



Sex workers speak. Who listens?

Edited by P.G. Maciotti and
Giulia Garofalo Geymonat

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PRINTING

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About Beyond Trafficking and Slavery

A wide range of activists, academics, trade unions, governments and NGOs are currently trying to understand and address forced labour, trafficking and slavery. *Beyond Trafficking and Slavery* (BTS) occupies a unique position within this larger movement, one which combines the rigour of academic scholarship with the clarity of journalism and the immediacy of political activism. It is an independent, not-for-profit 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 to take public understanding beyond the sensationalism of many mainstream media depictions. It further works to bring citizens, activists, scholars and policy-makers into conversation with each other to imagine pioneering policy responses.

BTS is housed within **openDemocracy**, a UK-based digital commons with an annual readership of over nine million. OpenDemocracy is committed to filling gaps in global media coverage, helping alternative views and perspectives find their voices, and converting trailblazing thinking into lasting, meaningful change.



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Introduction from Prospol

It has been a great pleasure for COST Action IS1209 ‘Comparing European Prostitution Policies: Understanding Scales and Cultures of Governance’ ([Prospol](#)) to facilitate this project, not only financially, but also through the supportive epistemic community created by its generous and committed members. Prospol is an international network whose aim is to compare and disseminate knowledge about the multiple contexts, features and effects of prostitution policies. During its four-year existence the network has organised events across Europe, encouraging critical and constructive exchange on the complexities of commercial sex, bringing together scholars and experts in the field, from Europe and beyond.

Many initiatives have emerged as a result of these encounters, including academic publications, new research projects, workshops, dissemination events and more. And among these, of great value is this excellent resource. Born as a special series on *Beyond Trafficking and Slavery*, a part of *openDemocracy*, it has now been re-designed and updated as an e-book to ensure that its unique content becomes available as widely as possible as a tool for learning about sex work and sex workers’ perspectives. Giulia Garofalo Geymonat and P.G. Maciotti have worked very hard to bring many global, often silenced voices together and in so doing they have achieved a great feat. I am very grateful to them and to Cameron Thibos, the managing editor of *Beyond Trafficking and Slavery*, for their unwavering dedication to this project, as well as to all the contributors who have shared their experiences and lives with us readers.

—Isabel Crowhurst, COST Action Prospol Chair

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Sex workers speak. Who listens?

Sex workers speak: who listens?

Across the world sex workers organise to resist abuse, exploitation, and trafficking. We've collected their voices here, now let us listen.

Giulia Garofalo Geymonat and P.G. Maciotti

The sex industries around the world are associated with serious forms of marginalisation, violence, exploitation, and even forced labour. Media, research, and fiction tell stories of sex workers being abused, exploited, and trafficked. They do it so often that we become almost indifferent to it, as almost always happens in front of horror. A sex worker killed in the Italian countryside, a sex worker robbed in Rio de Janeiro during a transaction, a sex worker leaping to her death from a brothel in Seoul. Poor people, what a life.

Gendered, racist, classist, homophobic, and transphobic violence haunts the world of sex work, and many of us believe that states, inter-governmental organisations, and NGOs should do more to help. Yet a lot *is* being done. Indeed, one finds that, especially following the 2000 UN Palermo Protocol, the last decade has seen a multiplication of interventions 'against sex trafficking and exploitation in prostitution' (see for instance [UNODC](#)). The problem is the *efficacy* of these interventions, as it is abundantly clear that the situation has not demonstrably improved in the intervening time. Poor people, what a world. But is there something more to know?

We believe there is. This volume addresses the violence, exploitation, abuse, and trafficking present in the sex industries, but it does so from the perspective of sex workers themselves. These are the women, men, and transgender people who are directly touched by the abuse, exploitation, and trafficking under discussion, and they are the people who actively and collectively resist all forms of violence against them. By publishing their voices directly we hope to help readers resist



Red Umbrella March for Sex Work Solidarity in Vancouver, Canada, on 11 June 2016. Sally T. Buck/Flickr. Creative Commons.

indifference, on the one hand, and to become more critical of states' interventions, which are widely regarded and legitimated as necessary to combat 'trafficking', on the other.

All the contributors are involved in sex workers' organising or have been in the past. This means that they are or have been part of organisations composed of, or at least led by, people who have direct experience selling sex.

It is our hope that by collecting these voices into one place, this book will convey some of the radical richness and diversity of knowledge produced within the contemporary sex workers movement. This movement is fragmented, stigmatised, and under-funded, yet it has continued to expand since its birth in the mid 1970s in Europe, the US, and Latin America. It now involves at least **273 groups** that are part of the Network of Sex Work Projects (NSWP), and many more individuals all over the continents. They have organised despite the

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fact that speaking out as a sex worker puts your relationships and families at risk. It exposes you to threats from your ‘employers’ and may lead to harassment or arrest by the police, especially if you are an undocumented migrant. You may lose your political credibility, and even be accused of representing the interests of ‘pimps’ and taking money from them. Nowadays, thanks to transnational migration, the internet, and their impact on transnational social movements, sex workers are speaking louder, more often, and more clearly than ever before. Yet, it is still difficult to listen to them.

Part of the problem may be that superficial readings of slogans like ‘sex work is a work like any other’, ‘sex work is my right’, or ‘prostitution is my choice’ cause observers to mistakenly assume that sex workers’ groups are self-interested, ultraliberal, apolitical organisations that dismiss the deep and political problems of their industry. As social researchers who use participant methods, we know that the answers also depend on the questions posed and the person who poses them. It may not be a surprise that, when responding to people hell-bent on criminalising their income generating activity and patronising them as unaware victims of violence, many sex workers put aside analytical complexity and become ‘protective’ of their industry or their ‘choice’.

To avoid that pitfall, we have explicitly asked the authors to write about the ways in which they resist exploitation and criminality in their own industry; what they think about states’ policies on trafficking, the sex industry, migration, poverty; and what, in their views, are the socio-economic structures that construct them as exploitable workers. In other words, we have spoken the language sex workers elaborate, which is that sex work is work.

The response has been extremely rich, for sex workers speak not only as sex workers, but as women, LGBTIQ, migrant, working class, and colonised people. Authors have written as individuals or collectives, or, supported by allies, they have experimented with co-writing. Or-

organisations show a great scope of resisting actions: from concrete struggles for economic sustainability and keeping their livelihoods when work places are shut down and streets ‘cleaned out’; to protesting against arrest, corruption, and violence enacted by the police; to trying to reduce exploitation by third parties and abuse from clients through unions and cooperatives; to challenging social stigma through theatre and art. The readers will find accounts of groups filing court cases, reporting violence, investigating murders, writing and distributing reports, collectively sweeping the streets in which they work, publicly issuing bills to prominent politicians who buy their services, lobbying at national and international levels, allying themselves with other social movements, participating in events and forums as experts on their own condition, performing and playing football.

The long history of sex work regulation, and of resisting it

The first section is dedicated to contributions from Europe; the second section includes views from Latin America, Asia and Africa; while the third section features some of the arguments put forward by transnational organisations. We are based in Europe and are active here as researchers. We are members of the **ProsPol** researchers’ network on prostitution policies in Europe and organisers in the field of sex workers’ rights. Europe is also the place that has produced, and still produces, the main policies in the field of prostitution that are then exported across the world. This trend arguably began at the beginning of the nineteenth-century with ‘regulationism’ forcing sex workers to work under strict state medical and economic control, without receiving any rights in return.

Then, came the ‘abolitionism’ of the late 1800s, which recognised sex workers as victims who in principle should never be criminalised, controlled, or exploited by either the state or any other third party. This perspective found expression a century later in the famous **UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others** of 1949. Now, most recently, we

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have the ‘neo-prohibitionist’ form that focuses on the criminalisation of clients – the so-called ‘Swedish model’ that first appeared in 1999.

All these approaches to prostitution have spread across the world, are **still in place to various extents**, and are discussed and criticised by sex workers’ organisations. In contrast to these approaches, the sex workers’ movement, ever since **its early political documents**, has largely supported ‘decriminalisation.’ **New Zealand** is currently experimenting with this, and the concept made mainstream headlines in 2015 thanks to the so-called ‘**Amnesty Resolution**’ supporting it.

Decriminalisation means that there are no special criminal laws for prostitution, and therefore violence, abuse, rape, and exploitation are addressed with the same means as they are in any other economic or sexual activity. This approach, sex workers’ organisations insist, is **less damaging for sex workers** and more likely to support their empowerment than other ‘sex work regimes,’ including the comparatively pro-

Pride week 2008 in Toronto, Canada. Eric Parker/Flickr. Creative Commons.



gressive regulatory regimes implemented in the Netherlands, Germany, and some parts of Australia. Even if they are in principle oriented to the promotion of sex workers' rights, such rule-heavy approaches produce many spaces of illegality for those sex workers who cannot comply with the rules – typically undocumented **migrant sex workers** – as the Berlin-based Hydra's Peers argue in their contribution. Moreover, these very rules may easily infringe upon sex workers' basic right to decide how, when, and with whom they will have sex.

The issue is not straight forward, for in sex work “you put a very special part of yourself on the line”, as the **Committee for Civil Rights of Prostitutes** from Italy well puts it. Indeed, decriminalisation itself is conceived by some of the writers only as a first step in the fight for sex workers' rights. As Ava Caradonna from **X:talk** Project stresses with regard to Britain and Europe, any law that recognises sex work as work, including decriminalisation, may be used to worsen the already difficult situation of undocumented migrants. Indeed, in the present regime of criminalisation of migration, simply the act of working can make you a criminal. Recognising sex work as work is therefore not enough. A change in migration policies is a priority, a point France's **STRASS** emphasises, as is the removal of obstacles to collective organising and the development of alliances with other social movements.

The readers will find ‘first wave’ voices in several of the pieces in this volume: those organisations that have existed since the 1980s such as the **Committee for Civil Rights of Prostitutes** in Italy, **Empower** in Thailand, and **Hydra** in Germany. We'll also hear from feminist researcher and activist Gail Pheterson, who played a crucial role as an organiser in that first phase and still inspires prostitutes' thinking nowadays, as well as from Carol Leigh, who gives us a more historical view on anti-trafficking campaigns and the roots of damage.

Other groups, such as **SWEAT** (South Africa), **AMMAR** (Argentina), and **Davida** (Brazil), were created in the 1990s. Many were born out

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of the global AIDS crisis, which brought sex workers across the world together for collective education and organising, much like the gay community. Finally, a number of organisations – **Steel Roses** (France), **ICRSE** (Europe), **SWAN** (eastern Europe and central Asia), **GG** (South Korea), **Hanteo** (South Korea), **STRASS** (France), **X:talk** Project (Britain) – have grown in reaction to the waves of repression and criminalisation that emerged as part of ‘anti-trafficking’ strategies.

The failure of ‘anti-trafficking’

All very different contexts, with different economies; levels of welfare, inequalities, and education; gender relations; migration histories; colonisation; class division; social mobilisation; and so on. Certainly, sex workers’ analyses and demands are always also context-specific. However, what strikes us when reading the collection is that, from different organisations at opposite sides of the globe, all authors have something strong to say about ‘anti-trafficking’.

By ‘anti-trafficking’ they mean the set of interventions that are presented to the public as necessary for combatting ‘sexual exploitation’ and ‘trafficking’ within the sex industry, as well as for ‘rescuing the victims’. Only very rarely, the authors report, do ‘anti-trafficking’ policies really support the emancipation of people in the industry. As Comitato from Italy tells us, a partial exception is represented by the famous **Article 18** of Law 286/1998 (Italy), which gives the possibility of full residence permits to victims. Instead, ‘anti-trafficking’ interventions largely translate into actions against sex workers, including arresting, fining, raping, and pushing them into more dangerous situations. In Europe, migrants working in the sex industry become the specific targets of police repression, detention, and deportation. In practice, ‘saving prostitutes’ means taking away their livelihoods, and, when they are migrants, removing them from the national territories. Sex workers’ groups are clear on this point: all sex workers end up more vulnerable to exploitation, abuse, and coercion as a consequence of ‘anti-trafficking’.

Yet, 'anti-trafficking' is still the dominant project, finding consensus across the political spectrum from conservative and ultra-religious positions all the way to parts of feminism and the left. Its attraction is partly due to the simplicity of its message: 'fight violence against women', at all costs. As a sentiment this is hard to disagree with, but the collateral victims of their methods have been sex workers, who are themselves largely women, LGBTIQ people, and migrants.

As the work of Gail Pheterson reminds us, there is another kind of feminism, of a materialist genealogy, in which sex workers' organising is strongly rooted. A feminism that recognises its own location and honours the struggles of women, migrants, and LGBTIQ people under capitalistic regimes of neo-colonial, racist, and heterosexist dispossession, exploitation, violence, and abuse. As **Empower** from Thailand notes: "We don't do sex work because we are poor, we do sex work to end our poverty ... we cannot choose from options we don't have".

Speaking about sex work as work means speaking about precarious and exploited work in times of austerity, war and the increasing criminalisation of people's movement. It also means speaking about resistance, and about acknowledging our own relative locations, privileges, and inequalities. That might be why it is not always easy to listen.

As **SWEAT** from South Africa well puts it, "talking about sex work also places some uncomfortable realities before those who would rather not talk critically about capital, labour and gender, rescuing women into a utopia of second-hand clothing sales and beading".

Section one

Sex workers speak in Europe



Sex workers speak. Who listens?

What gives them the right to judge us?

Chinese sex workers in Paris demand respect from those who had no right to take it away in the first place.

Roses d'Acier (Steel Roses) with Chen Ting and Helene Le Bail

Roses, they're a symbol for femininity. Steel shows we are strong.

Our organisation, Les Roses d'Acier (Steel Roses), was established in Paris in November 2014 by Chinese sex workers in the area of Belleville. Its name comes from a popular feminist Chinese song. The flower is a *leitmotiv* in our imaginaries and everyday life. Most of the Chinese women here in Paris dream of a journey to Holland to see the tulip fields. Since we are irregular residents, we cannot go to Holland. But one of our first initiatives in 2015 was to organise a trip to the southern part of France to see the lavender fields.

We try to promote a collective voice for the Chinese sex workers without denying the diversity of our trajectories, lives and projects.

One year of mobilisation against discrimination

Our NGO partner, Médecins du monde (Doctors of the World), meets with about 1000 Chinese sex workers every year as part of its outreach activities. They mainly work in the area of Belleville. Like many sex workers we are the target of an array of everyday violence: the fear of diseases, the cold glimpses from neighbours, abusive and repetitive controls by the police, the fear of expulsion, precarious jobs and housing, precarious work conditions, physical violence, rape, and even fatal violence. More than anyone, we endure discrimination, humiliation and intimidation from strangers, criminals, and even public institutions.

Les Roses d'Acier was created to discuss work conditions, to better access common rights, to fight against discrimination, to try to pre-

vent violence, to develop solidarity among sex workers, and to encourage interaction between sex workers and the rest of the society. We are an officially registered organisation with a six-person board and 90 members.

Since 2014, we have mobilised, along with other sex workers, against the criminalisation of soliciting in France (**introduced in 2003 by the Domestic Security Law**). We have also fought back again against a new **bill to criminalise clients**, including by participating in a senate hearing prior to the vote. We cooperate with Doctors of the World to disseminate health messages, to organise trainings on French law, and on self-defence. Within one year we also have developed community activities: courses of French language, karaoke gatherings, and our trip to the lavender fields mentioned above. This trip was a real success, one that allowed 60 participants to take a break from the everyday difficulties. Finally we have tried to open communication channels with the inhabitants of our neighbourhood, as we discuss below.

A quest for voice

We want this organisation to create some homelike feelings among Chinese sex workers, some warmth and solidarity. It is not an easy task; other women do not often understand our aim and involve-



Visiting the lavender fields. Photo by authors.

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ment. It is sometimes discouraging, but we do not want to judge the other women. The core of our battle is precisely to fight against homogenised judgements, against any judgement that tends to deny singularities and thus tends not to consider us as human beings.

When we ask for encounters with local or national political representatives, we do not have concrete demands. We simply want them to try to understand us in our diversity. Our organisation aims at creating communication with the society in which we are taking part. We too often feel that we are despised, that we are not given the opportunity to express ourselves because we are prostitutes, that our voice has no credibility. It is like doing this job is losing our humanity, is distorting our lives. What gives them the right to judge us, to create a hierarchy between them and us?

We know that we cannot represent every Chinese sex worker. The only thing we can do is to fight against our dehumanisation. We reject the premise that the personal trajectories of every sex worker can be generalised. Each of us has our own way of living, working and earning money. Some use sex work to fund their daily lives. But there is no

Sweeping the streets of Belleville. Photo by authors.



reason to criticise their choices any more than those of the sex workers sacrificing themselves for the education or the health of their children back in China.

As a Chinese expression says, there is one way to be happy and a thousand ways to be unhappy. Chinese sex workers start this job for many different reasons. Who from outside can understand their choices? Who can understand what is happiness and unhappiness in their lives? What is important is to fight against simplified images of who we are.

Sweeping the streets of Paris because it is where we live

One of our key initiatives was to literally **sweep the streets in the area of Belleville**, where most of the Chinese sex workers live and work. We started in June, since at the end of May the police intensified control operations targeting the Chinese sex workers in Belleville area. We swept the streets again in July and September.

Sex work is a job that is very visible in the public space. It is not easy to be so visible and we know that some inhabitants are irritated. But we also have our families, and we do not want to annoy others' families. Going once more in the streets and sweeping the ground is an opportunity to enter in dialogue with our neighbours. We needed lots of courage to go down the street, each with a broom in our hand, to be able to tell everyone that we still manage to carry on today because we hold within us not fear, nor shame, nor the ridicule of others or the helplessness of life, but the responsibility of being a mother, of being a girl, of being a woman!

