

WHY FEMINISTS SHOULD RETHINK ON SEX WORKERS' RIGHTS

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My personal background

I am 54. I took a degree in history at the University of Sussex in 1970. My employment history has been varied, covering race relations, community development, youth work and sexual health. In 1987 I began working in the Department of Public Health in Birmingham, on developing HIV prevention strategies. This brought me into the field of prostitution. I set up and managed the Birmingham HIV prevention project for sex workers until 1996.

My approach to this enterprise was grounded in principles of community development work: to start from the expressed views of the target group about their own needs and perceptions of problems, and to involve the target group in the development and running of the project as far as possible. I also built on four years experience of working in clinics for sexually transmitted diseases. During those four years, I learned about the Contagious Diseases Acts of the nineteenth century, and the provisions of DORA¹ that were applied in both world wars, but from a very clear standpoint that these forms of coercion to combat sexually-transmitted diseases were not only abusive, but also ineffective. The mantra of the STD service I worked in was that treatment and prevention could only succeed where the service was voluntary, confidential and free.

During my nine years with the sex work project in Birmingham, I was marginally aware that there were feminist views that defined sex work as abuse of women, but not that HIV prevention work with sex workers was often viewed as a direct inheritor of the provisions of the Contagious Diseases Acts: that the ECP² expressed views of this kind I did know, but as they also adopted the view that HIV was a myth designed to stop black people reproducing, I considered their opinions irrelevant. However, I never imagined that feminists of any persuasion would initiate, embrace or endorse policies towards sex work that actively endanger sex workers' health and safety, increase their criminalization, or define them as incapable of making their own judgements about their own best interests. Neither did I ever expect to see feminist analyses of sex work bolstering sexist and racist law enforcement and immigration agendas. Over the past several years, however, all of these – to my mind – perversions of feminism, have become impossible to ignore.

UK Network of Sex Work Projects

I am now the network co-ordinator of the UK Network of Sex Work Projects (formerly Europap-UK). This network brings together projects that are actively and daily engaged in promoting sex workers' health and safety. The UKNSWP aims

To promote the health, safety, civil and human rights of sex workers, including their rights to live free from violence, intimidation, coercion or exploitation, to engage in the work as safely as possible, and to receive high quality health and other services in conditions of trust and confidentiality, without discrimination on the grounds of gender, sexual orientation, disability, race, culture or religion.

Most of the projects in the UKNSWP are staffed by people, like me, who come from social work, nursing or similar backgrounds. Most, like me, have developed their ideas about the politics and philosophy of sex work in the daily struggle to make life a bit safer for people who are

¹ Defence of the Realm Acts

² English Collective of Prostitutes

criminalized, stigmatized and abused by the society around them. Most, like me, find the abolitionist approach to sex work at best, profoundly unrealistic, at worst, cruel, dangerous and demeaning towards sex workers. It is this fact, that many practitioners in the field are variously bewildered or appalled by the effect of abolitionist thinking on public policy towards sex work, that gives me the temerity to take on the debate.

Sex as a commodity

One of the topics covered in this seminar series was the question of whether it is ever acceptable for sexual activity be ascribed monetary value. We discussed payment for reproductive labour, and I heard no argument that convinced me that sexual labour could or should be excluded from the area of contract or employment rights. If it is acceptable to rent out one's womb, and if it is appropriate to define the rights of the parties involved through contract, I cannot see any reason why one should not be allowed to rent out one's vagina, or any other part of one's body or aspect of one's personality.

However, I think it is somehow easier to regard womb rental as less intimately connected with a woman's essential being than vagina rental, because it is assumed that surrogacy does not involve sexual pleasure either for the surrogate or for the biological father. Objections to sex work seem to focus on the unacceptability of sexual pleasure being commodified, as if human beings' capacity for sexual pleasure was so special and important, it should never be tarnished by the exchange of money. I find this odd. We accept the commodification of water and food, without which no human life would be possible, why not sex?

Overt commodification of sexuality goes on all the time in advertising, the entertainment industry, and in societies where dowries are still an important element in marriage; it also goes on covertly within monogamous relationships, where one partner expects to be rewarded for allowing the other partner to have sex. These factors may explain why this country, and many others, does not outlaw the exchange of sex for money or other material benefits³, despite the draconian prohibitions on many aspects of commercial sex.

It is also interesting that the new International Union of Sex Workers has a similar understanding of "sex work" as radical feminism: in the IUSW, strippers, pole-dancers and those providing telephone sex define themselves as sex workers, occupations entirely within the law.⁴ Now that the IUSW has successfully allied itself to the labour movement, demanding recognition of labour rights in these legal areas of the sex industry, the illogicality of not recognising the same rights for those working in brothels becomes very obvious.

I do not argue that this commodification of the body or persona is "ideal", just that, since it happens, it is better to define and defend the rights of those involved.

Consent and choice

Exactly what does or should constitute consent to sex is currently under debate, in the context of the proposed changes in sex offences legislation. There is general acceptance that sex without consent (however defined) is a crime, but the clear intention of the government is to decriminalize a number of sexual acts, provided the participants are able to consent.

³ In most states of the USA, and some other countries prostitution itself is illegal.

⁴ That the contract between purchasers and suppliers of such sexual services is recognised in law has been illustrated this week, by the closure of "clip-joints" in Soho, and arrest of those promising striptease shows which never materialised, Police hold 13 after Soho 'clip joints' raids, Ananova, 13.12.02

I suggest that the proposals for defining absence of consent contained in the recent Command Paper, *Protecting the Public* (2002)ⁱ are appropriate in the context of sex work, i.e. where the victim

- was subject to force or the fear of force
- was subject to threats or fear of serious harm or serious detriment to themselves or another person
- was abducted or unlawfully detained
- was unconscious
- was unable to communicate by reason of physical disability
- had agreement given for them by a third party.

