNUSA):** Most of our members are direct service providers of legal and social services to survivors of trafficking in the United States. One tension that exists for them is their relationship to law enforcement. They need to cultivate this relationship in order to help survivors achieve their goals. Some survivors want law enforcement intervention. They want their traffickers to be prosecuted. That's an important form of justice for them, and they want to ensure that those traffickers cannot harm others.

US law also requires foreign nationals to report their trafficking to law enforcement in order to get immigration protection. The way to an immigration status goes through law enforcement, and not having one is a gigantic risk factor for trafficking. Frankly the T Visa is the best thing about American trafficking law. As imperfect as it is, compare it to all the countries who don't offer immigration protection for trafficked foreign nationals. Countries that encourage people to come forward, maybe give financial compensation, and then promptly return them to their home countries. Doing it that way ruins the whole thing.

So providers need these relationships. They need law enforcement to work collaboratively with them when survivors come forward. That, however, makes it challenging for them to criticise some of the things law enforcement does. It's a real – not a perceived but a real – conflict of interest. This is a big reason why FNUSA exists. We channel pro-

viders' experiences on the ground and their criticism of law enforcement and government agencies into our policy work. That makes the critique one step removed from the direct service provider, so it doesn't have to come from them directly.

And there is plenty to critique, especially when it comes to the treatment of sex workers. Law enforcement, by and large, is still in a rescue mentality. They love to be the saviour, to do a raid and to rescue the little girls. The criminalisation of sex work is tailor-made for that sort of project. Law enforcement has been given pretty much carte blanche to stroll into any building or business where they think sex work is taking place, to pull over cars, or to arrest people on the street in order to investigate an on-going crime that they think is being committed. They see this ability as a valuable tool, and law enforcement never wants to have a tool taken away from them.

There are many points of contention, but this one is quite pronounced. Members have come to us and said, 'This is a problem, but we don't want to articulate that because it's going to harm our clients.' Because of whom they serve they don't want risk damaging those relationships.

**Joel:** So FNUSA has a greater ability to speak simply because it isn't working on the front lines?

**Jean:** Exactly. FNUSA doesn't have a direct services component. I'm not working directly with individuals who need T Visas or want to pursue criminal cases, so I don't have to worry about their individual interests. My interest is in the field as a whole. What do I think, on balance, will be better for the majority of people who are at risk of, or who are experiencing now, or have experienced in the past,

human trafficking? What are the systemic reforms that we need in order to reduce the ease with which trafficking happens?

Let me step back a moment. FNUSA was founded in 2001 by a group of direct service providers who were working with foreign national trafficking survivors. The US Trafficking Victims Protection Act (2000) had just been passed, and this group wanted to figure out how to take advantage of this new law. How could they make real the protections and services promised under the law? How could they effectively work with law enforcement? How could they get someone a T Visa? It was all new, and there was a real need to work together to figure out a way through this new scheme.

These groups also knew that exploitation is endemic to the American system. It's no accident that foreign nationals are abused and exploited in such huge numbers in American industry. Workers are excluded from immigration benefits, even though our economy completely relies on them, and industries like agriculture are set up to protect owners and businesses from any kind of accountability. So FNUSA was also set up to identify the systemic issues that enable human trafficking to exist on such a scale in the United States.

What we found was that it all came back to the denial of human rights. Denying rights and enabling trafficking are the same thing. When we refuse to protect workers, when we refuse to protect immigrants, when we allow discrimination against people based on the colour of their skin, or their gender identity, or their sexual orientation, when we throw people away – that's when people get abused. If we protect people, people are less likely to be abused. To our mind it's really that simple.

Our dual purpose is to work on that systemic change while ensuring that the folks who are still being abused and exploited are getting the best services possible. It's mostly our members on the ground who are providing those direct services. We enable them to do that work better by fighting the policy battles.

*Joel: How do you understand trafficking in the sex sector vis-à-vis other labour sectors? Many people in the field accept that increased labour rights are a part of the solution in non-sex work sectors, but make an exception when it comes to sex work. They seem to think that, in that sector only, the usual logics don't apply. How do you understand and navigate that break?*

*Jean: We see sex work as another form of work. It's certainly a dangerous form of work, and a lot of harm is done to workers in this industry. But it's a form of work. The people who disagree, who say it's inherently exploitative and thus not work, usually give moral or ethical reasons for why they think that. But frankly all our work at FNUSA is grounded in representing workers who are doing dirty, dangerous, unpleasant work. No little girl dreams of being a garment factory worker on American Samoa without air conditioning or sufficient food. No little girl dreams of being a poultry processor cutting apart animals and being covered in their blood and viscera for long periods of time without breaks. No little girl has such dreams.*