Sweeping the ground is a very basic gesture. It is easy to make the connection between a woman and the floor that she sweeps. A woman sweeps the floor because she keeps a house, a family, and at home she is, free, secure, and satisfied. But for us today it is difficult to keep a house, a family, between there and here.

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By sweeping the ground here, we take our responsibility. We live here. We laugh here, we cry here, we work here, do the shopping here, and take the sun here. Some of us here are married, have children, form families. We want to show that we are part of this neighbourhood.

What is Belleville (beautiful city) the name of? They told us that because of us, Belleville is not beautiful anymore, because we are ugly, we are dirty, and we are ignoble. But who are they to judge us? Are they more beautiful than us, more clean than us, more noble than us? Solving social issues with violence is trying to humiliate us, insult us. To ignore our voice is to ignore our existence, to ignore our lives.

Les Roses d'Acier (Steel Roses), was established in Paris in November 2014 by Chinese sex workers in the area of Belleville. We try to promote a collective voice for the Chinese sex workers without denying the diversity of our trajectories, lives and projects. This article was written in cooperation with Chen Ting and Helene Le Bail.

We speak but you don't listen: migrant sex worker organising at the border

The sex workers' movement demands full decriminalisation of sex work, but this will only help sex workers already permitted to work unless migrants are also provided with labour and residence rights.

Ava Caradonna, the x:talk project

On 11 August 2015, Amnesty International passed a resolution calling for the decriminalisation of sex work. It was a sweet summer victory that was the result of years of sex worker organising. This hard won and well fought for achievement inspired a tremendous sense of victory within the sex worker movement as well as howls of protest from what Laura Agustin terms the 'rescue industry' and their misguided abolitionist allies.

However the Amnesty resolution, as well as most other decriminalisation policies, will have little or no positive effect on our lives as migrant sex workers. In fact, certain short cuts towards such a goal might inadvertently turn us into collateral damage. What is clear is that we have reached a historical moment, one in which the political significance of sex worker rights has finally started to gain momentum and traction. This is why it is crucial that we, as migrant sex workers, address some of the conflicts of interest between the aims and strategies of the *sex workers' movement* as they are currently configured and the strategies and realities of *migrant sex workers themselves*. In other words, there is a considerable distance in our experiences of criminalisation and stigma that doesn't afford the majority of migrant sex workers a smooth or safe landing into a world of regulated and legal sex work.

Sex work is work?

There is no doubt that the Amnesty resolution furthers the aims of the sex workers' movement for the full decriminalisation of sex work.

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The loudest opposition to decriminalisation is the rescue industry: composed of abolitionists who promote the 'Swedish model' and individuals and organisations who employ 'anti-trafficking' discourses without ever challenging the power structures that enable the trafficking and exploitation of workers. Most abolitionists believe that sex workers have 'false consciousness' as a result of trauma either leading to sex work or sustained while working. They view our work as one in which we are repeatedly raped. Sex work *must* be rape, according to the abolitionist logic, because no one can consent to selling sex. We are criminalised, arrested, and rescued for 'our own good'.

Much of our time as activists is spent trying to dispel the notion that sex workers are always already victims, in order to assert our agency. We want to be clear: if you come from a situation of poverty, the only thing you have to *survive* is your body. We maintain that while choice under capitalism is a fictional concept, this does not entitle anyone to deny us our ability to express our demands and improve our situations. It is useful to distinguish between the terms choice and agency. The former insinuates a fictional context in which we all have 'equal' options in life and unlimited access to resources. The latter recognises our capability to make plans, to have strategies, and to act within a limiting structure. Our lived experience as well as considerable academic evidence shows that the rescue industry is causing serious harm to the sex worker movement and exposing individual sex workers to increased risk, arrest, and stigma.

As migrant sex workers we are targeted both as sex workers and as migrants. We share all the oppressions of national or settled sex workers, but not all the proposed solutions. Of course the category of 'migrant sex worker' is misleading, as we have many different stories and come from multiple situations. For some of us, even the main demand of the sex workers' movement to recognise sex work as work is a double-edged sword. For migrants the question of work, to undertake any work, is often considered the most heinous crime against the state that

we can commit. If we are caught in the act of working, our best immediate survival strategy is to argue that we were NOT working and that we were in fact coerced. To put it simply, if you are defined as a trafficked woman then you have some rights and access to resources, if you are defined as a migrant sex worker you don't.

If you are either an undocumented migrant or a documented visitor / migrant with no permission to work in the UK and no recourse to public funds, and are busted for sex work, you will be deported and often banned from re-entering the country or the entire EU. You will have no access to legal aid, you will be incarcerated, and you will be exposed to threats and sometimes violence from the police. Even if you are a migrant sex worker with short or long term permission to work in the UK, it is quite possible that you could lose this coveted status because engaging in sex work can be interpreted as a violation of the 'good character' clause of UK immigration laws.

Full decriminalisation of sex work would put one class of migrant sex workers – those already allowed to work in the UK – in a much improved position. This only holds, however, if such change was accompanied by anti-discrimination legislation and anti-stigma education strong enough to prevent immigration authorities from revoking our status on account of deviance or suspected anti-social tendencies. But even such a progressive legislative and political u-turn on prostitution polices would leave undocumented migrant sex workers, or migrant sex workers without work permits, in a very similar position to the one we occupy today: excluded from access to justice, exposed to violence and blackmail, and faced with limited survival options.

Like aid from a war plane

At the moment the sex workers' movement can't offer much to a migrant worker targeted by the authorities. We do not have the resources at our disposal that the rescue industry does. However, if you are categorised as a trafficked woman, you have recourse to a comparatively

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(if still inadequate) well-funded framework of support and some legal prospects. You will not be instantly removed. You will have access to legal aid – one of the only few categories of migrants in the UK still entitled to this nearly eradicated service. You will have access to temporary housing and sustenance, mental health support, and even professional training. In some circumstances you may even be able to file an asylum claim. While your chances to win are ridiculously slim, this will buy you time before your eventual displacement. The rescue industry works within the normative border regime and offers certain migrant sex workers with their backs against the wall some options.

However as a strategy it is a fraught one, as it is really difficult to fit all the criteria. If you want to fight for your papers through this route, you have little possibility to do so successfully. You have to be consistent in your story no matter how many times you have to repeat it, and each agency will check. If you are a migrant sex worker there is a strong possibility that one day you will be raided and, in most cases, you will have nothing to lose in trying to exploit the anti-trafficking law. But it is hard to achieve a positive outcome. The irony, of course, is that anti-trafficking laws allow the police to raid houses, flats, etc. when there is a suspicion of trafficking, so the same law that you may try to exploit is the reason why you were incarcerated in the first place.

In our organising efforts in workplaces we hardly ever meet sex workers without documents nowadays, and certainly not in the numbers that we used to. Migrant sex workers are missing from more than the agenda of the political debate about sex workers. They are largely missing from public life in London. Since the police raids that occurred in the lead up to the London Olympics, followed by the raids on Soho during **Operation Companion** in December 2013, flats were shut down and undocumented migrants were forced underground. The ongoing police repression has pushed more and more people into precarious and dangerous situations.

So let's be clear: the rescue industry's aid is like provision parcels dropped over a freshly bombed zone. Most of us know that such food parcels are charity you would not have needed before your benefactor made you destitute. We know that they are not enough because they are not intended to restore your self-sufficiency. We know that they are offered free of charge at an extortionate price. But many also know that these toxic provisions may be the only tangible sustenance around. And if you try shooting the planes out of your sky, the offensive parcels will either be withheld, or exchanged for cluster bombs. As an immediate survival strategy, sometimes being a victim is more effective than being a freedom fighter.

Ava Caradonna is a migrant, a sex worker, a student, a mother, a citizen, a trans person, a person of colour, a teacher, a queer, a lesbian, and a militant. Ava allows us to speak from different positions as sex workers and as allies, without the stigma of using our 'real' names, and to the different realities in the sex industry and beyond.

x:talk is a sex worker-led, registered workers' cooperative that fights for our rights as migrant sex workers in London. Since 2006 it has organised free English classes for sex workers and other professionalisation services, along with political, self-empowerment and social events – thanks to a starting grant from the Feminist Review Trust, to ongoing funding by the Oak Foundation, and to our own fundraising.

The French state against sex workers: a security and racist logic

The French state ostensibly sees sex workers as victims, but its combined legal framework positions them first and foremost as offenders, especially when they are migrants.

Syndicat du travail sexuel

Since the 1960 ratification of the ‘UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others’, the French state officially positions itself as ‘abolitionist’, a position **reaffirmed** by the National Assembly in 2011. While this position considers prostitutes as victims, mostly victims of trafficking, the laws on prostitution in France actually position sex workers first and foremost as offenders. While sex work in itself is not criminalised – that is, the act of selling sexual services in exchange for money – many practices inherently bounded to the practice of sex work are considered as criminal offences.

The criminal framing of sex work in France

There are several laws that work together to effectively define sex workers as offenders, even those that ostensibly frame them as ‘victims’.

Firstly, the laws against procuring **define** the latter as “the act, by whoever, by any way, of helping, assisting, or protecting the prostitution of others”. This very large and vague definition initiates an “offence of solidarity” towards sex workers, since whoever supports their professional activity, such as by providing a workplace, and whoever shares their benefits, for instance partners, can be accused of pimping. Sex workers themselves are accused of procuring when sharing a workplace.

Secondly, the law against soliciting **criminalises** “the fact, by any means, including a passive attitude, of soliciting anyone for the purpose of

inciting him to sexual relations in exchange for a remuneration or a promise of remuneration”. This law condemns in a similar way, by keeping vague the definition of solicitation and in doing so leaving it open to interpretation by individual police officers. Ten years after its establishment, **evaluations** by state authorities and organisations confirm that street



Yann Beauson/Flickr. Creative Commons.

sex workers, especially migrant sex workers, are strongly repressed by **police abuse** and the threat of deportation. It appears that the underlying purpose of this law was to more efficiently control migratory flows.

Finally, with the **proposal of a new law** aimed at fighting the ‘prostitutional system’, we note a shift away from the criminalisation of soliciting and towards the criminalisation of clients (the so-called Swedish model). The idea is to stem the demand in order to protect victims of prostitution and thus, according to the promoters of the proposal, to fight against trafficking. By including an ‘exiting programme’, the proposed legislation provides (weak) social welfare benefits and (precarious) residence permits, both conditioned to the cessation of sex work. Unfortunately, the hype generated by media coverage has been disastrous for the working conditions of migrants, with reports of **increased harassment** by the police in Paris and elsewhere.

Approaches that criminalise clients **has have been criticised** for harming sex workers, especially with regard to increasing stigmatisation and isolation, which in turn fosters violence and abuse. Anti-trafficking activists and researchers **have also questioned** the very logic of

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ending demand in order to fight against trafficking. While the demand for exploitative labour practices is surely one pull factor for trafficking, the criminalisation of such demand fails to address the structural vulnerability of workers, especially migrant workers, to slavery-like working conditions.

From the far right to the far left, the support for this proposal is almost unanimous. Presented as crucial to the fight against the commodification of women's bodies, its announced goal is to fight against trafficking and pimping networks. Contrarily, we understand migrant women as its first targets. Indeed, while migrant women are automatically considered victims of trafficking, in order to get the right to assistance they must leave sex work. As previously mentioned, this is a legal activity in France. Nevertheless, police officers are still being sent to areas where sex work takes place and sex workers can still be prosecuted for soliciting, procuring, or illegal stay. The switch from criminalising sex workers to criminalising clients is only a rhetorical trick.

'Stop state harassment'. Yann Beauson/Flickr. Creative Commons.



The broader political context

The repressive framing of sex work in France needs to be understood in relation to the particular political context. Specifically, there has been a reframing of racist policies ever since the refugee crisis and terrorist attacks prompted the establishment (and possibly the constitutionalisation) of a ‘state of emergency’. The same government supporting the law against the ‘prostitutional system’ is also in the process of passing several security-related laws and migration management measures. Stigmatisation of migrant and non-white people, arbitrary arrests and raids, bans from specific territories: all these measures have been presented as the only way to fight against terrorism, yet they will also **negatively affect** many social movements and social groups, including sex workers. So called ‘domestic’ values, such as freedom of expression or equality between men and women, have been used to justify a type of security management that only increases control on and repression of the very first victims of these wrongs – refugees and migrant sex workers.

Trade unions, social movements, and left parties have been critical of governmental regulation of terrorism and migration: the refugee crisis led to a more comprehensive understanding of the issue of smuggling, so much so that even a mainstream media like *Le Monde* can publish that “the struggle against smugglers hides a struggle against migrants”.

However, the same unions, movements, and parties support similar government strategies when applied to sex work. Sex workers continue to be the first hidden target of the fight against trafficking, and when they report police harassment they are often **accused** of lying.

Our union trains people on their rights so that they can learn to defend those rights. We also provide legal support in cases of violence, (police) harassment, and exploitation. We know that the increase in smugglers and pimps has resulted from policies that closed borders and made sex workers and migrants privileged targets for both police and exploiters.

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In order to fight exploitation and trafficking, we demand the use of common laws rather than exceptional laws for sex work, and the end of the criminalisation of people that do support these populations. We demand rights for migrants and sex workers, as well as the mass regularisation of migrants.

The work to be done is two-fold. In part we must answer day-to-day emergencies, but we must also build solidarity and fight against **the exclusion of sex workers and migrants from political and unionist movements**. We need to recognise that the same strategy lies behind the criminalisation of solidarity with migrants and/or sex workers: the reinforcement of a security state. That strategy seeks to create divisions among the exploited and to prevent the construction of a unified and strong social movement.

Founded in 2009, STRASS (Syndicat du travail sexuel, sex work trade union) defends the interests of sex workers against repression, exploitation, and criminalisation in France, and it aims to build a collective movement within the unionist tradition. It includes more than 500 sex workers as its members, and has shared information with thousands of sex workers since its start. It is funded through membership fees as well as small donations and grants from Mama Cash and Red Umbrella Fund.

At long last, listen to the women!

State entrapment, extortion, imprisonment and slander sharpen the consciousness of sex workers who denounce measures invariably used to repress women and undermine feminist liberation struggles.

Gail Pheterson

Gail Pheterson is currently Associate Professor [Maître de conférences] of social psychology, Université de Picardie Jules Verne, Amiens, France, and Researcher at the Centre de recherches sociologiques et politiques de Paris, CNRS/University Paris 8. In alliance with sex workers, she organised the International Committee for Prostitutes' Rights and the World Whores' Congresses in 1985-86. She is editor of A Vindication of the Rights of Whores, and author of The Prostitution Prism and Femmes en flagrant délit d'indépendance.

Gail Pheterson began organising with the sex workers of COYOTE in San Francisco in 1984 during a sabbatical year at the Institute for the Study of Social Change, University of California, Berkeley. While in San Francisco she designed an alliance project of whores, wives and dykes that transformed into a network of Bad Girl Rap Groups. Co-facilitated with Margo St. James, Scarlot Harlot/Carol Leigh, Priscilla Alexander, Sharon Kaiser, E. Kitch Childs, Gloria Locket and others, the Bad Girl Rap Groups were open to "any woman who had ever been stigmatised as bad by her work, colour, class, sexuality, history of abuse, or just plain gender".

Upon her return to Europe, she co-founded the Red Thread and Pink Thread, two interwoven Dutch organisations of sex workers and allies, with Margot Alvarez, Ans van der Drift, Martine Groen, Violet and others. She also co-organised with Margo St. James the First World Whores' Congress in Amsterdam and the Second World Whores' Congress at the European Parliament in Brussels, and co-founded the International Committee for Prostitutes' Rights.

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Gail Pheterson edited the transcripts of the Whores' Congresses for publication in A Vindication of the Rights of Whores (released in Spanish under the title Nosotras Las Putas) and published a series of essays titled The Prostitution Prism (also in Spanish and French), including her most known and widely translated essay, 'The Whore Stigma: Female Dishonor and Male Unworthiness'.

Women mobilised a grassroots liberation movement fifty years ago in defiant resistance against oppression. Those feminists knew their struggle was dangerous but they were unrelenting in claiming rights for women as autonomous persons. Where are we now in this crusade for freedom?

The idea of equality between the sexes has moved into the global limelight over the past decades, but women's liberation is still a far cry from home. Government authorities, world organisations, and social reformers continue to undermine radical analysis of pervasive sexism with emotionally-charged rhetoric of individual female misfortune and male misconduct. Exposés of criminal and perverse men capturing helpless women ignite public outrage while leaving intact institutional obstacles to women's mobility, work, and bodily self-determination. This rhetoric sabotages liberation strategies by taking women-on-the-run into protective custody of the status quo. Anti-violence discourse then serves to reinforce state repression of women. Knowingly or unknowingly, the establishment has succeeded in wrenching the feminist agenda from its subversive fibre. The result is effective camouflage of the political cause for women's flight and disregard for women's material needs, social choices and, most insidiously, agency in thinking and shaping their destinies.

All women have reason to seek liberty, but all do not face the same life conditions. The contemporary foot soldiers of our movement are rightless migrant women disallowed from leaving home, crossing borders, earning money, or living independently. Without rights,



Paris, France in 2008. Philippe Ieroyer/Flickr. Creative Commons.

they are forced to bargain their survival with abusive profiteers inside and outside the law. In legislation, popular media, police records, UN conventions, and even ill-founded feminist tracts, they are branded trafficked women, trapped in the nexus of global power relations, and categorised as this or that kind of victim or tramp.

Savvy feminists

Sex worker activists are savvy feminist analysts of these machinations, their consciousness undoubtedly sharpened by daily trials of (escaping) state entrapment, extortion, imprisonment, and slander. As intimates of both backroom and front stage men, prostitutes are solicited by government officials to serve as undercover agents and informants. Their advantage over socially reputable women is their exclusion from polite society and direct experience of institutional vice. Mainstream feminists would do well to listen to their word in public as male authorities do in private. Their first demand is decriminalisation of sex work. This implies repealing prohibitions against negotiations and services attached to the sex industry, including the hiring of third parties

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to facilitate management of businesses and travel to foreign markets. In other words, sex workers demand the abolition of anti-prostitution, anti-pimping and anti-trafficking laws. They know that such laws invariably translate into discriminatory surveillance, fines, arrest, detention, and expulsion of migrant women.