In the absence of these conditions, to deny sex workers the right to consent to sex in exchange for money would put them in the same category as children under the age of 13, and adults with severe learning disabilities or mental disorders – in other words, a return to the days when women could be set to mental hospitals for having illegitimate children, or acting in ways that embarrassed their adult male relatives.

The Home Office review of sex offences, *Setting the Boundaries*, (2000)ⁱⁱ, rejects such paternalistic approaches to limiting sexual behaviour. It states

“The key question to address is whether it is right for the criminal law to be used to regulate consensual sexual behaviour between consenting adults where there is no harm to either of them. The criminal law is not an arbiter of private morality but an expression of what is needed to protect society as a whole. In a tolerant and diverse society, the law should be based on a public morality that protects the individual from danger, harm, fear or distress, with additional safeguards for the younger and frailer members of the community. This would provide against force, coercion and harm. Respect for private life means that any regulation which is proposed must be limited to what is necessary in a democratic society and proportionate to the problem. Such a concept of the criminal law does not condone or advocate any particular sexual behaviour, but is based on principles of preventing harm and promoting public good.” (Chapter 6, paragraph 6.2.4)

However, these principles, of non-interference in consensual acts between adults in private where no harm is done; not using the criminal law as an arbiter of private morality; respect for private life; responses proportionate to the problem, and protection from force, coercion and harm, have not been applied to recommendations concerning commercial sex. Nevertheless, neither *Setting the Boundaries*, nor *Protecting the Public*, seeks to establish that commercial sex is an activity to which the seller cannot consent.

So it seems that, in law, it is possible to consent to selling sex, even though the government intends to retain all aspects of its criminalization, however greatly such criminalization endangers sex workers.

Selling sex: what are the real choices?

Abolitionist feminism alleges that no woman chooses to sell sex. This dictum applies even where the woman herself believes she is making a free choice to sell sexual services and even where no physical violence or external coercion takes place.

I believe it is completely incompatible with the human right to autonomy, and with what I understand by feminism, to dismiss or override any woman’s choices or assessment of her own best interests. To denigrate women’s choices as self-delusional or based on “false consciousness” is not feminism but fascism. I find this dismissal of women’s choices especially offensive when those doing the dismissing are privileged, university-based westerners and the women whose choices they dismiss are from poor communities bearing the brunt of global

economic and social inequalities.⁵ However, I do not wholly identify with the definition of “sex workers’ rights feminism” given by Julia O’Connell Davidson in her paper on the demand side of trafficking:

They reject the idea that prostitution is intrinsically or essentially degrading, and treating prostitution as a form of service work, they make a strong distinction between “free choice” prostitution by adults and all forms of forced and child prostitution. Whilst they believe the latter should be outlawed, they hold the former to be a job like any other.ⁱⁱⁱ

I think the question of whether sex work is intrinsically or essentially degrading is irrelevant, since to make that judgement involves a number of beliefs about the place of sexual activity in human relationships, which it is unlikely all societies will ever agree on, never mind all individuals. In my experience, many sex workers do feel their occupation is degrading, feel self-hatred and shame, and while this state of mind may be largely due to the stigmatization and demonization they experience from “respectable” society, it may also arise out of personal religious beliefs, beliefs that sex itself is disgusting, or out of the experience of giving sexual services to people they find personally unattractive. However, other sex workers do not share these feelings or beliefs. Many see the role of sex worker as a “role”, in the sense of acting a part, which some play with relish and personal enjoyment; others play professionally, pleased if a good performance is well-rewarded, but without necessarily getting much personal satisfaction from the job.

Neither do I make a strong distinction between free and forced prostitution. Everyone can only choose their occupations and way of life within highly constraining circumstances: the economic and social conditions of ones family, community and country, as well as individual abilities and psychology. Few people in any occupation can claim completely free choice in how they earn their living, and sex workers may be more constrained than others in the level of choice they exercise. Because “choice” is not a fixed concept, it is easy to argue that any sex worker did not make a “free choice” to be involved in the business, that she was “forced” by poverty, by psychological factors, by societal expectations, etc. Nevertheless, I argue that absence of “choice”, like absence of consent, could be defined by certain tests, such as whether she

- was deceived about the nature of the work
- was subject to violence or threats of violence against herself or her family
- was drugged
- was abducted or imprisoned
- had personal documentation removed (e.g. passport)
- was unable to refuse certain customers or sexual activities

I do not think that sex work is “a job like any other”. It manifestly is not. I use the term “sex work”, because it avoids the moral condemnation often attached to the term “prostitution”. It also reflects the reality that commercial sex, even where illegal, is an economic activity, and as such, is influenced by market forces, such as supply and demand. I also believe that understanding sex work as a form of labour helps to promote rights and protections for sex workers, such as the right to safe working conditions and protection from exploitation and violence.

⁵ Only last week, there was a report on Newsnight about the proliferation of sex work in Iran, in which one of the young women interviewed stated that many girls in her situation preferred their vulnerable and outcast status to the restrictions, oppression and frequent abuse they had suffered within their families. Newsnight, BBC2, 10.12.02.

Violence

Abolitionist feminism further alleges that all commercial sex is in and of itself, violence against women. Proposals to improve safety for sex workers by legitimising their working situations are rejected as legitimising violence against women, since sex work itself is deemed violence. Toleration zones for street sex work are described as “legalised rape camps”⁶, despite evidence that sex workers are much less likely to be attacked or murdered if they work in such zones. Within this discourse, it seems there is no incentive to distinguish between acts to which the woman herself has consented (however mistakenly), and acts which leave her physically harmed or dead. This is the “fate worse than death” mentality: the Victorian ladies’ view that sexual “violation” is so devastating, death is actually preferable. It is an attitude of helplessness, because if there is qualitatively no difference between the “violence” of society which “forces” a woman to become a lap dancer, and the violence that expresses itself in beatings, rape and murder, there is no incentive to examine, understand, or reduce the latter sort of violence.