Yet that is what some little girls end up doing, which is why we must put protections and regulations in place that make their environments less dangerous. FNUSA has always come from the perspective that there are many kinds of dangerous, difficult, unpleasant work that is harmful, that is painful. The Coalition of Immokalee Workers, which organises tomato pickers in Florida, is one of our founding members. It knows that agricultural work can be incredibly painful, dangerous work. Yet it's not trying to make agricultural work unlawful or to mechanise it completely, but rather to change the systems in which that work is done. It's trying to ensure that workers get the most protection possible, and that they can choose when to come and go from that industry.

I don't see the difference when it comes to sex work. I see it as another form of work that is dangerous, that is difficult, that is unregulated. Some sex workers suffer greatly. But, even if it's an industry that little girls don't dream of going into, all sex workers

deserve protection. They do. And we don't protect workers when we criminalise an industry. We leave them on their own. We leave them out in the cold.

FNUSA's sophistication on the issue of sex workers' rights has been a bit slower than in other areas. I think this is because our founders were simply rooted in other industries. We've been much quicker to articulate a really clear position on, say, immigration reform, because all our founding members were working with immigrants. The sex workers' rights movement, understandably, is a lot more closed off. It is self-protective for all the right reasons. But that means we've had fewer connections to it.

– entwined in border protection, xenophobia and racism, and a conservative sexual politics. Some organisations went along with that, a choice that seems to have broken this surface-level unity. Is that an accurate reading of what happened? Is it perhaps actually easier to take a stand now on controversial positions than before?

**Jean:** I'd say there's been a bit of an arc from divisive, to separate and siloed, to divisive again. In the early 2000s, when the US Trafficking Victims Protection Act and the UN's Palermo Protocol were being signed, anti-trafficking politics were really divisive. It was the abolitionists vs. the human rights folks, and it got very ugly. People, including some of our

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## “Denying rights and enabling trafficking are the same.”

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A time came where we decided that needed to change. The tipping point had a lot to do with organisational capacity. At the beginning it was simply a network of people working other jobs. We now have a full-time staff of 12, and that has given us a lot more capacity to engage. The Trump administration also forced us to really think deeply about the systemic work, and to understand that there are communities that are taking the brunt of these wrong-headed, terrible policies. We realised that if we weren't actively working against that, then that was a failure. That really spurred us to get more engaged on the issue of sex workers' rights.

**Joel:** I've had the impression for a long time that anti-trafficking organisations aren't comfortable criticising their peers. One of the main issues here is that people don't want to say anything negative in a context where it is generally assumed that everyone shares the same overarching goals. That seems to have changed with the Trump administration. With Trump anti-trafficking became – more so than ever

founding members, were personally attacked and had their careers harmed. It was a highly toxic experience at that time.

Once the law got passed and the money started flowing, people really wanted to shift gears. They were happy to just focus on doing the work – there was a real backlash to the experience of the early 2000s. So that's what our members did. They got to work providing services and started up programmes all over the country. The abolitionists also got to work, but in a different way than we did. They started up well-funded policy organisations, wrote white papers and studies, and issued positions. They slowly and steadily lobbied members of Congress. They managed to push the US even further into an anti-sex-work stance, and pushed forward policies and laws that were increasingly harmful to sex workers.

We watched this with growing distress at FNUSA, but we were unclear what to do about it. A big prob-

lem was the real dichotomy that exists in the US in terms of funding. There are some very well-funded abolition activists, some even have their own foundations. But there didn't seem to be anybody on the other side. The folks that you would expect to fund that work were maybe doing it internationally, but not in the US. The only funding that people were getting here was coming from the government, and that had the prostitution pledge attached to it. The result was that people became very skittish about talking about decriminalisation or sex work at all. Doing so a) wouldn't get them any funding; b) could lose them funding; and c) wouldn't help the people standing right in front of them needing medical care, mental health services, a place to live, a job and care. So they buckled down and said, 'You know what? Focus.'

The past several years have changed that. It's really brought back up the critical need to address these systemic harms. Racial justice issues, the attack on sex workers, the attack on human rights, the attack on civil rights: it's all become so heightened that I think people have re-engaged in the fight. Fighting on the policy level is critical to ensuring that services remain available. We've seen in the US that when you shy away from that, you get a resurgent right wing that cuts back services. And that undermines the work being done to protect refugees, asylees, undocumented workers, and everyone LGBTQ. Across the board, all the populations that are most at risk of trafficking were thrown to the wolves. Protections were being gutted left and right. That reawakened a commitment to policy work in us. You need the policy work in order to do the services. They go in tandem.