Since popular opinion equates pimping and trafficking with the vile use and abuse of women, well-intentioned reformers persist in promoting restrictive legislation that curtails women's sexual negotiations and geographic displacements. Most existing criminal laws against pimping and trafficking are about sex, money, and travel – not about violence. Some countries do require evidence of force to proceed with prosecution, but women are nonetheless subject to discriminatory surveillance rationalised as preventive measures 'for their own good'.

Violence, coercion, and deceit do, of course, occur in prostitution, as elsewhere in the sex class system. Certainly sex workers should have the same recourse to laws against those crimes as any legitimate plaintiff would have in cases of battery, rape, fraud, kidnapping, or other offense against their person. But equal juridical treatment is incompatible with prejudicial classification as prostitute or trafficked woman. Sex workers demand generic, gender-neutral consideration undifferentiated from other workers, citizens, or human beings. Crimes against women are not crimes against incapacitated dependents, property, or morality; they are crimes against individuals.

Criminalise marriage?

Women have ample cause for class action to claim compensation for a host of injustices, whether unpaid labour, insult, assault, or discrimination. Reparation could be a feminist collective demand. Matrimony and maternity are clearly the key historical sites of subjugation for women in terms of toil and sacrifice. But feminists have never called for prohibition of marriage or pregnancy, regardless of the risks and documented damages. Feminists have fought to give women alterna-

tives or escapes from heterosexual coercions with divorce rights, battered women shelters and lesbian legitimacy. And they have fought to give women escapes from forced pregnancy or forced sterilisation by demanding reproductive choice and by facilitating access to contraception and abortion. But surely they would not deny women the right to decide for themselves whether to marry or bear a child or even whether to remain with an abusive husband. And they would not deny the rewards and satisfactions some women experience as wives or mothers. Why do sex workers not receive the same respect?

There could also be a feminist class action to claim compensation for injustices in the sex industry. And clearly, alternatives and escape channels depend upon feminist struggles for migrant rights, labour rights, and residency permits for independent women. But there is no justification for denying the right to negotiate payment for sexual services. Individually we are each in the grip of specific realities, each a unique person, and each entitled to our own thought processes and life choices. Collectively we can shape visions and common liberatory goals without judging any individual woman for her meanderings in the sex class system.

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Sex workers want peer knowledge, not state control

A proposed law in Germany pretends to help prostitutes by registering them, but it will only increase sex workers' precariousness and vulnerability. Respect and peer knowledge would go much farther.

Hydra's Peers

This piece was originally published 3 March 2016 and is re-printed here unaltered, even though the proposed legislation to which it refers has now become law. The following piece provides an update.

In Germany, the regulation of prostitution shifted when the coalition government of the Green Party and the Social Democratic Party adopted the Prostitution Act (ProstG) in 2002. Compulsory health checks were abolished, prostitution was no longer deemed an immoral activity, and sex workers were henceforth allowed to be either employed or self-employed, at least in theory. The law also required them to pay tax and obtain health insurance.

Yet, given a special restriction of the rights of the employer over the sex worker, hardly any contracts are stipulated and sex workers are largely in a state of apparent self-employment. Stigmatising measures through special laws are still present, such as urban 'restriction areas', where any type of sex work is prohibited and prosecuted through fines. Sex work is still assumed to operate within a criminal milieu. As sex workers who have lived and worked in other countries where sex work and/or everything around it is harshly criminalised, we must note that access to police and justice for documented sex workers in Germany is way safer than elsewhere. However, undocumented migrants have completely fallen out of the regulated picture since ProstG came into force, as venues and brothels will no longer rent them rooms and police continue to arrest them.

The Prostitutes Protection Act

The current German model is definitely not ideal. Much of it is not properly applied when it comes to workers' benefits, and it continues to criminalise undocumented migrants and those who don't comply with its special laws. Yet, we now nearly hope it stays as it is. The global moral panic surrounding trafficking and prostitution has reached Germany, pressuring the parties in power to take measures to redeem its reputation as the '**brothel of Europe**'. Abolitionist feminists set up anti-prostitution campaigns, and fantastically claim that **90% of sex workers are victims of forced prostitution**. Official data has shown a steady decrease in filed trafficking cases from within the sex industry during the past five years. Yet, Germany is pressured to do more to *protect* its prostitutes. According to the proposed new 'Prostitutes Protection Act' (drafted in March 2014, passed National Council review in February 2016, and now awaiting final review), this means registering us, forcing us to undergo regular medical counselling in order to acquire a 'prostitute ID', and fining us if we don't comply. Our clients, meanwhile, must only wear a condom to be safe from fines.

The ostensible reason for these new requirements is that they force us into contact with people that can 'help' us. Poor victims of pimps and traffickers that we are – not subjects dealing with poverty, gender inequality, and migration restrictions – we would finally have access to *someone to talk to*. We would open up to the authorities and beg to be rescued in the very moment of *being given the chance to get registered*. We laugh out loud.

Sex workers united against the new law

This proposed law is about controlling us not protecting us. It would expose us and leave us vulnerable to the loss of family and friends. It would minimise our already scarce chances of finding another job, if we want, or drive us into illegality if we chose not to register for these very reasons. Moreover, we are sure that enforced counselling and registration would not present us with the perfect environment for

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'No registration for sex workers!'. Photo by authors.

reporting situations of abuse or exploitation. Finally, the legal *enforcement* of a practice within the realm of sex, however advisable, would affect our right to sexual self-determination over our own bodies.

Sex workers' mobilisation against the proposed law has been widespread. Different groups have led actions, demonstrations and campaigns, including: Hydra; the Professional Organisation for Erotic and Sexual Services **BeSD** (est. 2013), which aims to improve the life conditions of sex workers; and **Dona Carmen**, a sex workers and allies' association that lobbies for decriminalisation and runs an outreach project. These organisations represent a wide diversity of sex workers, from operators (managers who also work) to street workers, who all claim the same: we don't want to be registered!

Although not in force yet, we have noticed a growing panic around this threatening new law. Many are unsure of its precise stipulations and are scared of its consequences. The vast majority of us refuse the mere idea of ever getting registered. Sex workers are getting more and more suspicious of authorities and institutions, insecure about their future livelihood, and angry.

Our conviction is that sex workers know best what would improve their lives.

Peer knowledge

Sex work insider knowledge is central to creating fairer, safer, and healthier work. Because of the stigma attached to us and our profession, our knowledge continues to be hidden and socially ignored. We aim at reversing this through collective reflections and exchange.

Peer educators have specific language and cultural skills and migration stories, which generates trust amongst migrant sex workers. We currently do workshops in Bulgarian, English, German, Hebrew, Italian, Portuguese, Romanian, Spanish and Thai. The themes of the workshops arise from the wishes and needs of the different participants. We walk paths that would be foreclosed to a classic top-down educational approach. We tell about our own experiences of work, including ways of practicing safer sex and dealing with stigma, but also experiences of exploitation, violence, and even trafficking.

We share our own success stories of breaking free from dependency and coercion, and point to possible ways out. Moreover, we pass on information on the current political situation and engage in community building. Our work challenges the common perception of a stark polarisation between migrant trafficking victims and emancipated German sex workers.

As migrants, we should be perceived as people with goals, migration projects, and rights to maintain ourselves and families. 'Protecting us' in this manner only serves Germany to recuperate a good moral image in the international arena, as the main effect of this new law will be to drive documented, EU migrant sex workers further onto the margins, where our undocumented colleagues have always lived.

When Sylvia Pantel, a politician for Christian Democratic Union

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(CDU), was confronted about the damages this proposed law would do to German sex workers, said this law was not for them but for the poor migrant sex workers who are abused and subjugated. This is nothing but false concern, however, as shown by the fact that migrant sex workers are chronically denied access to social benefits.

Some of us peer educators have experienced abuse or have even been trafficked. This makes us aware of the violence and abuse present in our industry. Our aim is to fight back by increasing our ability to resist. Maybe this is what the law would aim at too, if it honestly wanted to protect us. Listening to us would be a good start, but it seems too hard of a task.

Last summer, Hydra's **signature** protest and campaign against forced registration was **translated** into several languages and collected over 1000 signatures from sex workers (using their stage names, for anonymity). Amongst these are the signatures of many migrants. This is only one small example, but it shows that sex workers – yes, even migrant ones from the usual suspect countries – do have a voice. We raise this voice often yet it is repeatedly ignored, as our signatures were. The new Prostitutes Protection Act is now awaiting the approval of the German Federal Council (Bundesrat). But we will keep denouncing the hypocrisy of 'in our name' policies that indirectly criminalise or stigmatise us instead of concretely improving our lives – lives about which only we know best.

Hydra e.V. is Germany's first sex workers association. Established in Berlin in 1980, it has run a local, government-funded outreach and counselling centre since 1985. Hydra keeps campaigning for the full recognition of sex work as work and for the end of stigmatising and indirectly criminalising laws within the current model. Since 2012, Hydra provides peer-to-peer workshops by and for sex workers in various work settings and venues carried out by a team of six sex workers from different linguistic and migratory backgrounds. This article is a joint effort of the peer team.

German law endangers sex workers

The 'prostitutes protection law', passed 7 July 2016 by the German parliament, is a huge step backwards for sex workers rights.

A diverse group of Berlin-based sex worker activists

The 7th of July is a sad day in the history of sex workers' rights in Germany. The government passed the ProstSchG (**prostitutes protection law**) in the German Bundestag.

We are sex workers from a variety of workplaces and backgrounds. Amongst us are street- and brothel-based sex workers, tantric practitioners, independent escorts, BDSM workers and many more, affiliated or not to one or more sex workers rights groups.

Together we tried to fight the upcoming German law and its implications. Here is why: despite severe warnings by human rights groups like **Amnesty International**, **Deutsche Aidshilfe**, **Hydra**, the **national sex workers' professional organisation** and other experts, the new law will enforce mandatory registration of sex workers nationwide.

The law pretends to fight human trafficking. But instead of helping victims of this crime it raises the stigmatisation of sex workers to a new level. Forced registration through obligatory counselling includes the evaluation of one's mental status by a state authority and implies sex workers (nearly exclusively referred to as women) are perceived as irresponsible, mentally incapable beings.

We oppose this discriminatory opinion, and claim back our agency in making well-informed decisions regarding our life choices and sexuality. We are adults and we engage in consensual sex work.

“Are you mentally able to understand what sex work does to you?”

Our very own whore ID will be a state-issued document including our picture; our profession (that is “prostitute”, as the word ‘sex worker’ is a bit too modern for the German state), our real name and address, and it will identify us as state-approved sex workers. In order to get it we will be forced to visit one state body and undergo counselling. The governmental authority that will deal with us has yet to be revealed, but most likely the police or the *Ordnungsamt* (public order office) will be in charge of judging if we are mentally stable enough to take on the profession. You read that right: a functionary will decide in a compulsory talk if you have the marbles in your brain to be a sex worker.

Neat.

Let’s also not forget: you will only be able to get your whore ID if you have an official work permit. This inherently excludes migrants, asylum seekers and many of the other most vulnerable groups in society that consciously engage in sex work to simply survive. You have no work permit, you get no whore ID. You get caught doing sex work in order to sustain yourself and your family, and you will be deported, most likely to a country where sex work is criminalised and prosecuted.

Once a sex worker, always a sex worker: our stigma ignored

Great, figure we make it to your whore ID. We now are officially registered as prostitutes in a state database. We all know that state-secured databases containing sensitive information are *never* leaked, or hacked, or misused. Well, actually, they are.

We all feel very safe and secure now that there is a huge chance that we will, for now and always, be outed as sex workers. Let’s just hope we never plan to work in another professional field, to adopt children, become politicians, or simply want to **travel freely** or **book an accommodation** on a holiday.

Forcing once independent sex workers into dependence

Pretending to 'save' precarious sex workers, the new law will actively abolish self-organised small workplaces by forcing brothel owners to obtain permission for their establishment. As useful as it will be to make sure that big brothels comply with basic industry standards like the hygiene or safety of their workers, this part of the law will also make it impossible for self-organised sex workers to work together in teams of two or three in small venues. Workers who decide to share a small workspace will be judged the same as huge brothels. Under the new law, indoor sex workers will have merely three choices.

One, work from our own homes, whether rented or owned, and invite clients into our private bedrooms, making us potentially more vulnerable to abusive customers, violence and police raids.

Two, apply for a room in a regulated and certified brothel. It is easy to predict that only a few brothels will be able to get the necessary certification by state authorities. This will lead to an artificial shortage of legal workplaces. Let's just think for a minute about supply, demand, labour exploitation and who will be the most vulnerable link in this capitalistic chain. It will probably not be the big brothel owners, but rather us workers who will be caught between either giving in to the exploitative practices of big brothels, or illegality and risk of abuse and blackmail by third parties.

In fact, the third, surely least desired option will be to work illegally. Sharing a flat with a colleague to ensure independence and safety will be outlawed – unless you get a license to own a brothel. Too bad that this decision will be very expensive and therefore incredibly difficult to achieve. German building regulation laws are not easy to handle – think of the paperwork alone. Only the most able, well off and legally savvy sex workers will be able to get permission.

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Those of us who are most vulnerable, poor and precarious, those who don't have legal work permits and those who won't pass the mental test for lack of literacy and language skills will be largely left with no choice but to end up in illegality.

The new law will also likely push many of us to work in unsafe conditions and even to offer unprotected services. Clients who are looking for unprotected or inhumanly cheap services will probably look for illegalised precarious sex workers instead of going to huge, controlled, legal brothels.

As sex workers and experts on our work, conditions and lives, we have been adamant from the start: the new law is most dangerous for those of us who were supposed to be 'protected' by this very law and its makers. Had they listened to us, this law would never have passed. But surely you do not ask those you want to protect what kind of protection they need. Surely, lawmakers and party politicians know better. Well actually, they don't.

Sex work is a social and not a criminal issue!

Sex workers in Italy banded together against repression and discrimination, and managed to force support mechanisms for 'trafficking victims' into anti-trafficking legislation.

Committee for the Civil Rights of Prostitutes

One night in 1982, a group of street sex workers in Italy decided they had had enough. We were working along a provincial road, near a park, in the industrial northeast of the country. Our protest burst against some American citizens from a nearby US military base. The young soldiers had been repeatedly abusing prostitutes verbally and physically. We had also had enough of police repression. We wrote a press release, short but to the point, and became a hot case in the national media.

Our collective registered as an association: the 'Committee for the Civil Rights of Prostitutes' (Comitato). Thanks to the visibility we gained, we were able to involve other groups of prostitutes – women and trans – in other cities. The debate spread across the country at both the political and cultural level, and everybody, including feminists, participated in the discussion.

Some small radical and liberal left parties brought our demand to reform the 1958 Prostitution Act to parliament. We demanded respect for the self-determination of those who freely choose to practice prostitution, as well as the decriminalisation of this activity. This was a very difficult and conflicted debate – at least in Italy. To date, the 1958 law remains the same. Also known as the Merlin law, this classic piece of abolitionist legislation got rid of Napoleon-style, state-run brothels and outlawed not prostitution but its exploitation. It was a big achievement for the rights of women at the time, as it finally gave them the right to leave the brothels and work outside.

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However, the general abolitionist tendency never really allowed for the freedom of those working as prostitutes to be respected. Moral condemnation, stigmatisation, and the lack of recognition of sex work as work had led to a generalised criminalisation of those who chose to practice this activity, even though they were not infringing upon any law. This pushed us into the margins of society, and we continue to remain there.

In the 1990s, Comitato managed to stop the practice of expulsion orders, which allowed authorities to classify sex workers as dangers to the public order and therefore forcibly remove them from any given area of the country, even if they were not infringing any law. However, this victory only provided a short relief. The presence of migrant and transgender street workers was growing in Italy and an unjustified panic started to develop. This panic was then instrumentalised by some xenophobic and racist parties to produce new repressive policies.

Sex work is not a problem of public order. It is a social issue.

Society as a whole is responsible for this phenomenon. Poverty is responsible, as well as misery and war that push thousands of people into the hands of international smugglers who exploit them. Moreover, in Italy there remains a deeply rooted prejudice towards people who are considered 'different' for their non-conforming sexual choices or gender identity, making it very hard for them to find places in traditional labour sectors.

Work, but not work like any other

Even though prostitution can become a work choice for many people, it cannot be considered a job like any other. When you engage in sex work you put a very sensitive part of the self on the line. Also, one should not forget that many people practice prostitution for short periods of time. They work occasionally, in moments of emergency. For others prostitution is not a choice, but a condition more or less im-

posed on them. In such cases, the method of coercion is violence.

Since any person may find themselves in economic trouble and decide to sell sexual services at any time, and since any person may decide to offer money in exchange for sex at any time, it is impossible to impose how-when-where legal restraints on the purchase and sale of sex.



Photo provided by authors.

We must legitimise those who freely decide to do sex work as their main work and protect their labour rights. This should not be seen as an obligation but as an opportunity to maintain freedom, because how, when, with whom, and under which conditions a person's sexual relations are lived and their sexual services offered must remain as independent a choice as possible.

It is time to change our attitudes towards sex work, no matter the physical space in which a person decides to exercise prostitution, because the primary space in which we exercise it is our bodies. We expose ourselves through our bodies on the sex markets. Bodies, upon which others can exercise the power of exploitation exactly like they do in factories, or worse than in factories. Bodies of women, trans, migrants, and Italians, upon which gendered, racist, and institutional violence are enacted. The lack of recognition of sex work as work as well as its moral condemnation and stigmatisation facilitate, above all else, uncontrolled exploitation, abuse and coercion, unacceptable working hours, unhealthy working conditions, and irrational restrictions on the freedom of movement.