Also noticeable is the ease with which this analysis of sex work elides with repressive state policies towards sex workers themselves, and with conservative, punitive, religious views on sexuality. The religious right rejects the decriminalisation or legalisation of sex work that would be necessary to allow safer sex work environments, as an offence against morality. Alternatively, such measures are rejected in case they “encourage” women to enter or remain in prostitution, by making it safer and therefore more attractive. The logical corollary of such arguments is that violence against sex workers should not be prevented, because it acts as a control on the numbers of women involved in prostitution.

This situation is not confined to the UK. In Kampala, Uganda, a study^{iv} of 500 sex workers showed that more than half believed the law “increases their vulnerability to and spread of HIV/AIDS. This was mainly through violence by clients forcing them into unprotected sex (84.1%), inability to report and prosecute violent clients (74.6%), rape by clients and security personnel (69.8%), and undermining design of interventions for commercial sex workers (22.2%).” In this study, 91.7% of sex workers thought that sex work should be legalized to improve this situation.

In Cambodia, a recent survey of sex workers’ experiences of law enforcement showed that 72% had suffered human rights abuses by the police^v. Under the Cambodia law on Suppression of the Kidnapping and Trafficking/Sales of Human Persons, and Exploitation of Human Persons, the authors state:

In implementing this law, it is not the brothel owners or clients who are arrested, but it is the sex workers who are systematically blamed, targeted and incarcerated. Furthermore, during the arrests, and sex worker’s general day-to-day work, there are reports of sex worker’s human rights being continuously violated by the police, clients and owners.

It was typically stated that the police forced their way into the brothel, or rented room where the sex worker operates, and that they were violently taken to the police station. During police arrests, many respondents stated that they were beaten with sticks, their hair was pulled to force them onto motto taxis, and there were also reports of sex workers being beaten to the head, in many instances by the policeman’s gun. One woman explained that during her arrest, the policeman in question threatened her by placing his gun to her head. Furthermore, 4 sex workers surveyed stated that during their arrest, they were forced by the police to have sex. When respondents were asked to explain how their human rights were violated while they were detained in the police station, some sex worker’s commented that they had been locked in a room, not given food, and forced to do domestic chores, such as, washing the floors and toilets. There were also reports of sex workers being forced to give massages to policemen.

⁶ It is arguable that the experiences of women who have been in real rape camps in the Balkans, as described to the International War Crimes Tribunal, are diminished, even trivialised by this comparison.

Most public policy towards sex work reflects fear and hatred of sex workers, exacerbates their vulnerability, and hinders the investigation of crimes of violence against them. It is therefore possible to conceptualize violence against sex workers as one aspect of public policy in the control of prostitution. The argument that policies and legal changes which would promote safer working conditions should be rejected, lest they should “encourage” sex work, demonstrates that the violence is seen by many as a deterrent, as well as a punishment to those involved.

That people who claim to be feminists should embrace these positions seems extraordinary, yet most anti-trafficking and anti-client strategies depend entirely on law-enforcement interventions.

Anti-trafficking programmes

The total disregard of many anti-trafficking programmes for not only the choices and aspirations of the women and girls targeted, but also for the most basic economic and social realities of their lives, is shown in recent research in Nepal. Researchers reviewing the policies of anti-trafficking NGOs, found that the messages they adopted failed to take account of the wishes of young women and girls to move away from their homes. Instead, they encouraged women and girls to stay in their villages, even though “40% of adolescent girls (n=1269, aged 14-19 years) want to move out of their current villages, especially those with higher levels of education (p=.001), and 85% want to travel to urban areas. Only three NGOs gave advice on what to do if approached by someone for work or marriage. While such advice takes the first step of acknowledging that women and girls migrate, it is often not enough to safeguard them. For example, advice to be wary of strangers is inadequate since surveyed girls more frequently implicated family (33%), other relatives (58%) and community members (70%) than strangers (11%) as traffickers.”^{vi}

The researchers also found that “most anti-trafficking interventions used fear-based messages that emphasize links between trafficking, prostitution, and HIV infection. This approach has resulted in condemnation of trafficked women and girls by their communities, “for disgracing their families as well as for bringing HIV/AIDS into their communities when they return. 94.0% of adolescent girls report that communities regard returnees with hate.”^{vii}

These reports from Nepal are reflected in an article in the Kathmandu Post^{viii}:

“A sour truth is, not everyone wishes to come back to Nepal and a certain organisation called STOP in the area is notorious for raiding brothels forcibly at midnight and taking Nepali women away and later subjecting them to threats and exploitation everyday,” says Laxmi Pokharel, program officer at ABC Nepal, another local NGO which rescues and rehabilitates trafficked women.

According to Pokharel, who is just back from leading a team to the notorious GB Road in New Delhi, since only STOP has been given the monopoly and the license to raid and rescue girls, corruption and threats against girls are rife. “Girls told me that to stay back in the brothels they have to bribe these rescue men and are often subjected to exploitation and threats”.

Many women who are brought back to Nepal and sent to rehabilitation centres are neither positive about it, nor do they stick with rehab measures for long. They go right back into prostitution. Bipana Maya, for instance, was brought back from Delhi in 1999 and rehabilitated for a year. Today, not surprisingly, she is again a commercial sex worker in the capital.

“With some counselling and skill training like knitting, we can't get around anywhere. If I knew that this is what I would get for leaving the brothel, I wouldn't have come back,” Maya says.