Also to your point: the fault lines grew so stark. It was just so clear that you could no longer say, 'Well, they're well-intentioned.' The entire appetite in this country on the left, for that conversation, is gone. It's now very clearly, 'If you support racist policies, then that is harmful.' And, moreover, we don't have to shy away from saying, 'No. That is a racist policy. You are being racist in doing that.' I think we've been emboldened to be more direct and critical of

harmful policies, and to call them out. At the beginning of the Trump administration so many anti-trafficking organisations were not speaking out. I found that horrific, and it made me determined to use FNUSA's voice as loudly as possible. That is what we are still trying to do.

**Joel:** FNUSA just released a new position paper on the decriminalisation of sex work. I've read it and it's a really powerful, important statement. Could you say something about the drafting process? Who did you talk to, and how did it come together?

**Jean:** We started drafting it around four years ago, so it's been a long time coming. Some of our members and former members are sex workers' rights advocates, and we relied on their expertise to frame things in ways that were not offensive. We're very aware that sex workers and sex workers' rights organisations have been very harmed by anti-trafficking work. Being part of the [Anti-Trafficking Fund at NEO Philanthropy](#) really helped us there. They brought us together with other grantees, including sex worker organisers, and through those conversations we learned how harmful the anti-trafficking movement can be. There were a lot of blanket statements made in those conversations: anti-trafficking programmes are problematic; they hurt us; they do this to us. It made us realise that we had not done enough to distinguish ourselves from the harm some other organisations were doing. It became important to make that separation real, and to articulate that.

We invited Cyndee Clay from HIPS to talk to our staff about the challenges and harms that she has seen. We asked her how she talks about sex work, and her answers heavily influenced our policy paper. This sort of legwork is necessary. In the same way that people have to engage with anti-racism in order to counter the racist thoughts that have been put into our heads our entire lives, we had to work to counter the anti-sex-work thoughts that we had received from our puritanical society in the United States. We had to undo them, and we had to do that very thoughtfully.

That was a big concern in doing this paper. I'm a white middle-class suburban lady. I can have good intentions, but that does not mean I'm going to do this right. I need to be aware of that. But I can improve my chances by collaborating with people who can check my work. So we reached out to some of our partners. We made the draft available to them. We had one-on-one conversations with members who had concerns. And again, most of their concerns were, 'I have to work with law enforcement in order to serve my clients. As a lawyer, as a social worker, my ethical obligation is to provide the best services possible to the human being in front of me. And I am concerned that this policy paper is going to make it harder for me to do that. This is why our organisation doesn't take a position.' Providers in more conservative areas were especially worried. They didn't want this to impact their ability to get services to their clients. This wasn't a theoretical issue for them.

It was also important to be intellectually honest and admit that decriminalisation in the United States would be an experiment. We don't know what would specifically happen. There are some studies already out there, of course, but they come from contexts that are all quite different from the United States. A European country with a state health scheme and unemployment support – an actual social safety net – is a very different situation than what we're dealing with here.

So we need research being done here, in this this country, and it needs to cover both before and after. Getting a baseline reading now is crucial, otherwise we're likely to misread the changes. For example, I would anticipate that, with decriminalisation, reports of abuse and exploitation are going to increase. Not because episodes of abuse and exploitation are increasing, but because people would now feel safe reporting that, and because people would now be accessing the services and support they've always needed. It's important, I think, to set those kind of expectations ahead of time.

And then we need to understand the long-term

implications of decriminalisation. Are people more able to leave the industry when they want to, to get protection when they need it? Do they feel more freedom? Are they able to engage in harm reduction activities in a way that they perceive is making them safer? We're going to need that data if we want decriminalisation to be more than something that just happens in little liberal enclaves in a few towns here and there.