These are forms of violence! We are confident in saying that this violence is increased by institutional choices. Only when sex work is formally recognised and labour rights granted will sex workers be able

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to report abuses and organise themselves against unacceptable and exploitative working conditions. In turn, this will also be less degrading for those who use our services. We demand policies that free us from violence: the gender-based violence grounded in our unequal social system and the institutional violence that follows from prohibitionist laws on migration and on prostitution.

Non-European migrant women not only face the repression of prostitution, but also the repression directed against migration. These women must be supported in order to decrease their vulnerability and promote their empowerment. We, as an organisation, have chosen to work with and support them in order to ensure that they make it through their migration and prostitution journeys unharmed. Since the beginning of the 1990s, Comitato has been a leader in activating experimental projects of social inclusion for migrant sex workers. For instance, we used the ‘**TAMPEP**’ project in Turin, and the ‘**Citta’ e Prostituzione**’ in Venice to loudly demand a support mechanism against the emergent phenomenon of trafficking and sexual exploitation, anticipating what became Art.18 Law 286/1998. This progressive piece of legislation made Italy famous across the world, because it provides not only a set of health, legal and psychological supports services to victims of trafficking, but also the possibility for them to obtain residence permits. These can then be converted to work permits, thereby offering them a real alternative to exploitation and violence.

Today, we are witnessing the re-emergence of heavy exploitation accompanied by violence, which reminds us of the trafficking situations typical of the 1990s. This takes place not only on the street but also indoors. It happens also in other sectors, such as textile and domestic work, where people for many reasons are not able to access services and rights. Furthermore, the asylum system has not been able to give efficient support for the mental and physical health of women victims of trafficking. In many cases it did not even detect situations of subjection within Italy’s centres for asylum seekers (CARA). We have regu-

larly denounced such situations, but we have been ignored. As a result, violence against female and trans workers has reached unprecedented levels in our country.

Not one week goes by without a murder or a severe physical aggression. Gangs of fascists, racists, and homophobes organise to attack those working in isolated areas. Spaces at the margins of civil life, where sex workers are left as prey for criminals. Spaces where even the police attacks us instead of protecting us. Spaces that will eventually be developed and speculated upon. Our society, nourished by a spreading subculture of hatred and prejudice against anything different, is losing its capacity to get outraged.

Today, in Italy, being women, trans, lesbian, gay, migrant, and sex workers *de facto* condemns us to violence and discrimination with no rights or protection. Where is the dignity in this for a democratic and civil country?

Translated from Italian by Giulia Garofalo Geymonat and P.G. Maciotti.

The **Committee for the Civil Rights of Prostitutes** (Comitato) is a non-profit association that was founded in 1982 by sex workers. Its main objective is to provide assistance to prostitutes. Comitato organises campaigns to raise awareness of the dignity and rights of sex workers as well as vocational training courses for the empowerment of women prostitutes and the improvement of their lives. Since 1986, the Comitato's members have produced information campaigns on AIDS and on harm reduction aimed at sex workers. In 1995, it started assisting trafficked persons by promoting self-emancipation. It funds its activities with donations from local, national, and EU institutions.

Trafficking discourses and sex workers' mobilisation in eastern Europe and central Asia

Sex workers in eastern Europe and central Asia resist their social exclusion and repression in many ways, but the political climate has so far prevented broad-based organising.

Netochka Nezvanova

Mainstream anti-trafficking and abolitionist discourses construct the image of the victim by channelling 'white slavery' myths. Eastern European women (along with other women from the ex-peripheries of global capital) are attributed a central role in these dominant narratives. Apart from the restrictions faced by most migrants from the former 'eastern bloc' in so-called developed states, eastern European migrant sex workers encounter even tougher barriers when attempting to access legal forms of work in the heavily yet faultily regulated sex industries of western countries. Even when legally residing and working, simply owning a Romanian or Russian passport can make female sex workers the target of rescue, detention, and re-socialisation and/or deportation programmes implemented by governmental agencies and carceral NGOs.

Dominant narratives also feed the general understanding of central/eastern European and central Asian countries (CEECA) as the source of trafficked 'Lilyas' and 'Natashas', giving impetus to evermore humanitarian interventions in these states. The imaginary of ex-'eastern bloc' countries as sources of 'forced prostitution' and general moral deprecation coincides with a Cold War hangover and parallels the emergence of a new vocabulary after the changes of regimes in 1989. These framings thus serve to doubly vilify and infantilise European women sex workers (and always women, because mainstream trafficking discourses and abolitionists rarely talk of men or trans sex workers), first as racialised 'eastern Europeans' (even if some still benefit from white

privilege) and second as stigmatised for their work.

I happened to be born in 1989, so I grew up along with the alleged 'first steps' towards democracy (read: global capitalism) of the country in which I lived.

After over 25 years of neoliberal structural adjustments and anti-communist purging of the past to achieve imposed western standards of prosperity (and of course 'democracy'), it seems that this 'transition' will never end. The effects of structural adjustments on the people in the eastern regions have been dispossession, unemployment, acute impoverishment, and repression, along with rising anti-migration policies. These factors do not feature in the discourses of abolitionists, religious and carceral NGO workers, and state policy makers, all of whom have a stake in maintaining mainstream trafficking discourses.



Photo by author.

They also do not take into account the heavily criminalising environment faced by sex workers of all genders within this region. The state attempts to repress any type of economic resistance to its policies and their outcomes, creating structural violence against sex workers and contributing to their exclusion from society and public life. This happens through the promulgation of laws and regulations punishing anyone engaging in sex work, including public order laws; the criminalisation of drug use, LGBT persons, and of people living with HIV; law enforcement employing physical, sexual, and psychological violence; detention; arrests; murders; discrimination; and denial of access to justice, health, or social benefits.

Under the neoliberal decline of the social state and despite repression and incarceration, sex workers in the region are resisting, often in ways

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very different to the methods and narratives of sex workers' movements in the west. In some areas CEECA sex workers **have been able to take to the street in protest of police abuse and discrimination**. But this it is not possible everywhere. In some contexts it is hardly feasible to attach the words 'sex work' or 'prostitution' to any attempt at collective mobilisation. Yet, sex workers still resist through the most basic acts of supporting one another and through forming their own organisations, offering support and services to their peers in a consistent way.

SWAN

SWAN (Sex Workers' Rights Advocacy Network in CEECA) has focused since its creation in 2006 on the realities and experiences of sex workers from mostly post-socialist countries. Starting with only one sex workers group in Kyrgyzstan (Tais Plus), SWAN's membership has grown to include 10 sex workers groups/organisations in the region. SWAN's contribution to the mobilisation of sex workers is done through activist rights trainings, advocacy work, media campaigns, and monitoring human rights violations. It offers technical support to sex workers in their advocacy efforts and events, as well as organises meetings at regional and national levels. Amongst SWAN's goals is building mutual support with other marginalised communities.

Photo by author.



One of SWAN's most recent big efforts was to coordinate a qualitative community research study on barriers faced by sex workers when they attempt to access justice. The research was done in 16 countries using local sex workers and allies as research teams. The resulting publication, **'Failures of Justice'**, offers a glimpse at

the everyday violence faced by sex workers of all genders across the region. It captures instances of state violence and the connections between criminalisation; abusive law enforcement, including subjecting sex workers to violence, detention, extortion, arrests, forced testings, condom confiscation, rape, and blackmail; police collusion; and gender, social, and racial profiling.

Our report showed up to 90% of sex workers in a given country, the highest level being in Kazakhstan, have experienced sexual violence. In spite of the common stereotype of sex workers as passive victims, sex workers do try to report cases of violence. To do so, they must often file their reports to the same institutions from where the violence originated, thereby risking entrance into a vicious circle of violence, mistreatment and discrimination.

Increasing criminalisation

Discussions around the criminalisation of clients are also gaining more ground in the region, despite research showing that violence against both sex workers AND clients affects sex workers' working conditions. Extortion, blackmail, or physical violence against clients can often displace sex workers, which in turn reduces their ability to screen clients or access support from peers or social workers.

The region has also recently seen a new surge of law proposals meant to regulate and/or further criminalise sex work and sex workers: ranging from Ukraine's **attempt to legalise sex work through heavy regulation** to Russia's higher administrative fines for sex workers. Policy makers and politicians seem to inevitably focus on sex work policies in western Europe or North America, either by adopting them as models to replicate or by opposing the 'moral decay' of the west. The latter stance coincides with the rise of populist and fundamentalist groups – be they Christian or Muslim – that claim to be the guardians of patriarchal cis-sexist gender roles and the heterosexual monogamous family. At the same time, NGOs working in the region on social issues now risk

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being declared ‘foreign agents’ and the human rights framework – until recently the most accessible means to fight for sex workers rights – is facing increasing challenges as the language of western imperialism and globalisation. This may result from a liberal human rights framework that centres on the individual’s rights to be free from *certain types* of repression, while rendering other types invisible. Yet another major obstacle stems from the strongly anti-communist, neoliberal ideology that delegitimises any articulation of workers’ rights.

Unfortunately these trends are completely synchronised with the rise of the new right in the ex-western bloc and the consolidation of neoliberalism throughout the 1990s. Given all this, not to mention the extremely high levels of stigma against sex work within CEECA, it remains almost impossible to partner with other sex workers’ groups to advance our rights in the region.

Netochka Nezvanova, a pseudonym, is a sex worker from one of the central/eastern European and central Asian countries (CEECA). Her words do not represent the collective views of the different sex workers and organisations in the region.

The views expressed in this article do not represent those of the entire SWAN network. Since its creation, SWAN has received funds from various donors, amongst them, the Red Umbrella Fund, Mama Cash and, currently, the Open Society Foundations.

Section two

Sex workers speak in Asia,
America, and Africa



Sex workers speak. Who listens?

We don't do sex work because we are poor, we do sex work to end our poverty.

Many Thai women become sex workers not because they are poor, but in order to escape poverty. In doing so they have become providers and heads of households, and they deserve respect for that accomplishment.

Empower Foundation

We work together collectively to ensure our access to education and health; to advocate for safe fair work; to increase society's understanding and acceptance; to maintain a strong united community; and to hold a space in society where we can stand up. This includes books, artworks, films and performances, most of which are available on our [website](#). We work together on all issues. For example, our combined thoughts, experiences and understandings have been sewn together to create this article.

Women in Thailand hold the responsibility and pride of supporting the family. In modern times the needs of the family cannot be grown by hand, but rather women must find cash to provide. Opportunities for women with no qualifications and no capital are limited. The work we can find is undervalued and is always the same every day. There are few surprises and no bonuses.

A small number of us, after many minimum wage jobs, decide to apply for work in karaoke lounges, massage parlours, brothels or bars – we decide to become sex workers. We are making a choice between the options available to us. We cannot choose options that do not exist.

As sex workers we earn at least double the minimum wage. We make enough to support five other adults in our families. The work can be hard and sometimes boring, but it is rarely the same. There are lots of surprises and many bonuses.

In the modern form of sex work in Thailand we apply for our jobs and are hired or rejected. Our workplaces have regulations. There is no pimp, mafia, or gang – there is only the motorcycle taxi guy and the business manager. Our work concerns are similar to those of other workers, e.g. inadequate paid leave, lack of social security coverage, occupational health and safety.

We work to buy land and build houses. We work to pay taxes (including bribes to corrupt police), to finance the university fees of our brothers or the rental costs of shops for our sisters, and to cover any other emergencies. We become the bread winners and so make many of the big decisions for our families. Sex workers also build up the country. As far back as 1998, the **International Labour Organisation** reported that we were sending \$300 million home to rural areas each year, larger than any development project. We are also the backbone of the tourism industry, which makes up around 10% of Thailand's annual GDP.

Sex work has become a way out of generational poverty for us and our families that also boosts the country's wealth. We don't do sex work because we are poor, we do sex work to end our poverty.

Adapting to survive

Sex workers in Thailand have been organising, resisting and responding to change for centuries. Each generation of sex workers **has had to invent and learn new skills that in earlier years were never imagined**. We adapted to the end of slavery and the arrival of a cash economy. We keep track of world events, politics, economics, and sports to understand our customers. We learned about passports, visas, and travel. We used post cards, telegrams, pagers, emails, mobile phones, web cams, and now apps.

We have also greeted many new customers over the years. Starting with the Chinese migrants of the late 1700s, the list also includes Jap-

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anese soldiers during world war two, GIs from the US during the war in Vietnam, American and other allied troops on leave from their wars in the Gulf countries. Despite being denied schooling we learned new languages – Chinese, Japanese and English. We learned about dealing with the trauma of war. We learned the customs of many countries. Today we meet more than 15 million men from every corner of the world when they visit amazing Thailand each year.

Society has relied on sex workers to keep working, bringing in the money to mend the problems. In 1960, when the ‘Suppression and Prevention of Prostitution Act’ first made it illegal to buy or sell sex, we had to learn another new skill – working on top of criminal law. We quickly learned that corrupt authorities use the law to make us pay for our human rights; the right to work, the right to safety and justice. We learned that criminal law is a way to suppress our rights – it is not designed to promote them.

In the late 1980s the country was building up its tourism and industry. Thailand welcomed millions of tourists. Thai sex workers travelled throughout the world, while our neighbours from Laos, Cambodia, Vietnam, Myanmar, and China were coming to Thailand to build a better life. Moving to work is our path of resistance. We refuse to accept the situations or conditions we were born into and dream of a better life. Migration is our solution, not our problem.

However, instead of the governments working to promote safe migration the ‘Anti-trafficking Law’ landed on top of us. We learned that anti-trafficking law does not improve our working conditions, increase our options, or end our poverty. It does not reduce armed conflict in our homelands. It does not reduce corruption. It does not increase support for children and minors. It does not demand governments or society respect us or our basic human rights. Crucially, anti-trafficking law and practice do not reduce ‘trafficking’ or provide justice to workers in such situations in any industry, including the sex industry. We

know this, because our organisation detailed the impact of anti-trafficking law and practice on sex workers' human rights in its 2012 community research report, 'Hit & Run'.

The need to stand together

Instead of being admired as activists, leaders, workers, and providers we are called bad women, criminals, and victims. We are portrayed as weak, stupid, and childlike. Our contribution to the family and the country is ignored, or redefined as a burden or exploitation.

Increasing stigma and law has destroyed the links between us. Our friends who stayed working in the factory, on the land, or in a shop have become distant and afraid of associating with bad women and criminals. Organisations that used to cooperate together have become confused both at national and international levels. Women's groups are not sure whether to work with sex worker organisations or not. They are unsure whether to see sex workers and their organisations as criminals, as victims of criminals, or as equal partners deserving of respect. The women's movement is fractured. Projects had their funding threatened when George W. Bush, the former US president, introduced the 'anti-prostitution pledge' in 2003. This pledge was declared unconstitutional in 2013, but only for organisations working in the US. It requires that organisations funded by USAID must not take any action or position which could "promote, support, or advocate the legalisation or practice of prostitution". Sensational reporting and hysteria have reinforced the confusion, resulting in many groups becoming afraid to stand openly with sex workers.

And so we must stand together.

For 30 years we have been organising as Empower – Thailand's national sex worker organisation. Around 50,000 sex workers have been a part of Empower. They advocate for their rights and against stigma, their efforts helped by their presence in work places, health counselling, and trainings in spheres such as Thai literacy, health education,

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English language, IT, and legal rights. We are sex workers working in all sectors of the industry. We love our work, hate our work, and, like most workers in any job, are often somewhere in between. We are just starting out, or have years of experience, are planning to change jobs, or retire. We are Thai, ethnic minorities, and migrants from neighbouring countries.

We want to know, if society were asked to think of us, not as criminals, immoral women, or helpless victims, but as humans, mothers, workers, and family providers, what laws and systems could be imagined? How should the state treat women who are head of the family?

While we wait for an answer all around the world, people are still asking: 'prostitution...good or bad? Legal, illegal, decriminalised...what is best?' The debate goes on and on while we are still providing for our families, building up the country, advising each government that comes along, trying to stand up with others all while continuing to work on top of a mountain of stigma and laws.

Empower is a Thai sex worker organisation that has been promoting rights and opportunities for sex workers since 1985. It is led and largely managed by sex workers in Thailand. The majority of its support comes from international donors e.g. Mama Cash, American Jewish World Service, but Empower also receives contributions from the Thai government as well as our own fundraising.

The creative protests of sex workers in Argentina

Sex work in Argentina is legal, but since 2011 the anti-trafficking agenda has increasingly threatened that status. This has led to new alliances and strategies of resistance among sex workers there.

Georgina Orellano

It is said that Argentina has officially adopted an abolitionist approach, meaning that in principle it does not criminalise the exercise of prostitution *per se*, but rather the third parties that exploit the prostitution of others. Brothels were prohibited in 1936 by law 12.331, and subsequent legislation has effectively criminalised those who exercise sex work in the street and private spaces in 19 provinces. This demonstrates the thin boundaries between the abolitionist and prohibitionist models.

In Argentina, sex work is exercised in private apartments, pubs and dance clubs, on the street, autonomously, and through third parties. In some cases we experience labour exploitation – the same can be said for many other workers – and the lack of regulation of our activity exposes us to persecution and police abuses. In order to fight for our rights, our organisation, AMMAR, has adopted a series of strategies, including drafting a law proposal; working on building political alliances; offering day to day assistance in legal and health matters; and handing out condoms. We also spread our initiatives, such as public protests or debates, through our own social networks and public media. One of our most recent initiatives has been the creation of the **Observatory on Institutional Violence against Sex Work** and the launch of a hotline through which sex workers can lodge complaints of institutional violence.