But Maya did try to live normal life back in Chitwan. Ironically her community did not accept her. She says, “I then realised that it is the society that needs rehabilitation and not just us”. (26.7.02)

There are many other examples of how anti-trafficking measures can lead to infringement of sex workers' human rights, including compulsory medical examination, and expose those they intend to benefit to further criminalization, for instance

- In France^{ix} in September this year, over 40 women were arrested alongside two alleged traffickers.
- In Gambia^x, in May, it was reported that 400 women were arrested, many of them from other West African countries. A police spokesman said, "We are going to screen all of them. Those who committed crimes or are illegal immigrants will face the law and the operation will be extended countrywide."
- In Cambodia^{xi} in August, anti-trafficking workers were horrified that 14 young Vietnamese women they perceived as trafficking victims were arrested, tried and found "guilty of illegal immigration, ruling that they be expelled to Vietnam after serving jail terms of two to three months".

Another disturbing aspect of anti-trafficking discourse is the persistence of belief in its most horrific manifestations, even when there is no evidence to support such beliefs. Twelve days ago police in Glasgow, acting on repeated claims that the brothels of the city are full of trafficked women, raided eight premises. These raids involved 150 police officers and 20 immigration officers – more than 20 law-enforcement personnel per venue – which must have been extremely frightening for the targets of the raids. Despite this massive expenditure of law-enforcement resources, only nine women were described as having entered the country illegally (yet to be tested in court), and Glasgow police stated that they had "uncovered no evidence that women are being trafficked or held against their will in saunas"^{xii}. However, a spokesperson for Routes Out of Prostitution was not convinced, saying "We do not know what is going on behind closed doors. For all we know, there could be juveniles and women being coerced to work."

Demand for commercial sex: Clients

The evidence linking violence against sex workers to the criminalization of sex work, and the evidence that anti-trafficking strategies are not producing the expected results, may be driving the current strong focus of abolitionist feminism on criminalizing the demand for commercial sex. The Swedes, with their interesting history of judicial castrations and sterilizations, have shown the way, and there are vociferous demands in the rest of Europe for states to follow the Swedish example.

The argument for criminalizing clients is largely based on assertions that sex work is intrinsically abusive, and on the implicit recognition that commercial sex, like other areas of economic activity, behaves like a market: if demand for a product is cut off, supply ceases.

This was the rationale behind the Kerb Crawlers Rehabilitation Programme in West Yorkshire, from 1998 to 1999. This initiative was strongly opposed by several sex work projects, for a number of reasons, but it was abandoned because, after the pilot period, West Yorkshire police withdrew their support. Their evaluation cited dispersal of street soliciting to other areas, and minimal impact despite considerable costs^{xiii}. Although only Southampton has tried this approach since the West Yorkshire experiment – and after a couple of years it does not appear to have had much impact on street sex work in the city, several other places in the UK have pursued aggressive anti-client policing, using the anti-kerb crawling legislation. However, sex work projects have found that the immediate impact on sex workers of reducing the numbers of clients is to reduce their earnings. This can lead to higher levels of violence, with sex workers working longer hours, later at night, and in more dangerous areas to try to compensate for reduced business. A recent survey of 118 women conducted for a Channel 4 documentary found that, when clients were in short supply as a result of police crackdowns:

65% worked more hours, 40% worked 'a lot more' hours. 71% worked later into the night than usual; 53% spent less time checking out punters before getting in a car; 24% agreed to sexual

acts that they wouldn't normally - like anal sex or sex without a condom. 66% said they earned less money, as a result of police crackdowns. Of those around a quarter (20%) were beaten up by partners or pimps as a direct result.^{xiv}

Despite the evidence that targeting clients does not help sex workers, attacking “demand” seems popular. A number of attitudes and opinions aired within these seminars have expressed distaste or even disgust for commercial sexual exchanges, even where no violence or coercion is imputed, which indicates that the unpleasant aspects of sexuality are those most often associated with commercial sex.

This is not the picture that I gained from the questionnaires we collected from clients in Birmingham in the late 1980s^{xv}, nor from numerous conversations with sex workers over the past 15 years. It is perfectly possible that the reasons clients give for buying sex are somewhat different these days, but the demographic profile of clients does not seem to have changed greatly. A study of 45 men attending a rehabilitation course for kerb-crawlers in Southampton (Shell et al, 2001)^{xvi}, found that 65% were married or living with a partner, and 82% were employed. In Birmingham in 1989, we found that 66% had partners, and 87% were employed. Age distribution was also very similar.

Age range of clients, Southampton (2000/1) and Birmingham (1988/9)

Age group of clients	Southampton 2000/2001 n=45	Birmingham 1988/1989 n=126
20 – 29	21%	21%
30 – 49	50%	50%
50 or older	25%	28%
Age range of sample	18 – 69	19 - 80

This remarkable similarity in demographic variables, between two groups of clients studied in different cities and 12 years apart in time, suggests that clients may have some predictable characteristics, which may include their motivations for seeking commercial sex.

On three different surveys in Birmingham, 85 -90% of commercial sexual services involved vaginal or oral sex or masturbation. Therefore the bulk of the demand for commercial sex could not be defined as bizarre or deviant or as demonstrating theoretically treatable sexual dysfunction. In our main survey of sex workers, in which 258 women were asked to report on services given to clients on the last day worked – a total of 1157 interactions – none involved the sex worker being tied up or beaten, although a few reported that the client wanted to be tied up or beaten. On the survey where clients were asked to give their reasons for seeking commercial sex (n=126), they were far more likely to say that the attraction of the sexual encounter with a sex worker was the fact that *the sex worker was in control* of the interaction than the opposite.

