

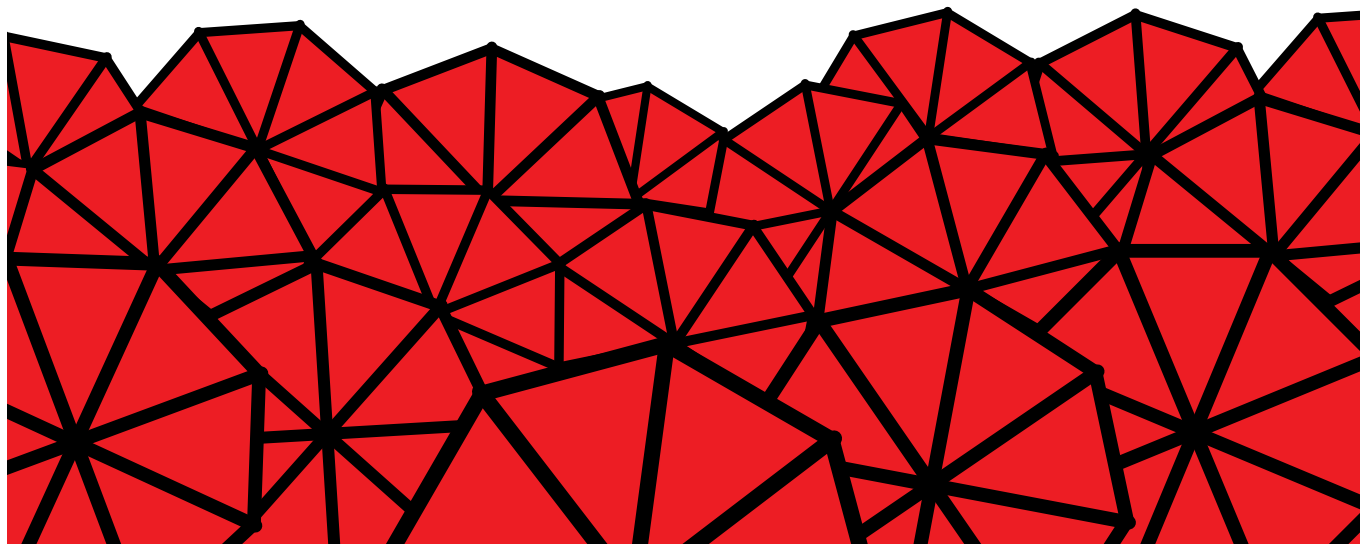


nswp

Global Network of Sex Work Projects
Promoting Health and Human Rights

**BRIEFING
PAPER**

**#03 Sex work is
not trafficking:
*a summary***



Sex work is not trafficking: *a summary*

The Global Network of Sex Work Projects (NSWP) started in 1992 to advance the human rights and health of all sex workers. Its members are sex worker-led organisations and regional sex work networks in over forty countries. The conflation of trafficking and migration with sex work, in law and practice, presents challenges to NSWP. This summary explains the dangers of conflating trafficking with sex work, its impacts on sex workers' lives and work and offers some recommendations.

Sex work conflated with trafficking

Legal framework

Prostitution has been conflated with trafficking in international agreements and media. The concept of consent and understanding of exploitation in relation to sex work underlie this conflation. The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000) provides a framework for defining trafficking. However it tackles trafficking as a crime, the focus being on law enforcement, rather than protecting human rights. National laws and policies have followed this model, developing anti-trafficking laws that criminalise involved parties. Where sex work is illegal, enforcing laws to prevent trafficking is conflated with laws to stop women selling sex.

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Demand for sex work conflated with trafficking

In 1999 Sweden enacted a bill to criminalise buying sex to end the demand for commercial sex and impede trafficking. The US has promoted this model, claiming in the US State Department *Trafficking in Persons Report 2011* that: "if nobody paid for sex, sex trafficking would not exist."¹ Conflating the demand for buying sex with trafficking has fuelled speculations that an increase in demand for sex work will increase trafficking. This has resulted in widespread crackdowns on sex worker establishments prior to and during global events.²

¹ <http://www.state.gov/g/tip/rls/tiprpt/2011/164224.htm#4>

² In the World Cup in Germany in 2006, unsubstantiated reports said that there would be tens of thousands of women trafficked, even though prostitution is legal. When the police in Berlin raided 71 brothels, they found no evidence of trafficking.

The impact on sex workers

Work interrupted

Migrant sex workers are targeted in anti-trafficking raids by immigration departments and police. Raids on workplaces are often violent and result in detention and deportation. They undermine sex workers' security and their agency. Migrant sex workers lose resources that they have invested in migrating. Fear of raids leads migrant sex workers into less safe work environments, which compromises their access to support and services.

Security and protection

Raids threaten sex workers' safety and disrupt their work and support systems. Without the support of co-workers and outreach workers, the working environment is less protected and more open to abuse. The Swedish model of ending demand diminishes the safety of sex workers by criminalising clients. Previously many sex workers would seek assistance from trusted clients to leave abusive or exploitative situations. This is no longer an option since clients now risk arrest. Street-based sex workers have distanced themselves from support networks and experience more harassment by police who are trying to identify 'victims'.