AMMAR also functions as a trade union although it cannot legally be one, given the lack of regulation of sex work. This way of self-organisation allows us and our 6000 affiliates to emphasise the fact that we are

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Photo by author.

workers. It has also given us a structure in seven provinces, where our representatives are chosen by our comrades. We are supported by several international agencies, including the Global Fund to Fight AIDS, Tuberculosis and Malaria, the Red Umbrella Fund, the Friedrich Ebert Foundation, UNAIDS, and the Levi Strauss Foundation.

Fighting the regressive trend

It is important to highlight that, since 2011, a powerful lobby against trafficking has been installed in Argentina, together with new laws that do not differentiate human trafficking from sexual exploitation and sex work. These policies were aimed to tackle the sex market as a whole and we, the 'vulnerable women', didn't know how to move against such a big monster that was coming to take away our voices and occupy our political spaces. On 5 July 2011, President Cristina Fernández Kirchner signed Decree 936, which prohibited the publishing of sexual services in advertisements.

With a stroke of her pen she restricted the freedom of speech of thousands of us in a full democracy. We were never invited to discuss this legislation. Afterwards, sex work venues started getting shut, province by province, through actions carried forward mainly by those female legislators and abolitionist organisations leading the charge against trafficking. In 2012, another policy designed to control human trafficking required people from the Dominican Republic to get a visa in order to have legal permission to enter the country.

The phones at AMMAR didn't stop ringing, but it wasn't the press who wanted to hear our opinion on these new policies – it was our comrades. We realised we were dealing with an unwavering political decision, and so we set to work organising our colleagues. Thanks to these new policies there are now many more organised sex workers in Argentina. What a paradox: we were prohibited from exercising sex work, but we became organised as sex workers.

New laws, new alliances, new tactics

Knowing that we had increasingly fewer spaces in which to work without being threatened by closures and legal sanctions, we accelerated the process to present our own law proposal. We finished in October 2013. It is based on the premise that the Argentinian state does not consider sex work an illegal activity. Following this, it proposes to regulate sex work in the country by providing legal age sex workers – including transgendered and migrant workers – with labour rights such as the access to retirement funds and health benefits. It also includes a way to licence locations for sex work that meet supervision, health, and hygiene requirements.

At first, we presented our proposal by ourselves – no other organisation or labour union supported our demands. On the contrary, the campaign against prostitution had become so strong that our own comrades, who had witnessed the organisation's birth and growth, started questioning our demands. We went in search of new direc-

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tions, but we stumbled upon such seasoned and academic feminism that we left frightened, believing that even feminism wanted to decide over our bodies.

For a long time we stayed away from those spaces. But one day, as the raids, closures, and anti-sex work propaganda continued unabated, two anthropologists shyly showed up to our organisation with a proposal. They wanted to help us keep record of the institutional outrage we were experiencing. At first, we hesitated, we distrusted, but then we agreed and were not mistaken: they brought us back to spaces we had abandoned, they showed us another feminism – one that supported us.

We proposed new alliances. We won the support of the **LGBT** community, amongst them many trans sex workers. They were followed by a queer group, which supported us as representatives of a fellow minority persecuted because of our sexuality, and by labour unions that recognised us as workers, some of which are members in the Argentinean Workers' Central Trade Union. Together with these organisations we repeatedly campaigned for our labour rights in public places, persevering even though we often received reactions that felt like slaps in the face.

We didn't give up and decided to carry on with a different kind of action: issuing bills for our services, *as if* sex work was a legal category. The bill is *the* symbol for formalised, legal work in our country and that is why we carried out a campaign on May Day 2015 – Worker's Day – of billing our sex services to recognised politicians and journalists. We wanted to demonstrate that our access to labour rights was possible without changing the entire law, just by adding the category of sex work onto the Labour Department's register.

The results were better than we could have expected: politicians who hadn't listened to us before received us and the media covered our demands for labour rights as a relevant topic. The billing campaign won

the **EIKON** 2015 communications award from the Imagen magazine (a Spanish-language public relations and communications magazine).

We have not yet succeeded in having sex work included on the Labour Department's register, but, unsure of what the political context will look like in the future, we keep fighting. We are also planning the presentation of a new national 'law project' to regulate autonomous sex work and battle against new local policies, such as fines for sex work clients in the capital of the province of Mendoza. There have been plenty of bad reactions to our activism, but we haven't remained still and have actually become even stronger. Here we are, many more voices demanding access to labour rights.

Translated by Julieta Mendive.

Georgina Orellano is the General Secretary of AMMAR, the Women's Sex Workers organisation of Argentina, and a sex worker. She is part of the National Committee of the Argentinean Workers' Central Trade Union and is an activist for the defence of sex workers' rights in Argentina.

The Women's Sex Workers organisation of Argentina **AMMAR** was born in 1995 as a consequence of the criminalisation of sex work in public spaces in Capital Federal, a subsidiary of Buenos Aires. We sex workers organised ourselves to fight for our rights after having been subjected to all kinds of abuse, including exclusion, discrimination, and being treated as outcasts. Months later we joined the **Argentinean Workers' Central Trade Union**, where we remain active to this day, and in 1997 we became a part of the Network of Women Sex Workers from Latin America and the Caribbean (**RedTraSex**).

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Sex work activism in South Africa: a struggle for visibility

Organising sex workers to protest injustice, create safe spaces, and support one another is a difficult job. One South African organisation shares its stories of success.

Dudu Dlamini and Sally-Jean Shackleton

We, the authors of this piece, both work for an organisation that has defended the rights of sex workers and ensured their access to health services for the past 20 years. Dudu has been a sex worker, a peer educator and organiser, while Sally-Jean's experience has been as a worker in the South African non-profit women's sector.

We represent very different South African experiences. Dudu is a black woman and grew up in poverty close to Durban. Sally-Jean is a privileged white South African woman who grew up in a town close to Johannesburg. We were both born in the 1970s and grew up during apartheid. We now live in contemporary South Africa, a country still characterised by racism and inequality. It's important for us to state this first, as this context is central to our approaches to sex work as work, and to trafficking.

Dudu writes: In my own experience, I was trafficked before working in the sex industry. I was trafficked to Cape Town in 2002. I was told about an opportunity by someone living in my town. When I got to Cape Town, the salary wasn't what I was told, the work and conditions weren't what I was told. Instead, I was selling drugs. I wasn't given food, or an opportunity to look for something else. When I escaped, I got on with my life. I didn't have skills, and I had no money to find work – no money for transport or food. It was the same at home, where poverty was the norm and I was responsible for my family who were waiting for me to send money.



Dudu Dlamini. Photo provided by author.

I needed something to do, I met someone who told me about sex work and I went to the road. She didn't force me, she shared with me how to use a condom. I learned from the road to use a condom, I had four children because I didn't know about condoms before doing sex work.

On the third day of doing sex work, I could send money home to my family. I could fix the roof of my house, pay for my children's education, and I got a funeral plan. I could budget and settled my things without having a boyfriend, I only relied on myself. It brought back my power to do things on my own, without begging or asking others.

Gendered apartheid?

The Coalition Against Trafficking in Women alleges in their **open letter** to Amnesty International that Amnesty's support for the decriminalisation of sex work will "in effect support a system of **gender apartheid**, in which one category of women may gain protection from sexual violence and sexual harassment, and be offered economic and educational opportunities; while another category of women, whose lives are shaped by absence of choice, are instead set apart for consumption by men and for the profit of their pimps, traffickers and brothel owners".

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We, the writers, come from the country where apartheid was designed. It still characterises our experiences and our relative access to opportunities. Sex work does not create inequalities, but, like all work, it does exist within systems that entrench inequalities. This is exactly why we want sex work to be recognised, and for sex workers to become part of an organised and empowered workers movement.

South African law criminalises buying sex, selling sex, and all associated activities (running a brothel, living off the proceeds, etc.). City by-laws also affect sex workers, and unrelated laws against things like ‘public nuisance’ are also used against sex workers.

SWEAT – where we both work – provides services and safe spaces for sex workers. Our work includes outreach to sex workers, documenting human rights abuses, advocacy for legal reform, and providing health-related services and referrals. Our work is about organising sex workers to collectively challenge laws, policies, and practices that diminish our choices.

Organising despite stigma

Organising a movement is a messy and complex affair, especially when your aim is to organise people who are criminalised and stigmatised. We organise sex workers around particular issues that are representative of a common experience.

In the coming months, a man accused of murdering a sex worker will appear in court in Cape Town. Sex workers will be outside and inside the courtroom when he does. They demonstrated during earlier stages of his trial as well, gathering outside the court to wear slogans and sing songs for weeks at a time. It may seem to the onlooker that this is an easy task, but to stand on the steps of institutions that represent your oppressor is a powerful statement. To risk exposure to police action – the media characterised our group of 15 as an “angry mob” – demonstrates courageous activism.

In November 2015, we investigated three murders that took place in Cape Town. We confirmed that the victims were sex workers and attempted to help identify the victim of one crime by speaking to local colleagues.

In December last year, a small group of mothers gathered to present their stories of motherhood as sex workers. Sex workers' role as mothers is completely ignored and made invisible. Mothers-for-the-Future, a self organised group that aims to ensure sex workers are recognised as mothers, is actively challenging this perception.

The Sisonke sex workers movement, a part of SWEAT, works to organise sex workers in the spaces that they occupy. On 3 March, as in previous years, will ensure national action to celebrate the **International Day for the Rights of Sex Workers**.

Resisting anti-sex work rhetoric, which is often packaged as 'anti-trafficking' work, is challenging. After all, sex workers are framed as voiceless victims, and by this circular logic anyone speaking out and for the recognition of sex work isn't actually a sex worker. This means that sex workers active in our movements are undermined, silenced, and discredited by virtue of their membership to a movement! Furthermore, in the polarised 'debate' on legal frameworks – most often between partial criminalisation and decriminalisation – a whole lot of complexity in sex work is ignored because it cannot be neatly placed on either side of the debate.

Talking about sex work as work also places some uncomfortable realities before those who would rather 'rescue' women into a utopia of second-hand clothing sales and beading than talk critically about capital, labour, and gender. In fact, women in sex work earn up to three times as much as other forms of work available to them. Sex work also offers better working hours, greater independence, and in some cases, better working conditions too.

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As Dudu says, without a movement of sex workers linked into safe spaces, “I will just eat it, swallow my voice, and experiences”. There is a spectrum of experiences in sex work, none of which is a single truth. Defining sex work as work will help make this diversity visible.

Dudu Dlamini and Sally-Jean Shackleton both work for Sisonke and SWEAT, an organisation that has defended the rights of sex workers and ensured their access to healthcare for the past 20 years.

SWEAT stands for the Sex Workers Education & Advocacy Task Force, which is a registered national non-profit organisation concerned with the health and rights of sex workers. SWEAT raises funding from various sources: the majority of our funding is sourced at the local level: Provincial Departments of Health and the Lotteries, and internationally, we are a Sub-Recipient of the Global Fund to Fight TB HIV and Malaria, the Open Society Foundations, Aids Fonds, UNFPA and UNAIDS.

Sisonke is a movement of sex workers and is based within SWEAT. It is funded by the Open Society Foundation, Aids Fonds and the Red Umbrella Fund.

The power of putas: the Brazilian prostitutes' movement in times of political reaction

Faced with regressive policies grounded in moral panics over sexual exploitation and trafficking, the Brazilian prostitutes' movement has mobilised to ensure a seat for itself at the policy-making table.

Thaddeus Blanchette and Laura Murray

It is a myth that prostitution in Brazil is completely legal. Although it is an occupation recognised by the Ministry of Labour and Employment and selling and buying sex is not criminalised, everything surrounding prostitution is (most notoriously “living off the avails”). In this environment, Brazil's prostitutes' movement fights for the complete decriminalisation of sex work and its regulation as a form of labour.

Gabriela Leite and Lourdes Barreto founded the Brazilian Network of Prostitutes (BNP) in the mid 1980s in response to police violence in the red light districts where they worked. Over the next 20 years, sex workers established organisations throughout Brazil, including Davida – Prostitution, Civil Rights and Health in 1992. The BNP earned seats at the policy-making table and was fundamental in developing peer-led HIV prevention initiatives. Their partnership with the country's National AIDS Programme gained international attention in 2005 when Brazil refused more than **\$40 million in US funds** because USAID, the US's development arm, demanded that organisations receiving funds condemn prostitution in exchange.

VIDEO: Watch an interview with Gabriela Leite, founder of the sex worker movement in Brazil and the NGO Davida, on prostitution and politics in Brazil conducted in 2013 (4:48 duration).

Abolitionism gained strength in Brazil at the start of the new millen-

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nium, fuelled by moral panic and by the growth of carceral feminism (on the left) and Christian conservatism (on the right). The spaces in which sex workers were welcome to speak as equals instead of as victims decreased, as did their inclusion in policy-making circles.

In 2013, a federal HIV prevention campaign came under attack for its portrayal of a sex worker claiming to be happy with her profession. The Ministry of Health censored and **withdrew the original campaign**, posted altered versions, and dismissed the head of Brazil's HIV programme. BNP responded with **statements** and **protest campaigns**, however in the **media hysteria that followed** their statements and the decades of successful sex worker-led responses to HIV were largely ignored.

Creative mobilisation

The prostitutes' movement has responded with a two-prong strategy: on the one hand, it is engaging in street politics, guerrilla theatre, and practical initiatives; on the other, it is entering the forums and institutions that sprung up around human trafficking.

These types of activism revolve around a form of politics that I, Laura, describe as *puta politics* in my dissertation research on sex worker activism in Brazil. Inspired by Gabriela Leite and her political use of the word '*puta*' (whore), I argue that *puta politics* is about strategically leveraging aspects of the *puta* subjectivity in Brazil to mobilise allies, media attention and state power in favour of prostitute rights. *Puta politics* refuses victimisation, invests in the transformative potential of what is often perceived of as immoral, and disrupts divisions between institutional structures and the street.

VIDEO: Watch Gabriela Leite speak on the word 'puta' and why it should be used (3:52 duration).

word '*puta*' (whore), I argue that *puta politics* is about strategically leveraging aspects of the *puta* subjectivity in Brazil to mobilise allies, media attention and state

An excellent example of *puta politics* is **Daspu (Of the Whores)**, a



Protesting by playing football on the steps of city hall. Photo by authors.

clothing line founded by Davida in 2005. Producing fashion collections and shows with provocative, prostitution-related themes in a variety of urban spaces, *Daspu* launched a 2014 World Cup collection emblazoned with calls for “FIFA quality brothels” and exhortations for Cup-goers to “knock one into the net” – a scandalous contrast to the government line prohibiting “sex tourism”. Other sex worker organisations such as **GEMPAC**, **Mulheres Guerreiras**, and **APROSMIG** also organised World Cup-related events that included **Daspu fashion shows** and **soccer matches in red light districts**.

In Rio de Janeiro, we launched the *Daspu* collection with a **street fashion show** to protest a **violent police raid** in the city of Niterói. This had resulted in the illegal arrest of more than 100 sex workers as well as instances of rape, battery, and robbery, all of which was followed by police impunity and **persecution of those who spoke out**. The *Daspu* protest ended in a ‘shirts vs. skins’ football match in front of city hall that created a media spectacle. Along with our colleagues and collab-

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orators at **Prostitution Policy Watch**, we also activated a wide range of allies and made contact with several congress members who set up **public hearings** about the raid. Amnesty International and other groups were mobilised to denounce the violence, while sex workers explained what happened to organisations fighting Rio's urban renewal plans. These mixes of calculated political strategy with playful and provocative protest tactics is what makes *puta* politics so effective.

Anti-trafficking in Brazil

Davidá's activism in Brazil's anti-trafficking movement is another sphere where *puta* politics has been effective. In 2005, Davidá started appearing at anti-trafficking events, demanding to be heard. Led by Gabriela Leite, Davidá's activists and collaborators (including myself, Thaddeus Blanchette) argued that bringing sex workers into the anti-trafficking movement would allow the government to target cases of real slavery, instead of simply arresting prostitutes and calling them 'trafficking victims'.

Protesting for a better quality of life. Photo by authors.



While participating in these debates, Davida called ‘bullshit’ on the worst types of misinformation provided by anti-trafficking groups and challenged victimising discourses. For example, claims that “thousands” of women were being enslaved in brothels were countered with invitations to visit brothels and talk to the women themselves. Putting anti-trafficking activists in direct and cordial contact with sex workers was one of the best ways Davida found to dispel the enchantment of media myths.

Academic research on trafficking continued during this period, generating new data and findings. While Pentecostal groups were relating stories translated from English, BNP could speak first hand about the abuses that Brazilian sex workers were encountering in Europe, both from ‘pimps’ and those who sought to ‘rescue’ them. Thanks to such academic research – including [Adriana Piscitelli’s work](#) on migrant Brazilian prostitutes in Europe; [Flavia Teixeira’s investigations](#) of trans prostitution and migration; [Sprandel and Mansur’s studies](#) of migration and trafficking; and [Blanchette & Silva’s analysis](#) of the myths of trafficking in Brazil – activists could deploy an evidence-based counter discourse against the (often fictionalised) anti-trafficking stories of abject, helpless women.

Most importantly, prostitutes won positions in the state and federal anti-trafficking council, where they made important alliances to push the government’s anti-trafficking focus where it should be: on the elimination of slavery and not sex work. Of course, this did not achieve a clear win for the prostitutes’ rights movement. Abolitionist organisations draw on tens of millions of dollars, thousands of hours of volunteer labour, and many sympathetic media outlets. Most sex worker groups, meanwhile, are either unfunded or subsist on small project grants from national foundations or city or state AIDS departments, and in several cases (including Davida), international foundations such as the Red Umbrella Fund. The balance of power is overwhelmingly skewed in favour of the abolitionists, but sex workers continue to resist.

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They do this in large part by driving home the point that sex workers are organised, acknowledged by the government, and ready to dialogue. This has resulted in many of the worst anti-trafficking memes being cut in Brazil. Thanks to the mobilisation of prostitutes, today Brazil is the only place we know of where official, government-sponsored, anti-trafficking discourse often begins with the disclaimer “Not all prostitution is trafficking”. A small but important victory.