The most frequently stated reasons for seeking commercial sex were the wish to avoid emotional involvement (47%) and lack of sex (42%), or not enough of it (30%), in non-commercial relationships. Other reasons given included: wanting a sexual experience not available from private partners – usually stated as oral sex (26%); shyness (21%); liking sex workers and enjoying their company (19%); wish for variety (15%); wanting an alternative to masturbation (9%), and loneliness or old age (4%).

Personally, I do not find these explanations shocking or offensive. Perhaps in common with other heterosexual women, I have found men’s ability to detach their sexual behaviour from their emotions annoying or disappointing at times, but I do not think this facility is criminal or deviant, nor is it confined to men. Nor is it the whole story. At the last seminar we considered whether the concept of the “contract of mutual indifference” had anything to contribute to our understanding of commercial sex. While “lack of emotional involvement” was cited by 47% of the group surveyed in 1989, 53% did not give reasons of this kind, and 19% stated positively that they liked sex workers and enjoyed their company. In 1992, a researcher for a television programme persuaded one

woman to keep a log of her customers over a short period, including reporting on the clients' attitudes and her own feelings about her clients. I remember the researcher being quite disappointed at the low levels of abuse and discomfort she recorded. Her remarks about her clients included:

(he treated me) very well, with lots of consideration and respect. I think he is a lonely man as I have never heard him talk about friends, etc.

(he was) kind and considerate and easily pleased. He said although he loves his wife very much, he sometimes needs a little change – this is the best way without hurting feelings.

(he was) very, very lonely. He wanted more than he wanted to pay for. I personally think he just wanted my company – female company. (This client was a 29 year old widower).

In all, over a 16 day period, she recorded 50 customers. Half of the days/nights worked she describes as "good", because she has done good business, hasn't been hassled by the police, and hasn't experienced verbal abuse. The bad nights are those when she hasn't made enough money because of too much police activity or too much competition: on only three of the "bad nights" was a customer verbally abusive or not wanting to pay.

Admittedly, this is just a 16 day period in one woman's working life. Obviously some clients are abusive towards sex workers – I have researched the question of violence against sex workers myself – but this example suggests that selfishness, sadism and exploitation are not ubiquitous or even frequent characteristics of clients' behaviour towards sex workers. It also shows that sex workers are neither routinely indifferent to their clients, nor disgusted by them.

Personal testimonies

The above example contrasts with the personal testimonies from former sex workers that are routinely paraded in front of abolitionist gatherings to recount their horrific experiences. Personal testimony is characteristic of revivalist evangelical gatherings, where it is used as a tool of emotional manipulation. It consists in turning personal suffering or wickedness into performance art. In the context of religion I find it repugnant, and in the context of attempting to develop public policy on sex work, completely inappropriate. While I do not doubt that some experience their involvement in sex work in the ways we have heard so frequently described, I know numerous others that experience and/or conceptualize their involvement in sex work quite differently. This is one reason why I dislike and distrust reliance on "personal testimony" instead of objective research or collective demands, since by its very nature, personal testimony privileges certain voices above others. I also think it is open to abuse, since it is very evident that women who are willing to testify in this way are given rewards, sympathy and protection which are not available to women that have a different story to tell.

I think it is significant that personal testimony is such an important tool in abolitionist tactics. The parallels with revivalist religion include emotional manipulation and hysteria, as well as the framing of conflicting ideas as a battle between the 'good' – those who accept a set of unverifiable statements/beliefs about god/sex work, and the 'evil' – those who don't.

The nature of abolitionism

I contend that abolitionist strategies and theories ignore and demean women, increase their exposure to violence and abuse, and blatantly serve the interests of rich and powerful states against the interests of poor and vulnerable individuals. I also have concerns over some the “evidence” cited, and over tactics adopted to discredit opponents.

Earlier this year, I saw Professor Donna Hughes’ report to the US government House Committee on International Relations^{xvii}, attacking various governments for “complicity” in trafficking. On page three of this presentation is a table extracted from a TAMPEP⁷ report to which I contributed figures about numbers of non-UK sex workers thought to be working in this country in early 1999⁸. The figures given by Donna Hughes were the *reverse* of those I had sent to TAMPEP – e.g. Nottingham reported that 100% of the women they worked with were UK citizens: Hughes reported that 100% were “foreign”.

I drew Professor Hughes’ attention to this error. She blamed TAMPEP, alleging that the data they had published contained this mistake, but although I have been told that TAMPEP’s presentation of these figures was a little confusing, it seems they did give the data I had collected correctly. I was prepared to believe in cock-up rather than conspiracy, but looking at what Hughes had presented more closely, I realized that she had omitted the figures I had given for the London area, the only place in the country where projects were reporting significant numbers of non-UK citizens amongst their client group at that time. Since Hughes had reversed the percentages for the other cities, if she had done this for the London area, it would have appeared there were significantly *fewer* migrant sex workers in the capital than anywhere else in the country. The fact that these figures were omitted from her table indicates to me, at best, a deliberate intention to use only figures that appeared helpful to her thesis.

After I had drawn Professor Hughes’ attention to these errors, she issued a correction, graciously confirming that though my 1999 figures were correct (I would not have said ‘correct’, only that this was the information available to me), but also asserting that by 2002, over 80% of sex workers in London were migrant women⁹, most trafficked and half under the age of 18¹⁰, and that sex workers were now being trafficked into provincial cities in the UK. The references she cited for these claims were two newspaper articles and a conversation with a London police officer. This is not what I regard as compelling evidence.

However, incorrect and poor data is not the most disturbing aspect of this saga.

Hughes’ report to the US House Committee on International Relations also listed a number of individuals and organizations that she claimed were misusing US funds. She stated that they “advocate for the acceptance and legalization of prostitution, and fail to assist victims of trafficking, even when they come in contact with them.”