*Joel: Aren't you getting a bit ahead of yourself there? There are still plenty of hurdles in the US to overcome before you actually have an applied example of decriminalisation. And that's putting it mildly. What's your read on that? It's one thing to advocate for decrim, but it's not an easy thing to realise.*

*Jean: It's an interesting time. The US is going through a lot of reckoning about criminal justice reform, and we're in a real moment of conversation around racial justice and racial equity. And we know that criminalisation, including in the context of sex work, has a disproportionate impact on people of colour. Both in terms of the workers and in terms of the customers: Black and Brown people are more likely to be arrested, be convicted, and serve time. When white men get arrested they plea out. They're not getting convicted. Black and Brown men, in contrast, tend to suffer the burden of these 'end demand' tactics. That is the other piece of the conversation.*

The biggest challenge continues to be the mixed experiences of survivors. Everyone's experience is different. This is not a 100% true by any stretch of the imagination, but what we mostly see is that the people whose only experience of sex work was when they were being trafficked tend to oppose decriminalisation. Their experience is that the entire industry is abusive and exploitative.

On the other hand, trafficking survivors who have also engaged in consensual sex work – either before or after their trafficking experience – are more likely to support decriminalisation. They say things like: 'Criminalisation did not help me. It didn't help that

my customers were being arrested, because I couldn't engage in harm reduction activities. It didn't help when I was arrested because now I have a criminal record. I can't have custody of my kids. I can't get a new job. I can't get good housing. I can't get a million things. The police were also abusive of me during the arrest, so now I don't trust cops. Even when I need cops, when I want to go to cops, I don't trust them. I have too much trauma from that experience."

Both are understandable, logical differences in experience. But the advocacy around this issue has created damaging animosity between and among survivors. That's where things get ugly. Some advocacy organisation will pop up and say, 'Well, this survivor is saying that decriminalisation means that you're a paedophile.' The name calling really

to make sure that we're clear and comfortable in our position and how we talk about it. We're also working to provide support to the survivors in our network, and to create a safe space for them to support each other and to prepare for any attacks that might be coming their way. That they might be attacked was one of the hesitations that we've had moving forward. We've been intentionally increasing the number of individual survivors who support decriminalisation in our network so that we can be sure that we are doing this in a knowledgeable way, and that they are making this decision with us.

**Joel:** One of the challenges associated with the sex work conversation is that it tends to get separated out from conversations regarding worker rights, unionisation, regulation, etc. Do you think taking

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"As long as we're in a situation where survivors are encouraged to attack each other, politicians and advocacy groups will find a way to use that."

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ratchets up, and it's being done by pitting survivors against each other. We saw this in action when the decriminalisation bills were being debated in DC and New York. Things got really painful for the sex workers' rights advocates. They were being attacked by trafficking survivors and being told that their experience isn't true, that their experience doesn't matter, and that they don't understand. We need to find a way forward from that. As long as we're in a situation where survivors are encouraged to attack each other, politicians and advocacy groups will find a way to use that.

**Joel:** Do you think taking an openly pro-decrim position will change things for you as an organisation?

**Jean:** We've been preparing for what might come. We started up a sex workers' rights working group

a decriminalisation position provides greater scope for building solidarity and connections between different groups of workers and different communities?

**Jean:** I personally think so, but so far it doesn't seem to be happening. I've never heard any sort of union organiser talking about the importance of protecting sex workers as another form of labour. They hide from it too.

But perhaps that's one of the benefits of FNUSA's holistic approach to trafficking: we see connections where other people don't. For us, human trafficking sits at the intersections of racial justice, labour rights, immigrant rights, sex workers' rights, reproductive rights, and LGBTQ rights. People become vulnerable to abuse and exploitation when these rights are not protected. Trafficking is one form of abuse and

exploitation on the continuum that marginalised communities face, but it's not the only form. Any trafficked person has suffered some other form of abuse and exploitation almost without exception.

I have hope. We're at a moment of time politically where people are hungry for a conversation about those intersections, and we're at a time when we're really talking about systemic reforms. The racial justice issues and Covid have really made it clear in the United States how much these populations are being abused and exploited systemically. They're being left out of healthcare systems. They're being left out of legal systems. They're being left out of the economy and immigration protections. And that is leading, quite literally, to their deaths.

We even have a White House that is now recognising this. And the conversation on sex work fits within all of these other conversations on systemic discrimination and racial justice. Think about it. The industries in which trafficking is the most widespread in the United States – agriculture, sex work and domestic work – were all done by formerly enslaved people. There are people trafficked into every industry, but these are the three industries that are rife with extreme forms of abuse and exploitation. And they are the ones that were left intentionally unregulated after reconstruction, because they were primarily being done by formerly enslaved people. That sort of through line demands our attention. I'm hopeful that in this moment people will actually engage in that conversation.

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*This interview has been condensed and edited for clarity.*

## Contributors

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**Sienna Baskin** is Director of the Anti-Trafficking Fund at NEO Philanthropy, a project of the Oak Foundation.

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