Thaddeus Blanchette is an anthropologist at the Federal University of Rio de Janeiro, Macaé. He has researched sex work in Rio de Janeiro and southeastern Brazil since 2004. He is allied with the Davida Collective and helps represent them on the national and state anti-trafficking councils. He is a founding member and executive researcher with Prostitution Policy Watch, an extension and research project at the Institute for Regional and Urban Planning/UFRJ and Metropolitan Ethnographic Lab – LeMetro – Institute of Philosophy and Social Sciences (IFCS)/UFRJ). There Thaddeus directs research into the effects of the World Cup and the Olympic Games on sex work.

Laura Murray has worked as a filmmaker, activist and researcher with sex worker rights organisations since 2000, working most closely with MODEMU in the Dominican Republic (2000-2003), The Asociación de Trabajadoras Autónomas “22 de junio” in Ecuador (2001) and Davida in Brazil, where she has collaborated with the Brazilian Network of Prostitutes in diverse capacities since 2004. She is also a founding member and executive researcher with Prostitution Policy Watch. Laura recently completed her dissertation on the politics of sex worker activism in Brazil at Columbia University and directed the documentary, **A Kiss for Gabriela**, that tells the story of Gabriela Leite’s 2010 campaign for federal office. She is currently the Deputy Director of the Davida Collective and holds a post-doc position at the Institute for Social Medicine at the State University of Rio de Janeiro (IMS/UERJ).

South Korea: sex workers fighting the law and law enforcement

South Korea introduced a raft of new laws against sex work in 2004. These repressive policies are now up for constitutional review due to the intense reaction by sex workers there.

Yujin, Popho E.S. Bark-Yi, Matthias Lehmann

First-time visitors to South Korea may easily assume that selling sex is legal there, as major train stations are typically engulfed by an array of neon signs inviting patrons to enter massage parlors, *noraebangs* (lit. a 'singing room', essentially the same as a Japanese karaoke bar), and brothels. Media reports frequently quote statistics about the **alleged net worth** of the South Korean sex industry. However, laws repressing sex work are almost as ubiquitous as commercial sex venues themselves, particularly after 2004, when South Korea adopted the anti-sex trade laws.

Between 2000 and 2002, a series of fires in Korea killed 24 sex workers, exposing the poor conditions in parts of its sex industry. In response, the government vowed to eradicate prostitution and embarked on an aggressive campaign against businesses facilitating it. Riding the wave of public outrage, women's rights activists campaigned for a legal reform and their proposals eventually served as blueprints for the two-tiered anti-sex trade laws, which criminalise both buyers and sellers of sexual acts, except for anyone coerced into selling sex.

The new legislation reversed decades of *de facto* toleration of sex work by regulators and law enforcement. The anti-sex trade laws of 2004 replaced the Law Against Morally Depraved Behaviors (prostitution) of 1961, which wasn't enforced homogeneously. Previously, even **the government had actively engaged in organising commercial sex venues** to cater to US military personnel stationed on the Korean peninsula.

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The anti-sex trade laws have caused many negative, allegedly unintended consequences. According to a **2012 UN report**, “police crackdowns from 2004-2009 resulted in [the] arrest of approximately 28,000 sex workers, 150,000 clients, and 27,000 sex business owners”, and 65,621 arrests were reported for 2009 alone. As researcher Sook Yi Oh Kim states, “the average **prosecution rate** of sex workers is 26.3%, higher than that of sex buyers, and none of the sex workers arrested are treated as victims”. Police crackdowns have led to an overall reduction of red-light districts. Of 69 red-light districts that existed in 2002, **44 remained by 2013**. This represented a **slight increase from 2007**, when a government-commissioned report had located 35.

Police raids are often carried out very violently, and in November 2014, a 24-year old single mother died after jumping out of a motel room **to escape arrest by an undercover police officer posing as client**. In stark contrast to their usual reporting, most Korean media remained distinctly silent about the case. The continued repression has forced an increasing number of sex workers to work underground, resulting in lower incomes, poorer working conditions, and an increase in violence perpetrated against them. Sex workers worry more about police raids than about screening their clients, an essential measure, as violence or mistreatment from clients are very common. A substantial number have migrated to sell sex abroad, at times under exploitative conditions, as they calculate that conditions in Korea threaten them at least to the same extent but **yield considerably lower earnings**.

Giant Girls and Hanteo against the law

Two organisations actively campaign for the rights of sex workers and against the laws. One is *Hanteo*, the National Union of Sex Workers, and the other is Giant Girls. *Hanteo*, which means ‘common ground’, was founded in 2004 and represents 15,000 sex workers as well as some brothel owners. Giant Girls, or GG, was founded in 2009 by a group of feminists along with a number of sex worker activists. GG aims at building a stronger sex worker movement to mobilise against the



From left to right: Trans* sex worker activist Lucien LEE, holding signs in solidarity with a protest organised by sex worker organisation PROUD in Amsterdam on the same day; Sex worker KIM Jeong Mi, whose petition to the Northern Seoul District Court had triggered the constitutional review, holding a sign by the Hanteo National Union for Sex Workers that says: “Nobody is helping us. Please help us.”; Researcher and activist Matthias Lehmann, holding up a sign by Hanteo that says: “Feminists advocating for the Anti-Sex Trade Laws only think about how they can profit from it.” Photo © Matthias Lehmann. All Rights Reserved.

criminalisation of sex work, in part by working to remove the social stigma attached to sex work.

YuJin started selling sex online five years ago, in order to afford his tuition fees. YuJin self-identifies as a gay sex worker and is a member of GG. Prior to his entrance into the business he had never met anybody who was ‘out’ as a sex worker, and he knew nothing about *how* to work. Since all aspects of sex work are illegal in Korea, beginners often feel isolated and lack basic work and safety information. YuJin decided to tweet about his experience soon after he started working, which brought him into contact with other sex workers. Like him, these other sex workers did not ‘act immorally to earn easy money’, as the prejudice would have it, but worked hard, albeit without being respected as workers and citizens.

In 2005, sex workers established 29 June as the national day of solidar-

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ity with sex workers, coinciding with the date on which the laws were passed. Resistance from sex workers has taken many other forms. Protests organised by *Hanteo* in 2011 gained worldwide notoriety as they culminated in dramatic scenes at the Yeondeungpo red-light district in Seoul, where some activists threatened to self-immolate as the confrontation with the police escalated. The events are well documented

in the film *Grace Period* by Caroline Key and KyoungMook Kim.

VIDEO: Watch the trailer for *Grace Period*, which documents sex worker life and collective resistance in a South Korean brothel district (3:20 duration).

In 2013, District Court Judge Won Chan Oh submitted a request for a constitutional review of the laws **after accepting the argument** made by sex worker Jeong Mi Kim that sex work fell

under her right to self-determination. Therefore, in sentencing her for selling sex the state had violated article 10 of the Korean constitution, which holds that “all citizens shall be assured of their human worth and dignity and shall have the right to pursue happiness”.

This opened a window for a phase of much more intense sex worker activism. In April 2015, sex workers and activists staged a protest in front of the constitutional court where a public hearing was held as part of the review. They submitted a petition signed by nearly 900 sex workers arguing that the government had no right to “use criminal punishment to discourage voluntary sex among adults”. The following June, GG **organised a forum** to draw further attention to the fact that “these laws are not simply laws that aim to punish buyers and sellers of sexual services, but have far wider implications ... encompass[ing] social issues including sexual morality, sexual self-determination, and the right to choose one’s vocation”.

Sex worker activist **Yeoni Kim** once said in an interview with Matthias (one of the present authors) that, “the Swedish model is terrible, vio-

lates sex workers' rights, and adds to the stigmatisation of sex work. But, frankly speaking, one could almost say it would be better to have that terrible law than having to continue fearing arrests and police violence under the anti-sex trade laws." Hearing one of the most seasoned Korean sex worker activists prefer a slightly less terrible law over another should put all talk about 'choice' and 'agency' into perspective.

In September 2015, *Hanteo* staged a larger protest in downtown Seoul. Around 1,500 sex workers **demanding an end to the government's repression**, shouting slogans and holding up signs in Korean and English that read "Repeal the anti-sex trade laws!", "we are workers!" or "adopt Amnesty's declaration!".

Last year, when the constitutional court **struck down** the 62-year-old adultery law, it cited "the country's changing sexual mores and a growing emphasis on individual rights". Similar logic should govern the decision on the anti-sex trade laws, which is still pending, however some women's rights and social conservative groups are continuing **to stage protests** to prevent a decision against the laws, citing fears over human trafficking and minors engaging in sex work.

Migration from Asian countries to South Korea has increased in recent years, and nobody suggests that the country is immune to **migrant smuggling or human trafficking**. Marriages between comparatively affluent Korean men and poorer southeast Asian women remain common in rural areas, as do the problems arising from illegal practices by marriage brokers or from violence perpetrated by Korean men against their foreign wives, whom they sometimes appear to seek only for reproductive purposes and household or farm labour.

There have also been occurrences of migrants being trafficked into commercial sex venues, but it is crucial to separate human trafficking from consensual adult sex work. Cases of human trafficking or exploitation of migrants have been detected in numerous industries,

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including in the fishing, agricultural, or manufacturing industries. Migrants of all genders, as well as Korean citizens, are affected by conditions amounting to forced labour. It is therefore disingenuous to suggest that the problem is limited to women who are forced to sell sex, and to thereby disregard the experiences of trafficked persons and migrants in other industries, which include sexualised violence.

We are opposed to any form of violence. Sex and sexualised violence, however, are not the same. Consensual sadomasochistic sexual practices and actual violence are different, just as consensual sex work and being trafficked into the sex industry are different. People may choose to engage in sex work because they experience stigma as single mothers or due to their sexual orientation, or if other factors limit their options on the formal labour market.

Sex work itself is not violence and to suggest otherwise dilutes the meaning of violence. If we really want to curb human trafficking, we have to address the systemic circumstances that marginalise people and render them vulnerable. As sex workers' rights activists, we have a stake in seeing human trafficking effectively addressed. The battle slogan 'prostitution is violence against women' harms both sex workers and trafficked persons as it drives the creation and perpetuation of precisely those failed laws and policies that enable traffickers to prey on vulnerable populations.

YuJin self-identifies as a gay sex worker and is a member of Giant Girls, one of two groups actively campaigning for sex worker rights in South Korea.

Poppho E.S. Bark-Yi is a feminist researcher and activist in South Korea. Her work focuses on sexuality and on basic income.

Matthias Lehmann is a German researcher and activist, currently focusing on sex work regulations in Germany. His prior research dealt with human rights violations against sex workers in South Korea. He is an active member of ICRSE.

Anti-trafficking campaigns, sex workers and the roots of damage

Anti-trafficking campaigns have their roots in nineteenth-century efforts to 'save' white women from 'white slavery'. Contemporary strategies broaden the stigmatisation and criminalisation, impacting a range of vulnerable communities.

Carol Leigh

The adverse impact of anti-trafficking laws and policies on sex workers rights has been documented extensively for the last decade. Despite calls for change from sex workers, human rights activists, academics and a range of other actors, states around the world have been reluctant and slow to respond. Some analysts emphasise that states' use of anti-trafficking laws to limit immigration is largely responsible for this reluctance. I further add that the analysis of the historical development of contemporary anti-trafficking policies is crucial to understanding the escalating criminalisation and stigmatisation of sex workers, migrants and other vulnerable populations. I argue that any legal framework centred on 'crime', rather than on rights and the structural causes of social ills, is bound to disproportionately and systematically impact the poor and vulnerable.

Saving women from 'white slavery': the roots of the anti-trafficking

The roots of contemporary anti-trafficking laws can be firmly located in the prostitution-abolitionist ideology of the late nineteenth century; a period during which trafficking was also referred to as 'white slavery'. The white slavery campaigns portrayed a world filled with sexual danger for young white women, seduced and exploited by sinister dark men. Thus these campaigns were driven by xenophobia, racism and classism at the peak of British imperialism.

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By the mid-1800s **anti-solicitation laws (targeting prostitutes) had become a staple of urban codes**. Prostitution-abolitionists joined other anti-vice crusaders in the 1800s, introducing a new strategy. As a precursor to the legislative approach taken by Sweden and other countries today, the prostitution abolitionists held that women were forced into prostitution, and were therefore victims rather than criminals. They also opposed legal prostitution, objecting to "...the double standard of sexual morality reinforced by the policing and control of women's bodies [and] ... fought to expand the definition of trafficking to include third party involvement, which they argued should be penalised or criminalised". Then, as today, this legislative and campaign strategy was ostensibly offered in sympathy. However, the criminalisation of third parties drove commercial sex underground and resulted in extreme and dangerous isolation of sex workers, **because third parties could include landlords, domestic help, family members, brothel owners and even support among sex workers themselves**.

The closure of the brothels also coincided with a rise in property values. The legal status of prostitution was thus subject to the politics of land development, **an on-going element of prostitution repression**. In the US, marginalised urban populations from immigrants to newly emancipated African Americans were targeted under such statutes as the 1910 Mann Act or White Slave Traffic Act. **This statute established a central database of 'known prostitutes' and led to the formation of the FBI**, in a stark example of how anti-trafficking policies widen police powers. Such repression and criminalisation of most aspects of prostitution soon spread around the globe. This firmly **re-located prostitution deep within the underground economy**, exacerbating and causing vulnerability. **The murder rate of sex workers has since increased steadily, along with police abuse against adults and youth**.

The criminalisation of third parties and the definition of prostitution as an inherent 'evil' was further cemented at the global level by the 1949 UN **Convention on the Traffic in Persons and of the Exploita-**

tion of the Prostitution of Others. As Kamala Kempadoo argued in her paper “Trafficking for the Global Market: State and Corporate Terror,” anxiety over the trafficking-prostitution nexus gained even more momentum following the collapse of the Eastern Bloc:

It would appear that the appearance of women from the former USSR countries in Western European sex industries, was a main reason for European governments to pay attention to the problem of trafficking. In many ways, this focus echoes the late nineteenth – early twentieth century crusade...It would seem yet again, that attention for the lives of white women...has propelled international action.

The fight for sex workers' rights

In the late 70s, the sex workers' rights movement radically suggested that sex workers were a class of workers wholly eligible for human, civil and labour rights. This led to the organisation of international conventions for sex workers and human rights activists, beginning with the **International Committee for Prostitutes' Rights in the 1980s**. The analysis offered by these groups reflected development, social justice and harm reduction theory. There was **increasing recognition** of the flaws of prostitution-abolitionist strategies at these conferences and within academia, as well as calls for the self-representation of sex workers as put forth by **the Network of Sex Work Projects**.

In the 1990s, in response to the growing attention to migration issues, and informed by sex worker rights activism, a collaboration of rights-based groups created the **Human Rights Standards for Treatment of Trafficked Persons**. Their intention was to advocate for an anti-trafficking protocol that targeted the abuse of all workers – including sex workers – primarily in the context of migration. The disagreements between this collaborative group and the prostitution abolitionists were laid bare in the late 90s, when these factions were invited to participate in drafting the new UN Trafficking Protocol. A battle ensued.

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It was apparent that prostitution abolitionists had no interest in including forced labour in the UN Trafficking Protocol. Rather, they insisted that the protocol be used as a tool to abolish prostitution. In the compromise reached at the end, the new UN Trafficking Protocol referred to labour abuses involving the use of force, fraud, coercion, etc. for the purpose of exploitation. More significantly, the protocol specifically chose not to define 'sexual exploitation'. This left individual states to define it as they saw fit, equating prostitution with sexual exploitation or defining sexual exploitation as abuse within prostitution. In this way the protocol could be interpreted as supporting both proponents of legal prostitution and those seeking its abolishment.

These strategies within the UN Protocol have largely failed sex workers as well as migrants and trafficked persons. In addition, while the included human rights protections are optional, the criminalisation and border controls are mandatory. In consequence, the predominantly criminal justice response primarily aims to stop commercial sex through immigration raids and arrests, yet is coupled with limited support for a wide range of victims. Thus, as stated by Marjan Wijers, "This focus on the purity and victimhood of women, coupled with the protection of national borders, not only impedes any serious effort to address the true human rights abuses we are confronted with...but actually causes harm to real people".

Under pressure from prostitution abolitionist coalitions, many countries have now enacted domestic anti-trafficking laws that focus exclusively on prostitution, retreating to strategies of the earlier centuries. In the United States, the prostitution abolitionist lobby, in alliance with religious fundamentalists, strenuously lobbied for all sex workers to be considered victims of trafficking to foreclose the option for legal prostitution and labour rights for those involved. These groups also recommended a bifurcated definition of trafficking, one that separates 'sex trafficking' from other forms of labour trafficking. The US Trafficking Victims Protection Act (TVPA), which partially reflects this proposal,

defines sex trafficking as “the recruitment, harbouring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act”. No condition of force, fraud or abuse is stipulated. Although ‘sex trafficking’ is not included in US criminal codes, the TVPA certainly paves the way for that possibility.

The focus of enforcement in the United States has primarily been on suppressing commercial sex, rather than on addressing abuses within the sex trade. These repressive ideologies are also actively promoted and exported through channels such as the ‘Anti-Prostitution Loyalty Oath’, which requires beneficiaries of US aid money to guarantee their opposition to legal prostitution. US domestic funding followed a similar direction, rendering sex worker organisations ineligible for funding. Sex workers were also excluded from further participation in policy making in both systematic and informal ways.

State of play

The current neo-abolitionist movement has expanded its strategies to include the ‘Nordic model’ of prostitution repression. Clients are now included in the long list of targets of criminalisation, escalating the isolation of sex workers. Although abolitionist philosophy is ostensibly opposed to the criminalisation of sex workers, internationally such campaigns have been launched where prostitution is legal, or as a means to further criminalise the sex industries, rather than as a means to decriminalise sex workers. It is this crime-based approach that also promotes tighter border controls, as well as the escalating punishment and targeting of migrants, youth and people of colour. These ‘solutions’ exacerbate violence and vulnerability in many populations, just as the criminalisation of brothels in the 1800s resulted in a century of isolation and increased violence against sex workers.