TAMPEP wrote to Hughes, protesting at her misuse of their information, and in that letter they praise the work of La Strada, an anti-trafficking organization in the Netherlands, which Hughes listed as misusing US funding because they only oppose “forced prostitution”, and argue for legalization to promote sex workers’ rights. Hughes did not reply to Tampep’s letter, but they did receive a response from one of her supporters, as follows:

⁷ Transnational AIDS/STD prevention among Migrant Prostitutes in Europe Project

⁸ See Appendix, Migrant Sex Workers in the UK 1999, Hilary Kinnell

⁹ Sex work projects in UKNSWP would argue that, though this may apply to indoor sex work in central London, it is not true of street work nor of outer London areas.

¹⁰ There is no data at all to back up this claim about ages of migrants.

to:
licia brussa
TAMPEP
amsterdam, the netherlands:

i am writing after having seen your letter to donna hughes in which you indicate that groups with which you are associated will "take steps" against her for her brave and steadfast opposition to the worldwide legalization of prostitution for which you appear to stand. i dare you and your fellow groups to try to do so. better still, i urge you and your colleagues to take on other members of our u.s. coalition (including me) who are determined, in your words, to "blacklist" you from funding and from any vestige of moral or operational credibility. we would welcome such an effort on your part to "take steps" against us, and are confident that it would help publicly expose your counterproductive efforts that, in our view, have helped metastasize the growing and bloody epidemic of international sex trafficking. it might even, in a few instances, expose financial ties between some prolegalization organizations in europe and the trafficking mafias who profit from their (and your) efforts.

i am writing to let you know that there is a growing movement in the united states -- one i have no doubt will succeed -- that is determined to limit, indeed, eradicate the dreadful influence you and your affiliated groups have had on the slavery issue of our time: the annual trafficking of as many as two million women and children each year into sexual bondage. i strongly take issue with your claim that you have served the interests of such vulnerable victims and, as indicated, believe that you and your colleagues have been major forces for promoting today's fastest growing area of international crime. your premise -- that the pimps and mafias who enslave millions can, with proper regulation, become career counsellors, or that "sex work" is capable of becoming an "empowering" career option for women -- is no more credible than were your 19th century counterparts who believed that improving health conditions on ships carrying african chattel slaves, or passing laws that limited the number of whippings that could be administered to such slaves would improve the tragic lots of slave-trafficked africans. fortunately, the anti-trafficking law passed by the u.s. congress rejected your views, and those of us who helped pass it are working -- with limited success to date but with complete optimism for the future -- to implement the law's anti-legalization mandates.

we're ready to have at it with groups like yours. i and others in the u.s. and the third world look forward to taking you on with all that have, believing as we do that success in eliminating the influence of groups like yours is a first and critical step towards ending the scandal and scourge of today's epidemic sex trafficking.

*michael horowitz
hudson institute
washington d.c.*

In case anyone wonders what on earth Tampep said in their letter to Donna Hughes to elicit this extraordinary response, I have included their letter as an Appendix, and have printed off a copy of their position paper on Migration and Sex Work.

It is obvious from this insulting and abusive letter that anyone who argues for legalization of sex work is likely to have their credibility and funding attacked. Amongst the other individuals and organizations named by Hughes are:

Penelope Saunders (Executive Director, Different Avenues, Washington, DC), who seems to have offended by calling child prostitution "young people involved in the sex industry", and for being "part of the movement to normalize adults having sex with children". Saunders is also criticized for using the phrase "sex for favors" in relation to some research she did in Australia. I have checked the paper in which Saunders is alleged to seek to "normalize sex with children".

Nowhere does she attempt any such thing. The paper is a serious and extensively referenced analysis of the factors that contribute to young people's involvement in sex work; "sex for favours" was a term she used in interviews with young people who did not associate their own experiences with "prostitution" or "sex work", and one which she explicitly states is not appropriate for situations of child abuse, she states -

*"I am in agreement with the ILO that cases which involve very young children or clearly involve physical and sexual abuse are more accurately described as "commercialized child sexual abuse" rather than prostitution, sex work or 'sex for favors'."*¹¹

The seriousness of the misrepresentation of Saunders' work should, I think, be of enormous concern to any academic, no matter what their views on sex work. Similarly, I think that any feminist should feel huge concern about the implications of Hughes' condemnation of Ann Jordan, of the International Human Rights Law Group (US), whom she quotes as saying,

*To those who feel their moral hackles rising at the prospect [of legalized prostitution]: "We don't support a woman's right to choose because we think abortion is a great thing, but because we believe fundamentally that women should have control over their own reproductive capacity. The same argument can be made for prostitution. Women who decide for whatever reason to sell sex should have the right to control their own body-and should be assured of basic protection on the job. As with abortions, we can dream of a day when sex work is safe, legal, and rare."*¹²

It appears that Hughes has chosen this quote because it shows that Ann Jordan is a supporter of safe, legalized abortion. This suggests that Hughes is appealing to the anti-abortion lobby in the USA to support her crusade.

The alliance between abolitionists like Donna Hughes and right-wing Christian groups in the USA and elsewhere is particularly ominous in relation to HIV prevention. Not only are some of the poorest nations of the world suffering from extensive economic, social and political chaos, arguably as a result of western political and economic agendas, but HIV/AIDS is threatening whole nations. US international aid is of huge importance in these areas. In the USA itself, many areas have no HIV prevention education except that which is "abstinence based" Few places have needle and syringe exchange schemes. One might think it was government policy to allow whole sections of their undesirable population to die. And they do. Possibly this seminar series ought to have considered Malthus as well as Hobbes and Locke. On the international level, the potential effects of this right-wing stranglehold on HIV prevention are extremely serious. Bush withdrew funds to international family planning organizations that offer terminations on his first day in office, and HIV harm-minimization programmes are under threat.