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Lack of consultative processes

Many raids could be avoided if workers were consulted. Continuing raids on sex work venues, despite lack of success, suggests a mistrust of sex workers. The assumption is that non-trafficked sex workers are complicit in the exploitation of trafficked sex workers. This is outrageous considering the commitment of many sex workers to contribute to the end of trafficking. For example, sex workers have set up regulation committees to report brothels using child sex workers and trafficked persons. They have conducted community research on trafficking to develop local responses.³

Victimised or criminalised

Migrant sex workers who are not victims of trafficking are often caught up in rescue operations. They face losing their livelihood and are either indicted as illegal migrants and for selling sex, or labeled a victim of trafficking and compelled to cooperate in legal processes, detained in rehabilitation centres, and/or forcibly returned home. As a perceived victim they lose any agency. While 'victimhood' is detrimental to those who have been trafficked, an anti-trafficking industry thrives on it. Filmmakers, writers, development consultants and many others have cashed in.

³ Durbar Mahila Samanwaya Committee is an organisation in India with 65,000 sex workers members, organising self-regulatory boards. <http://www.facebook.com/pages/Durbar-Mahila-Samanwaya-Committee/144558602226243>

Restrictions on freedom to travel

Anti-trafficking measures include enforcing stricter border controls and more rigorous visa processes and have supported local vigilante groups who root out undocumented migrants or potential victims of trafficking.⁴ The harder it becomes to travel and work legally, the more sex workers need assistance from brokers and agents. Dependency on brokers raises the cost of migration and may expose sex workers to fraud, thus increasing sex workers' vulnerability to exploitation.

Discrimination

The conflation of trafficking and sex work is also fuelling racial profiling of sex workers. Establishments with workers who are physically different from the dominant ethnic group are more likely to be raided by immigration authorities.

Impact on sex work programming

The conflation of sex work, trafficking and migration hinders sex workers organisations from implementing activities and providing services to sex workers. NSWP members report increasing difficulties in delivering outreach services to migrant sex workers due to fear of anti-trafficking raids. In addition, funding resources are diverted from sex work organisations to anti-trafficking groups, resulting in an overall reduction of support. Resources that sex workers groups have to spend on defending sex workers' right to work to counter the anti-trafficking lobby could be better spent on advocating for the human rights of sex workers and providing them services.

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Sex workers' contributions to ending exploitative workplace practices

Absent in the anti-trafficking discourse is the contribution that sex workers groups have made to ending exploitative practices, and promoting safer working conditions and greater access to justice for sex workers. Sex workers' organisations promote sex workers rights, aiming to make the industry safer and fairer so that migrant sex workers have equal access to their rights and services.

Conclusion

The conflation of trafficking and sex work provides both the anti-prostitution and anti-immigration lobbies with ammunition to carry out their agendas. Anti-prostitution groups utilise anti-trafficking rhetoric to end prostitution. The anti-immigration lobby uses the anti-trafficking discourse to increase immigration restrictions. They emphasise sex workers' vulnerability during migration to justify restrictions on their mobility. When sex work is conflated with trafficking, popular opinion is influenced to perceive all sex work as exploitation. When sex workers are denied worker status they are excluded from the body of workers whose mobility is appreciated as contributing to economic development and social cohesion. Sex work is denied any value as work and sex workers

⁴ For example the Immigration Bureau Neighbourhood Watch Campaign in Japan, RELA in Malaysia, and Maiti Nepal's border volunteers.

are denied protection that other workers have under the law. This prevents safeguards for workers in the sex industry, sentencing future generations to working in unsafe and unfair conditions.

There are however some positive developments occurring at the international level. Protecting rights of workers is being recognised as an effective way of reducing trafficking. Some attempts to remove restrictions on women's cross border mobility and provide them legal protection at work are being made, such as the general recommendation for Article 26 of CEDAW. The greatest interventions however have been by sex workers. Through dedication, they have found a voice in NSWP and other regional networks. They have succeeded in law reform in several countries, decriminalising sex work in some, and lessening sentences in others.⁵ They have made inroads into unraveling the dangerous and demeaning conflation of trafficking and sex work.

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Recommendations

To policy makers

- ▶ Discontinue targeting migrant sex workers in raid and rescue missions.
- ▶ Create expert working groups with all stakeholders and develop possible solutions which move beyond short-term law enforcement initiatives.
- ▶ Acknowledge that issues and situations differ from region to region and ensure that responses are relevant and appropriate.

To donors

- ▶ Provide resources to sex workers' groups to improve labour conditions in sex work.
- ▶ Ensure that resources to migrant workers' groups are shared with migrant sex workers' groups, and that research projects on migration include migration for sex work.

To civil society

- ▶ Support sex workers' actions to end abusive workplace conditions.
- ▶ Strengthen alliances between sex workers' networks and other civil society networks.
- ▶ Provide spaces for sex workers and other workers to meet and share their experiences of organising and working.

⁵ The New Zealand Prostitution Reform Act (2003).