Sex workers have long explained that one of the many conditions needed to prevent the abuses often conflated as ‘trafficking’ is the decriminalisation of sex work. This principle is supported by Human Rights

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Watch, the Global Commission on HIV and the Law, the UN Special Rapporteur on the Right to Health, the United Nations Development Programme, UN Women, and UNAIDS, among a growing list of international bodies.

Clearly, some results of anti-trafficking policies have been positive for those individuals **found to qualify for protections**, affording them specific visas and settlements among other humanitarian advances. At the same time, **substantial evidence of adverse effects has been found** following research carried out by the Global Alliance against Traffic in Women. From a rights-based perspective, any legal framework that centres on ‘crime’ rather than on rights and the structural causes of social ills is bound to disproportionately and systematically impact the poor and vulnerable. Meanwhile, the double-edged sword of anti-trafficking places vulnerable populations in competition for justice, because those qualified as *trafficked persons* may obtain recourse from the same systems that punish other, equally vulnerable individuals.

Carol Leigh has been an artist and sex worker activist for decades. She is a COYOTE (Call Off Your Old Tired Ethics) member, founding member of ACT UP (AIDs Coalition To Unleash Power) and SWOP-USA (Sex Workers Outreach Project), and co-founder of Bay Area Sex Worker Advocacy Project. Leigh coined the term ‘sex work’ in the late 70s. In 1999 she founded the San Francisco Sex Worker Film & Arts Festival. Leigh was lead organiser of the San Francisco Board of Supervisors’ Task Force on Prostitution. She served as a consultant for The Right Guide, a trafficking policy impact tool in the Netherlands. Since 2003 she has administered the Trafficking Policy Research Project collecting material on the impact of US anti-trafficking policies. For several years she has been focusing on a work in progress, *Collateral Damage: Sex Workers and the Anti-Trafficking Campaigns*.

Section three

Transnational organisations speak



Sex workers speak. Who listens?

Amnesty International: adopt the proposed policy on sex work

CATW's opposition to Amnesty International's 'draft policy on sex work' is misguided. A coalition of sex workers' organisations and advocates fills in the gaps in this open letter to AI.

International Committee on the Rights of Sex Workers in Europe

This piece was originally published on Beyond Trafficking and Slavery on 31 July 2015, before AI voted to support decriminalisation. Thus while the piece now seems slightly dated, we have included it here as the arguments it contains may be of use to activists in other areas.

Dear Mr. Shetty and the International Board:

We write to you in regard to Amnesty International's "Draft Policy on Sex Work", which will be submitted for consideration at AI's International Council Meeting in Dublin, 7-11 August 2015.

The International Committee on the Rights of Sex Workers in Europe (ICRSE) is a sex worker-led network representing 70 organisations led by or working with sex workers in Europe and Central Asia, as well as 150 individuals including sex workers, academics, trade unionists, human rights advocates, women's rights activists, and LGBT rights activists. ICRSE, its members, and the signatories below are expressing their full support for Amnesty International's "Draft Policy on Sex Work". We commend the evidence-based draft policy that has been developed with careful consideration of the diversity of sex workers' voices and experiences.

We are aware that Amnesty International will be pressured to back down from this position, but we urge you to show courage and tenacity and to adopt this policy. Sex workers worldwide are organising

and advocating, often in very precarious and dangerous contexts, for the decriminalisation of sex work. Having Amnesty International take this position would make a significant contribution to promoting sex workers' human rights and protecting them from discrimination and violence. A non-position by Amnesty International would be seen as an approval of the status quo and – in some national contexts – an implicit support for the criminalisation of paid consensual sex (namely through the criminalisation of clients), causing very grave consequences for the human rights of sex workers.

We, sex workers and those that support our struggle for human rights, know that any form of criminalisation (including criminalisation of clients) directly affects our livelihoods and working conditions. We urge Amnesty International to listen to sex workers and to support full decriminalisation of sex work.

We read with attention the **letter** addressed to Amnesty International by the Coalition Against Trafficking in Women (CATW). In the briefing note we included below, we would like to respond to some of their key arguments and highlight some of the gaps in the information that they provided.

We are urging Amnesty International to take into consideration the below arguments of the European sex worker movement, stay true to its values, and vote in favour of decriminalisation of sex work. As long as sex work is criminalised – directly or indirectly through laws and practices targeting sex workers, clients, or third parties – sex workers will be at risk of police violence, arrests, rape, blackmail and deportations, and will be unable to report abuse committed by clients, third parties and members of the public.

By voting for this policy, Amnesty International will not side with exploiters and clients. On the contrary, Amnesty International will side with the universality of human rights and with sex workers, support-

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ing us in our struggle to access justice and hold accountable those that abuse and attack us.

We hope that Amnesty International will listen to its own research, conducted over two years, to the growing evidence for decriminalisation and to the voices of all the current and former sex workers who are the most affected by laws criminalising sex work.

Briefing note

Content:

- A. On the Swedish model and its implementation
- B. On legalisation and decriminalisation
- C. On male and trans sex workers
- D. On migrant sex workers

A. On the Swedish model and its implementation

First of all, there is no evidence that the Swedish model reduces the numbers of sex workers or victims of trafficking. The Swedish National Board for Health and Welfare **notes:**

It is also difficult to discern any clear trend of development: has the extent of prostitution increased or decreased. We cannot give any unambiguous answer to that question. At most, we can discern that street prostitution is slowly returning, after swiftly disappearing in the wake of the law against purchasing sexual services. But as said, that refers to street prostitution, which is the most obvious manifestation. With regard to increases and decreases in other areas of prostitution – the “hidden prostitution” – we are even less able to make any statements.

In their **annual report on trafficking**, the Swedish police noted that “in 2009 ... there were about 90 Thai massage parlours in Stockholm and vicinity, most of which were judged to be offering sexual services for sale. At the turn of 2011/2012, the number of Thai massage parlours in the Stockholm area was estimated to be about 250 and throughout the country about 450”. This is a threefold increase in three years.

There is, however strong evidence that this model is detrimental to sex workers, as it pushes them underground, prevents them from reporting violence, and deprives them of the ability to work together for safety. In particular, we urge you to understand the “**The Danger of Seeing the Swedish Model in a Vacuum**” and how sex workers are still marginalised and made vulnerable in Sweden itself by the Swedish model.

Furthermore, we are concerned that the letter provided by CATW purposefully ignores the actual effects of the implementation of the Swedish model in other countries.

A **Norwegian governmental report** stressed that “women in the street market report to have a weaker bargaining position and more safety concerns now than before the law (criminalising clients) was introduced. At the indoors market, prostitutes express concern for the ‘out-door’ calls”.

What Swedish model advocates also conveniently and constantly forget to mention is that countries which have debated or considered the criminalisation of clients have not removed the criminalisation of sex workers themselves. Even worse, in such countries, the debate framed by politicians, some women’s rights and religious organisations, and the media about “abolishing prostitution” has led to a very significant increase in stigmatisation of sex workers and the associated development of policies and by-laws directly targeting sex workers.

Sex workers speak. Who listens?

For example, in Europe, Lithuania extended penalisation to clients, while retaining it for sex workers. In Northern Ireland, the criminalisation of clients was added to the other laws criminalising many aspects of sex work. In other parts of UK, each attempt to introduce the criminalisation of clients has been in addition to laws criminalising sex workers. In France, the three year legislative debate on the criminalisation of clients **has actually delayed and possibly buried the removal of passive soliciting**, a law which directly targets street-based sex workers. Meanwhile, many French councils, emboldened by the debate on “abolishing prostitution”, have passed municipal by-laws banning sex workers from city centres and residential neighbourhoods, pushing them to the outskirts of the cities where they are more vulnerable to violence.

B. On legalisation and decriminalisation

We hope that directors of Amnesty International will have a clearer understanding than the authors and signatories of CATW’s letter regarding the differences between the legalisation and decriminalisation of sex work.

Sex workers globally – as well as the numerous institutions and international organisations including UNAIDS, WHO, and *The Lancet*, which have extensively researched the impact of criminalisation – advocate for the decriminalisation of sex work, referring to the system implemented in New Zealand in 2003.

We recognise the complex issues associated with legalisation. In Germany, sex work has been legal since 1927, not 2002 as stated in the CATW letter. What the new prostitution law of 2002 changed was to recognise contracts between clients and sex workers and introduce the right of sex workers to sue clients refusing to pay for their services. Thus, what is misleadingly called the “legalisation” of prostitution was actually the recognition of sex work as labour. Many issues in Germany are related to the non-implementation of the law in many fed-

eral states: **in effect, many sex workers are criminalised in Germany through zoning laws.** We reject the biased reporting made by CATW and object to the claims (unfounded and insulting to actual victims of torture) that “torture” is now available as a service in German licenced brothels.

Regarding estimates of the number of victims of trafficking, which is often wrongly conflated with the sex sector, the Federal Crime Office of Germany **noted**: “The number of identified cases of human trafficking for sexual exploitation in Germany has been decreasing in the past years and in 2013 it has reached the lowest point since 2006”. In the Netherlands, the Dutch National Rapporteur on Trafficking in Human Beings **concluded** “that it is not (yet) possible to give an answer to the question of the extent to which legalisation of prostitution leads to more human trafficking”.

C. On male and trans sex workers

Moreover, the CATW letter ignores that sex work is a multi-gendered phenomenon and that both male and trans sex workers in many countries face some of the most serious violence and human rights violations. Although the majority of sex workers are women, to deliberately ignore the large number of **men** and **trans** people working in the sex industry shows an incomplete and dangerous understanding of sex work. Violence and murders of trans sex workers in particular, often by the hands of or with the complicity of the authorities and police, are revoltingly high and the voices of trans sex workers should not be sidelined and ignored.

Between 2008 and 2014, 1,612 reported killings of gender-variant/trans people in 62 countries have been documented, including 90 in thirteen European countries. Of those whose profession was known, 65% were sex workers. In our region, Turkey has seen 35 trans women, the majority sex workers, **murdered in the last five years.** Notably, any form of criminalisation significantly increases sex workers’ vulnerabil-

Sex workers speak. Who listens?



Manifestación de prostitutas en Barcelona. Sergio Uceda/Flickr. Creative Commons.

ity to violence on the part of the police and other perpetrators. Ignoring the voices of trans sex workers is a form of social marginalisation and violence.

D. On migrant sex workers

As a last point, we would like to focus on some of the issues faced by migrant sex workers.

In many European countries migrants **may constitute** up to 75% of sex workers. They may lack documentation and may be subjected to violence and labour exploitation. What CATW ignores in their letter is – again – that the so-called Swedish model or partial criminalisation puts migrant sex workers under a constant threat of police repression, arrest and/or deportation, denying their right to access to justice and redress. This is particularly relevant at a time when the world is facing the highest crisis in numbers of displaced persons since World War II. Around 60 million people are forcibly displaced worldwide, and those that reach Europe face limited access to decent work and often have little or no access to benefits. Some of those seeking refuge and

migrating to Europe choose selling sexual services out of very limited options to earn their living. Any argument made towards the criminalisation of sex work that ignores the working and living conditions of migrant sex workers is not only dangerous but plays into the hands of the increasingly racist and anti-migrant agendas of some state and non-state actors.

The call for the criminalisation of sex workers' clients in the name of preventing and ending trafficking in human beings has been rejected by many anti-trafficking organisations that have learned through decades of working with trafficked persons that the criminalisation of sex work does not solve any of the problems they experience, nor does it prevent or stop human trafficking. **These approaches have not been shown to protect sex workers, halt human trafficking, or dismantle criminal networks.** They have rather led to violence and rights violations against sex workers and others. The stakes are simply too high here not to speak out and call for a different approach. Amnesty International must remain strong and focused on the human rights principles at issue. The decriminalisation of sex work and practices around it reduces the opportunities for exploitative labour practices in the sex sector.

Sex workers speak. Who listens?

Why decriminalise sex work?

Amnesty International has decided to support the decriminalisation of sex work. You should too.

Global Network of Sex Work Projects

The Global Network of Sex Work Projects (NSWP) would like to take this opportunity to express our support for Amnesty International's resolution and draft policy calling for the decriminalisation of sex work, tabled for adoption at the International Council Meeting, 6-11 August 2015. This draft policy is backed up by the findings of country-based research carried out by Amnesty International on the human rights impact of the criminalisation of sex work, and also on the consultation in 2014, which included input from many sex workers around the world – the community most affected by the proposals.

NSWP would also like to condemn, **in the strongest possible terms**, the CATW statement, open letter and online petition attacking Amnesty International's proposals. CATW's position is stigmatising, discriminatory and misrepresents the facts, conflating sex work with human trafficking. Most importantly it ignores the lived experiences of sex workers, silences their voices and seeks to perpetuate legal systems which place sex workers at increased risk of violence, stigmatisation, and discrimination; as well as limiting their access to health and social services. Furthermore, CATW is ignoring the overwhelming body of evidence and the findings of international bodies, such as the Joint United Nations Programme on HIV/AIDS, that recommend that governments should work towards the decriminalisation of sex work. *The Lancet*, which recently published a special series on HIV and sex workers, also recommends the decriminalisation of sex work and **reported** “**decriminalisation of sex work would have the greatest effect on the course of HIV epidemics across all settings, averting 33–46% of HIV infections in the next decade**”.

NSWP membership comprises 237 sex worker-led organisations in 71 countries across the globe, including local organisations as well as national and regional networks. Our regional networks in the global south and north represent many thousands of sex workers who actively oppose the criminalisation and other legal oppression of sex work.

In 2013, following a global consultation with our members, NSWP issued a '**Consensus Statement on Sex Work, Human Rights and the Law**' on behalf of NSWP members and the sex workers they represent. The consensus statement identifies and focuses on eight rights that have been recognised and ratified by most countries as fundamental human rights. These eight rights are established in various international human rights treaties, as well as many national constitutions, but are too often denied to sex workers. The fundamental rights identified by sex workers as most at risk of being denied were:

- Right to associate and organise
- Right to be protected by the law
- Right to be free from violence
- Right to be free from discrimination
- Right to privacy and freedom from arbitrary interference
- Right to health
- Right to move and to migrate

Right to work and free choice of employment

NSWP would also like to draw attention to the recent Human Rights Watch World Reports of 2014 and 2015. These reports are annual reviews of human rights practices around the world and summarise key human rights issues in more than 90 countries and territories worldwide. The reports highlight human rights violations perpetrated against sex workers in Cambodia, China, Vietnam, Greece, Lebanon,

Sex workers speak. Who listens?

and the USA. The 2015 report discusses the recent legislative changes that Bill C-36 Protection of Communities and Exploited Persons Act in Canada (PCEPA) has brought about. PCEPA was introduced in response to the 2013 Canadian Supreme Court ruling striking down previous restrictions that the court deemed violated the rights and security of sex workers. Human Rights Watch reports that: "...Bill C-36, which would criminalize communicating for the purposes of selling sexual services in public, or buying, advertising or benefitting from the sale of sexual services. **The bill would severely limit sex workers' abilities to take life-saving measures, such as screening clients. Criminalizing communication disproportionately impacts street-based sex workers, many of whom are indigenous, poor, or transgender, forcing them to work in more dangerous and isolated locations**".

Human rights abuses of sex workers include: arbitrary detention (Cambodia), punitive crackdowns, coercive HIV testing, privacy infringements, mistreatment by health officials (China), forced rehabilitation of sex workers (Vietnam), detention and forced HIV testing of alleged sex workers (Greece), subjecting sex workers (along with drug users and LGBT people) in security forces' custody to ill-treatment and torture (Lebanon), and the use of condoms as evidence of sex work (USA). The report calls for the decriminalisation of voluntary sex work by adults. It recognises that the criminalisation of sex work (including the criminalisation of clients) allows for human rights abuses and violations to occur, as stigma and discrimination causes sex workers to be deemed second class citizens not deserving of even fundamental human rights.

To reiterate **the conclusions of major international agencies**: "laws that directly or indirectly criminalize or penalize sex workers, their clients and third parties, [...] can undermine the effectiveness of HIV and sexual health programmes, and limit the ability of sex workers and their clients to seek and benefit from these programmes".



San Francisco. Eliya Selhub/Flickr. Creative Commons.

Sex workers and their allies campaign for full decriminalisation of sex work to:

Promote safe working conditions – sex workers can work together for safety and communicate openly with clients and managers without constantly fearing police harassment or worse. In New Zealand, the decriminalisation of sex work over the last decade has helped to promote the human and labour rights of sex workers. The New Zealand Human Rights Review Tribunal made a **landmark ruling** in January 2014 on the violation of a woman’s human rights in a Wellington brothel where she was employed. The woman filed a complaint against both the manager of the brothel and the brothel’s owner after the manager sexually harassed and bullied her. The complaint was upheld and the woman was awarded substantial damages.

Increase access to health services and reduce sex workers’ risk of HIV and STIs – sex workers carry a disproportionate burden of HIV

Sex workers speak. Who listens?

and STIs, because criminalisation **reduces their ability** to control their working conditions and risks, as well as creates barriers to both health and social services. For example, in many territories the police use the presence of condoms as evidence of sexual activity e.g. to prove intent to ‘solicit’ or ‘brothel keeping’. If condoms are used as evidence to prosecute any sex work-related charge then this acts as a strong disincentive for having supplies available. In effect, it penalises the possession of condoms, which impacts on sex workers ability to protect themselves. This is against World Health Organization **guidelines** which call for countries to “encourage ‘safe workplaces’ and availability of condoms in all sex work venues’ and ‘end the practice of law enforcement officials using condoms as evidence of sex work”.