Organizations known in my field for the excellent work they do in HIV prevention, such as the Durbar Mahila Samanvay Committee (DMSC) of Sonagachi (Kolkata, India), Empower in Thailand, and even the highly respected international aid organization, Medecins Sans Frontieres are condemned by Hughes for supporting legalization of sex work and promoting sex workers' rights. Also, proposals before USAID, one of the largest donors to HIV programmes worldwide, make a clear threat to these organisations' funding by suggesting that "Organizations advocating prostitution as an employment choice or which advocate or support the legalization of prostitution are not appropriate partners for USAID anti-trafficking activities".¹³

Sex workers' rights feminists like myself argue that sex workers' legal status has direct influence on the extent to which they suffer from stigma and discrimination, and this in turn affects their access to sexual health services and their risks for infection. These are just a few examples of the evidence that is available to support our position:

¹¹ See <http://www.walnet.org/csis/papers/saunders-childpro.html>

¹² See http://www.thirdworldtraveler.com/Women/Regulate_Global_Brothel.html

¹³ *Trafficking in Persons*, The USAID Strategy for Response, draft paper, May 2002.

- The DMSC project in India, condemned by Hughes, found that strategies which increased sex workers' social capital – their integration in their communities – also increased their collective ability to negotiate safer sex with clients. These activities included “community meetings, fairs, and protests; decreasing perceived powerlessness through capacity building work-shops; increasing access and control over material resources via microcredit and cooperative banking; increasing social participation through autonomous, self-governing sex work organizations; and facilitating social acceptance of sex workers by involving the sex industry and civil society stakeholders in program activities.” They found “a statistically significant association between consistent condom use and beliefs and behaviors indicative of social integration and participation, or ‘social capital’. For example, sex workers who were members of a sex worker organization and who voted freely in the last election were significantly more likely to report consistent condom use.”^{xviii}
- These findings are reflected in results from a project adopting a similar approach in Rio de Janeiro, Brazil, which found that “women who felt a sense of support and cohesion from other sex workers were ten times more likely to report consistent condom use with clients in the last four months than those women who scored low on this measure”^{xix}.
- Researchers in Australia reported that, “In one Australian study carried out in 1998, the prevalence of sexually transmitted bacterial infections was 80 times greater in 63 illegal street prostitutes than in 753 of their legal brothel counterparts. All the illegal street prostitutes with infections were in the group who had not been screened for infections in the past 3 months, whereas none of those screened in the last 3 months were infected.”^{xx}

This is not about ensuring a healthy supply of sex workers for the benefit of disgusting men: it is about saving the lives of sex workers themselves, but it seems abolitionists would rather see dead sex workers than legal ones.

I therefore contend that abolitionism has nothing to do with feminism. It is the stuff of hysteria, witch hunts and totalitarianism. It is willing to distort research, misrepresent data, and attack perceived opponents on the flimsiest of evidence. It is brimful of the fetishization of suffering, prepared to exploit and exhibit the abuse that others have suffered to promote its own political advantage, and to expose the very people they claim to support to fear, humiliation, violence and preventable death.

A century ago feminists of my grandmothers' generation could have advanced the argument – I believe some did – that marriage was an institution that in and of itself constituted abuse of women: it allowed physical and sexual violence against women, viciously restricted women's freedoms and rights; at best it defined women in terms of their husbands' status, at worst it defined women as men's chattels. Yet reform was directed at legal change to secure women's equality and rights, not towards the abolition of marriage. Some of us may still doubt the necessity or value of marriage, but on the whole western marriage cannot be defined as intrinsically abusive. I believe a similar approach is needed towards sex work.

Hilary Kinnell
 Beyond Contract Seminar Series
 16th December 2002.

Appendix 1: Letter from Tampep to Donna Hughes



To: Dr. Donna Hughes

Amsterdam, 26-06-02

Ref.: Your paper "Foreign Government Complicity in Human Trafficking: A review of the State Department's 2002 Trafficking in Persons Report"

Dear Dr. Hughes,

Our organisation was greatly concerned when we received a copy of the above paper, for a number of reasons.

On page 3 of your paper you quote a table from our book "Health, Migration and Sex Work: Transnational AIDS/STD prevention among migrant prostitutes in Europe". Our first concern was the way in which you reproduced our figures regarding the percentage of migrant sex workers in the countries of EU. In the table concerning UK (1999) your quotation of the percentage of migrant sex in various cities of UK was the exact reverse of our data (see page 26 of our report).

Another comment regarding your use of our data is that you quote our figures as absolute, while we state numerous times in the presentation of the data that it is only a careful estimation. For example, we state on page 23 of our book: "For several reasons, the data cannot be considered absolute or completely representative of the actual situation..." And, indeed the situation in the migrant prostitution has changed drastically since 1999. Moreover, I would like to stress that all statements regarding the situation of migrant sex workers and the reasons for exploitation mechanisms affecting migrant and trafficked women based on (personal) impressions and on non trustworthy data or on the data that has been misinterpreted can work directly against the interest of the persons involved.

Another grave concern for TAMPEP was to discover that there is a black list of projects or persons who are accused by you of misusing US funds. I am sure that these affected persons will take the steps against your allegations. I would only like to express my deep support for these persons. In particular, we would like to express our complete support for our colleagues from the network of La Strada. We have been working with them for many years in close cooperation and have a full admiration for their courage and motivation in assisting trafficked women.

Finally, we would ask you to consider how this campaign that you have initiated will affect the interests of trafficked women and migrant sex workers. We would be grateful if you could use your considerable contacts and energy to stimulate the US government to support juridical and social protection programmes for trafficked women and migrant sex workers. These are goals which we have in common.

Yours sincerely

Licia Brussa PhD
Director
TAMPEP International Foundation

Appendix 2: information sent to Tampep, misquoted by Donna Hughes.

MIGRANT SEX WORKERS IN THE UK 1999.

Response to request for information from TAMPEP

United Kingdom 1997 - estimate of % of migrant sex workers was 25%

I disagree very strongly with this estimate for the UK for 1997 - only represents one project in Central London.

Results of Therese van der Helm's questionnaire for 1999 are impossible to quantify for the whole country, but these are the individual responses:

Brighton - no information

Bristol - no information

Glasgow (Scotland) 99% UK 1% other

Edinburgh (Scotland) 90% UK 10% other

Leeds 95% UK 5% other

Leicester > 99% UK <1% other

Middlesborough 100% UK

Nottingham 100% UK

West Surrey 95% UK 5% other

LONDON

Praed Street Project, Central London (women) 46.5% UK, 24.5% other, 29% unknown

Streetwise, Central London (men) 90% UK, 10% other

“ “ “ (transgender) 98-99% UK, 1-2% other

Mainliners, South London (women) 65% UK, 35% other

East Surrey (outer London) 52.5.% UK, 30.3% other, 17.1% unknown

United Kingdom (1997) reported that migrant sex workers were from the following countries (presumably in order of numerical significance: Asia; Latin America; East Europe.

UK 1999

Taking only those projects (inside and outside London) that gave quantifiable information and *excluding* projects that said 100% of sex workers were from UK

Asia: mainly Thailand, also China, India, Philippines & Malaysia = 3%

Central & Eastern Europe: Czech Rep, Poland, Russia, Estonia = 2.6%

Europe, EU: Spain, France, Italy, Portugal, Greece = 2%

Latin America & Caribbean: Brazil, Jamaica, Colombia, Trinidad = 2%

Africa: Morocco, Nigeria, Sierra Leone, + East Africa = 1.8%

Australia, New Zealand, USA = 0.5%

Hilary Kinnell

UK Local Co-ordinator for EUROPAP

21.4.99.

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- ⁱ Protecting the Public CM 5668, The Stationery Office, November 2002
- ⁱⁱ Setting the Boundaries, Home Office Communication Directorate, July 2000
- ⁱⁱⁱ The Demand Side of Trafficking, Julia O'Connell Davidson 2002
- ^{iv} Legislation and vulnerability to HIV/AIDS among commercial sex workers in Kampala city, S Sentumbwe et al, Makerere University, Centre For Peace Research, Kampala, Uganda, AIDS2002, abstract TuOrE1202, AIDS2002
- ^v Survey on Police Human Rights Violations of Sex Workers in Toul Kork (Phnom Penh, Cambodia), Serey Phal, Cambodian Women's Development Association, August 2002.
- ^{vi} Safe migration strategies urgently required for the prevention of trafficking in South Asia, C Costello Daly et al, Population Council/Horizons Program, New Delhi, India; AIDS2002, abstract ThPeD7688
- ^{vii} Over-emphasizing HIV/AIDS risk in anti-trafficking programs can contribute to increasing stigma and discrimination- Lessons from Nepal, V Sharma Mahendra et al, Population Council/Horizons Program, New Delhi, India; & The Asia Foundation, Kathmandu, Nepal; AIDS2002, abstract ThPeE7910
- ^{viii} Anti-women-trafficking tactic ignites controversy, The Kathmandu Post, 26 July 2002
Tashi Dolma Thinley
- ^{ix} Vast Nigerian prostitution network smashed in France, Agence France Presse, 13.9.02
- ^x Gambia arrests hundreds of prostitutes in sweep, 22.5.02. Reuters
- ^{xi} Cambodia to deport alleged victims of human traffic, Associated Press, 5.8.02..
- ^{xii} Immigrant prostitutes claim asylum: Police raid city saunas to combat human trafficking, Iain Wilson, The Herald (U.K.), December 6, 2002
<http://www.theherald.co.uk/news/archive/6-12-19102-0-17-25.html>
- ^{xiii} The Kerb Crawlers Rehabilitation Programme: An Evaluation from the Police Perspective, West Yorkshire Police, January 2000.
- ^{xiv} Law increases danger, prostitutes say, Vikram Dodd, 16.9.02, The Guardian
- ^{xv} Male clients of female prostitutes in Birmingham, England: a bridge for transmission of HIV?, Kinnell, Hilary & Griffiths, R.K., Poster Presentation, Fifth International Conference on AIDS, June 1989, Montreal, Canada. (ref WEP 41, Abstract Book, page 749)
- ^{xvi} It's Not a Game: a report on Hampshire Constabulary's Anti-Kerb Crawling Initiative, (2001) Y. Shell, P. Campbell & I. Caren, pub. Hampshire Constabulary
- ^{xvii} THE 2002 TRAFFICKING IN PERSONS REPORT: LOST OPPORTUNITY FOR PROGRESS "Foreign Government Complicity in Human Trafficking: A Review of the State Department's 2002 Trafficking in Persons Report" Report presented to the House Committee on International Relations, June 19, 2002, Donna M. Hughes, University of Rhode Island

^{xviii} *From health promotion to community development: Sex work studies find significant associations between social capital and safer sex*, Horizons Report, Population Council, May 2002

^{xix} *From health promotion to community development: Sex work studies find significant associations between social capital and safer sex*, Horizons Report, Population Council, May 2002

^{xx} *Prostitution, public health, and human-rights law*, editorial, The Lancet, Vol. 356, 18.11.2000.
*Bebe Loff, Beth Gaze, Christopher Fairley, *Department of Epidemiology and Preventive Medicine; and Faculty of Law, Monash University, Melbourne, Australia.