Increase sex workers’ access to justice – decriminalisation removes major barriers to sex workers’ reporting rape and other crimes, as sex workers in criminalised environments often fear arrest or punishment in other ways (e.g. losing custody of children). It will also make it harder for violence against sex workers to be committed with impunity.

Reduce police abuse and violence – the police are often the perpetrators of abuses against sex workers. Where sex work is criminalised, the police wield power over sex workers in the form of threats of arrest, extortion of sexual services, rape and public humiliation. In South Africa and Uganda for example, **the police often march suspected sex workers in public** while forcing them to wear blown up condoms around their necks.

Help to tackle exploitation and coercion when it does occur – the UNAIDS Guidance Note on HIV and Sex Work **stated** that “sex workers themselves are often best placed to know who is being trafficked into commercial sex and by whom, and are particularly motivated to work to stop such odious practices”. Criminalisation of sex work impedes the anti-trafficking efforts of sex worker organisations and makes it easier for sex workers to be wrongly categorised as trafficked

persons. Many anti-trafficking measures are deliberately used to disrupt sex work businesses and regularly blatantly follow an anti-migrant narrative. Anti-trafficking initiatives must be evidence-based, grounded in human rights principles, and must not negatively impact on the rights of sex workers.

On behalf of NSWP members, listed below.

AFRICA

African Sex Workers Alliance - Regional Network	NNEWI, Nigeria
Sisonke Botswana, Botswana	RENAGAIDS, Nigeria
Solidarite Pour Les Droits Des Travailleuses De Sexe, Burundi	Sisonke, South Africa
AIDS-ACODEV, Cameroon	SWEAT, South Africa
Alcondoms, Cameroon	CHESA, Tanzania
CAMEF, Cameroon	Devine Economic Development Group, Tanzania
AHUSADEC, Democratic Republic of Congo	Gender, Equality and Health Organisation, Uganda
ALCIS, Democratic Republic of Congo	Kaana Foundation, Uganda
CODESCI, Democratic Republic of Congo	Lady Mermaid's Bureau, Uganda
UMANDE, Democratic Republic of Congo	Organization For Gender Empowerment and Rights Advocacy, Uganda
Nikat Charitable Association, Ethiopia	Transgender Equality Uganda, Uganda
CAFAF, Ghana	Uganda Harm Reduction Network, Uganda
Nayford Foundation, Ghana	Uganda Harmonized Rights Alliance, Uganda
Bar Hostess Empowerment and Support Programme, Kenya	WONETHA, Uganda
CHAANI Post Test Club, Kenya	Thubelihle, Zimbabwe
Ebigeri United Self Help Group, Kenya	
HOYMAS, Kenya	ASIA PACIFIC
Kisauni Peer Educators, Kenya	Asia Pacific Network of Sex Workers - Regional Network
Action Hope, Malawi	Respect Inc, Australia
Female National Sex Workers Alliance, Malawi	Scarlet Alliance, Australia
APYIN, Nigeria	SWOP New South Wales, Australia
NDN, Nigeria	Dujoy Nari Shongho, Bangladesh
Nigeria Sex Workers Association - Precious Jewels, Nigeria	HARC, Bangladesh
	MNDP, Bangladesh
	Community Legal Service, Cambodia

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JJJ Association, China	Network
Midnight Blue, China	SWAN Foundation for the Human Rights of Sex Workers - Regional Network
SCMC, China	LEFO, Austria
Xin'ai Female Sex Worker's Home, China	Maiz, Austria
Yunnan Parallel, China	Projekt PiA, Austria
Pacific Rainbow\$ Advocacy Network, Fiji	SLA-Info/Verein Frauenservice Graz, Austria
Aastha Parivaar, India	Association PROI, Bosnia and Herzegovina
Ashodaya Samithi, India	NGO Action Against AIDS, Bosnia and Herzegovina
Astitva, India	Collectif Droits & Prostitution, France
Durbar Mahila Samanwaya Committee, India	PASTT, France
GAURAV, India	STRASS, France
Koshish, India	Women for Freedom, Georgia
MITRA, India	Berufsverband erotische und sexuelle Dienstleistung e.V., Germany
MUSKAN, India	Bufas e.V., Germany
National Network of Sex Workers, India	Hydra e.V., Germany
SANGRAM, India	Madonna e.V. Germany
VAMP, India	SZEXE, Hungary
VAMP Plus, India	Tais Plus, Kyrgyzstan
OPSI, Indonesia	Demetra, Lithuania
SWASH, Japan	HOPS, Macedonia
O.F. Taldikorgan Regional Fund for Promotion of Occupations, Kazakstan	STAR-STAR, Macedonia
AMA, Myanmar	Juventas, Montenegro
New Zealand Prostitutes Collective, New Zealand	PION, Norway
Aakash Welfare Society, Pakistan	APDES, Portugal
Care & Support Welfare Organisation, Pakistan	Silver Rose, Russia
Gender & Reproductive Health Forum, Pakistan	JAZAS, Serbia
Friends Frangipani, Papua New Guinea	Sloboda Prava, Serbia
Poro Sapot Project, Papua New Guinea	Collectivo Hetaira, Spain
Empower Foundation, Thailand	Rose Alliance, Sweden
SWING, Thailand	Aspasie, Switzerland
Scarlet Timor Collective, Timor Leste	Dignity, Tajikistan
	Soa Aids, The Netherlands
	TAMPEP, The Netherlands
	Pembe Hayat LGBTT Dayanisma Dernegi, Turkey

EUROPE

International Committee on the Rights of Sex Workers in Europe - Regional

Red Umbrella Sexual Health and Human
Right Association, Turkey
English Collective of Prostitutes, UK
SCOT-PEP, UK
Sex Worker Open University, UK
UK Network of Sex Work Projects, UK
Working Mens Project, UK
X:talk, UK
HPLGBT, Ukraine
Legalife, Ukraine
Vsiyeukrainyanskaya Assotsiyatsya
Snyzhenyia Vriyeda, Ukraine

LATIN AMERICA

Associação das Profissionais do Sexo do
Maranhao, Brazil
Associação das Prostitutas dr Minas
Gerais, Brazil
Associação das Prostitutas da Paraiba,
Brazil
Associação de Mulheres Profissionais do
Sexo do Estado do Amapa, Brazil
Associação Mulheres Guerreiras, Brazil
Dignidade, Acao, Saude, Sexualidade e
Cidadania, Brazil
Davida, Brazil
Grupo de Mulheres Prostitutas do Estado
do Para, Brazil
Nucleo de Estudos da Prostituição, Brazil
Vitória Régia, Brazil
P.A.R.C.E.S, Columbia
Asociacion de Mujeres Autonomas “22
de Junio”, Ecuador
Asociacion de ‘Mujeres Con Esperanza
Al Futuro’, Ecuador
Asociacion De Mujeres Trabajadoras
Del Sexo “Colectivo Flor De Azalea”,
Ecuador
Aproase, Mexico
Colectivo de Hombres Accion
Comunitaria, Mexico

Diversidad TTT, Mexico
Tamaulipas Diversidad Vihda Trans A.C.,
Mexico
Union y Fuerza de Mujeres Trans
Chihuahuenses A.C., Mexico
Asociación Civil Angel Azul, Peru
Asociación Civil Cambio Y Accion, Peru
Miluska Vida y Dignidad A.C., Peru

NORTH AMERICA and CARIBBEAN

Antiguan Resilience Collective Inc.,
Antigua
Butterfly - Asian and Migrant Sex
Workers Network, Canada
FIRST, Canada
Maggie’s, Canada
PACE, Canada
Peers Victoria Resources Society, Canada
POWER, Canada
Projet L.U.N.E., Canada
Sex Professionals of Canada, Canada
Sida-Vie Laval (Venus Project), Canada
Stella, l’amie de Maimie, Canada
Stepping Stone, Canada
Students for Sex Worker Rights, Canada
SWAG, Canada
SWAN Vancouver, Canada
The Coalition for the Rights of Sex
Workers, Canada
Triple X Workers’ Solidarity Association
of British Columbia, Canada
Champions for Change, Guyana
Guyana Sex Workers Coalition, Guyana
One Love, Guyana
IWICC, Jamaica
J-FLAG, Jamaica
Sex Work Association of Jamaica,
Jamaica
Fundashon Orguyo Korsou, Netherlands
Antilles

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Suriname Men United, Suriname	SWOP Denver, USA
RED Initiatives, Trinidad and Tobago	SWOP Las Vegas, USA
BAYSWAN, USA	SWOP NOLA, USA
Best Practices Policy Project, USA	SWOP Northern California, USA
Community United for Safety & Protection, USA	SWOP NYC, USA
Desiree Alliance, USA	SWOP Philadelphia, USA
HIPS, USA	SWOP Sacramento, USA
HOOK, USA	SWOP San Antonio, USA
New Jersey Red Umbrella Alliance, USA	SWOP San Francisco, USA
PERSIST Health Project, USA	SWOP Seattle, USA
PONY, USA	SWOP Tucson, USA
Red Umbrella Project, USA	SWOP USA, USA
St James Infirmary, USA	The Sex Workers Project, USA
SWOP Chicago, USA	Women with a Vision, USA

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For decriminalisation and justice: sex workers demand legal reform and social change

Austerity has increased poverty and punished migrants while the rise of the far right has exacerbated hostilities against LGBT people, catching sex workers in a web of intersectional vulnerability.

International Committee on the Rights of Sex Workers in Europe

The struggle for sex workers' rights intersects with many other social movements. Contrary to the monolithic abolitionist discourse, which portrays all sex workers as 'prostituted women' without agency, the sex worker community is diverse and resilient. Sex workers are male, female and non-binary, LGBTQ, migrants and non-migrant workers. Supporting sex workers' rights means understanding the diversity and complexity of their lives and involving sex workers from diverse communities in decision-making, policy-making and debates.

To commemorate the tenth anniversary of the [Declaration on the Rights of Sex Workers in Europe](#), the [International Committee on the Rights of Sex Workers in Europe \(ICRSE\)](#) published a [report on 10 years of sex workers' rights activism and advocacy](#) in Europe and Central Asia and [launched it on 30 November 2015 at the European Parliament](#) in front of an audience of sex workers, members of the European Parliament, European Commission representatives, and civil society groups.

One of the key demands of the sex worker movement – the call for decriminalisation – has received mainstream attention since [Amnesty International's August 2015 vote on its sex work policy](#) and the loud debate that preceded and followed it. Amnesty International has now joined other human rights NGOs and international organisations, such as Human Rights Watch, La Strada International, the Global Alliance Against Traffic in Women, the World Health Organisation, and

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several UN agencies, in their call for the decriminalisation of sex work and the promotion of a rights-based approach.

Due to the current high visibility of sex workers' rights and the growing evidence in support of decriminalisation, there has never been a better moment to reflect on how sex workers' demands intersect with the social struggles of workers, women, migrants, and LGBT people. Indeed, the movement does not merely call for a single legal reform – the decriminalisation of sex work. It is an integral part of wider social movements that push for greater economic and gender equality, and that vocally oppose homophobia, transphobia, xenophobia, racism, sexism, and classism.

One of the core values of the sex worker movement is the acceptance of sex work as work. Only through this framing can we understand why most people enter the sex industry: to earn money. When the movement recognises sex work as an economic activity it also emphasises that sex work is, in most cases, a precarious form of labour. Precarious employment is characterised by insecurity and exploitative conditions, and can include illegalised, seasonal, and temporary employment as well as home work, temp-work, sub-contracting, and self-employment. Sex workers, like many other care workers with limited economic options – including women with low socio-economic status, undocumented migrants, and trans people – are frequently pushed out of the formal economy and left without labour protection.

Already marginalised groups have been further affected by the ongoing social and care crisis in Europe. Since the 2008 economic downturn, many European states have implemented austerity measures that specifically target social and health budgets, social protection, and education. This has contributed to increasing levels of poverty, social exclusion, inequality, and unemployment, thereby shrinking the lives of many people, especially those traditionally excluded from the labour market.

The feminisation of poverty and the punishment of migrants

Consequently, a feminisation of poverty can be observed all over Europe. Women's employment has decreased due to dramatic cuts in the public sector, where women form the majority of employees. Women are also hit hard by cuts in essential social services, such as childcare and health services. As a result, we have seen the numbers of sex workers rise in countries where the number of available jobs in the formal economy have declined, for instance in Greece. In the crisis-struck country, where the majority of sex workers used to be migrants from eastern Europe, **Greek nationals now form the largest sex worker group**. In the UK, **the majority of today's sex workers previously held jobs in healthcare, social care, education, childcare or charities**, sectors which have all seen severe cuts in recent years.

When the sex worker movement addresses precarisation and exploitation in care work, including sex work, it recognises that one of the most affected groups is (undocumented) migrant sex workers. In many European countries **migrants constitute up to 75% of sex workers**. They may lack permanent or ongoing permits and documentation, and may be subjected to violence and labour exploitation. The increasing use of the 'trafficking' concept and legal framework – developed as tools to fight international criminal activities rather than to support victims – has so far failed to protect 'victims of trafficking' and migrant sex workers. Instead, they have been used as anti-sex work and anti-migration tools, justifying raids on sex work venues and deportations of migrant workers. The sex workers' movement has been calling for an end to the conflation of sex work, migration, and trafficking so that adequate resources can be put in place to support migrant sex workers who are victims of exploitation and violence.

The so-called Swedish Model, i.e. the criminalisation of clients, exposes migrant sex workers to the threats of police repression, arrest, and deportation as much as any other form of criminalisation, thereby

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A vigil in San Francisco in 2008. Steve Rhodes /Flickr. Creative Commons.

denying them their right to justice and redress. Furthermore, some of those seeking refuge by migrating to Europe choose to sell sexual services due to a very limited set of options. Any argument made towards the criminalisation of sex work that ignores the working and living conditions of migrant sex workers is not only dangerous, but plays into the hands of the increasingly racist and anti-migrant agendas of more and more state and non-state actors.

Intersectional vulnerabilities

In addition to policies directly or indirectly criminalising the sex industry, the living and working conditions of sex workers in Europe can only be understood by taking wider socio-economic conditions and processes into consideration. As previously stated, the increasing precarisation of labour and feminisation of poverty has had a negative impact on women and especially undocumented migrants. However, efforts to criminalise vulnerability also threaten the lives of several other groups.

The increasingly homophobic and transphobic social climate that we have today – fuelled by anti-LGBT rhetoric, the strengthening of

far-right parties in many countries, the criminalisation of same-sex relationships (i.e. northern Cyprus, Turkmenistan and Uzbekistan), as well as the prohibition of ‘promoting homosexuality’ (i.e. Russia) – all push LGBT people to the margins of society. This is one of the reasons why many LGBT people use sex work as a livelihood option. This is particularly true for trans women, LGBT people of colour, and LGBT migrants. Due to intersectional stigma, LGBT sex workers are further exposed to discrimination and hate crimes, and are excluded from services and justice.

In this social and care crisis, many governments increasingly address social and health issues with punishment. This treatment undermines the situation of various excluded groups, including sex workers, people who use drugs, homeless people, or anyone with intersectional vulnerabilities. Public order ordinances punish the homeless and repressive drug policies criminalise drug use, while social budgets are downsized for public housing, shelters, and health services.

Sex workers have mobilised for decades – often from the margins – against these trends. The movement demands that sex workers are not treated as victims of patriarchy, trafficking, or violence perpetrated by men, but as they truly are: experts not only on issues concerning sex work, but also on issues of migration, social marginalisation, women’s rights, and LGBT rights.

The International Committee on the Rights of Sex Workers in Europe (ICRSE) is a sex worker-led network representing more than 75 organisations led by or working with sex workers in Europe and central Asia, as well as 150 individuals including sex workers, academics, trade unionists, human-rights advocates, and women’s and LGBT rights activists. ICRSE opposes the criminalisation of sex work and calls for the removal of all punitive laws and regulations related to sex work as a necessary step to ensure that governments uphold the human rights of sex workers. ICRSE is funded by the Open Society Foundations, Mama Cash and the Robert Carr Civil Society Networks Fund.

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Giulia Garofalo Geymonat (PhD) is a researcher and an activist in the field of gender, sexuality, work and disability. She has conducted extensive participant observations among sex workers' and sexual assistants' groups in Europe. She was one of the founder of **x:talkproject** in London, an organiser of the 2005 **ICRSE**

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The Beyond Trafficking and Slavery short course

The *BTS Short Course* is the world's first open access 'e-syllabus' on forced labour, trafficking, and slavery. With 167 contributions from 150 top academics and practitioners, this 900-page, eight-volume set is packed with insights from the some of the best and most progressive scholarship and activism currently available. We have made this free for download, as well as print and classroom ready, with the goal of not only reaching practitioners and students in the global north, but also readers working in organisations and institutions unable to pay for expensive academic journal and subscription services.

Popular and political representations

Forced labour in the global economy

State and the law

On history

Migration and mobility

Race, ethnicity and belonging

Childhood and youth

Gender

Possible futures

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Gendered, racist, classist, homophobic, and transphobic violence haunts the world of sex work, and many of us believe that states, intergovernmental organisations, and NGOs should do more to help. Yet a lot is being done, the problem is the efficacy of these interventions. This volume addresses the violence, exploitation, abuse, and trafficking present in the sex industries, but it does so from the perspective of sex workers themselves. These are the women, men, and transgender people who are directly touched by interventions made ‘in their name’, and they are the people who actively and collectively resist all forms of violence against them. By publishing their voices directly we hope to help readers resist indifference, on the one hand, and to become more critical of states’ interventions, which are widely regarded and legitimated as necessary to combat ‘trafficking’, on the other.

“A unique and important contribution to understanding the multiple and varied forms of coercion and violence that can be present in the sex industry and the many and creative ways in which they are resisted by workers in that industry.”

—*Julia O’Connell Davidson, University of Bristol*

Beyond Trafficking and Slavery

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