

Addressing the Failure of Anti-Sex Work Organisations



The Smart Sex Worker's Guide



nswp Global Network of Sex Work Projects
Promoting Health and Human Rights



Global Network of Sex Work Projects

Promoting Health and Human Rights

NSWP exists to uphold the voice of sex workers globally and connect regional networks advocating for the rights of female, male and transgender sex workers. It advocates for rights-based health and social services, freedom from abuse and discrimination and self-determination for sex workers.

SEX WORK IS WORK:

**Only Rights Can
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NSWP is part of Bridging the Gaps – health and rights for key populations. This unique programme addresses the common challenges faced by sex workers, people who use drugs and lesbian, gay, bisexual and transgender people in terms of human right violations and accessing much needed HIV and health services.

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Introduction

Sex workers and their allies face significant obstacles in the fight to improve the health and wellbeing of sex workers globally. In their struggle for equality and fundamental human rights, sex workers' rights activists experience significant opposition from opponents claiming to be working in the best interests of sex workers. Anti-sex work organisations and anti-trafficking groups which reject an evidence- and rights-based approach to sex work are creating harmful policies and programmes that compromise the health, safety, and security of sex workers around the world.

Organisations which threaten the human rights of sex workers hold a variety of core beliefs and priorities, but share a lack of concern for the negative impacts their interventions have on the lives of sex workers. Due to the pervasive stigma and discrimination against sex workers that exists in many contexts, these groups have a considerable advantage when it comes to advancing their anti-sex work agendas. Sex workers' rights advocates today are not only fighting the centuries-old cultural stigmatisation that has pushed sex workers to the margins of society, they are also fighting against well-funded anti-sex work organisations that have mainstreamed the use of false claims, bad research, and the silencing of sex workers' voices throughout their work.

Sex workers' rights organisations, often under-resourced, are dedicating time and energy to resisting well-funded and institutionally supported groups that dismiss evidence-based research in favour of unsubstantiated ideology.¹

About This Guide

This Smart Guide explores organisations whose work puts sex workers at risk, directly and indirectly. It explores different types of organisations that have been involved in anti-sex work organising. This includes fundamental feminists, anti-trafficking groups, and religious organisations. Respondents to NSWP consultations reported that it has become increasingly difficult to identify anti-sex work groups in their communities. Many organisations now mimic the language of the sex workers' rights movement, but do not share the goal of upholding the safety and human rights of sex workers.

This Smart Guide firstly addresses the most common activities undertaken by these organisations, followed by resources that may help sex worker-led organisations to respond effectively to them.

1 Ronald Weitzer, *Sex Trafficking and the Sex Industry: The Need for Evidence-Based Theory and Legislation*, 101 J. CRIM. L. & CRIMINOLOGY 1337 (2013). <http://scholarlycommons.law.northwestern.edu/jclc/vol101/iss4/4>.

Finally, a collection of resistance strategies is compiled through conversations with sex workers' rights organisations. Some of the strategies are direct responses to the activities of anti-sex work groups, while others are recommendations for operating in a political climate where anti-sex work groups dominate.

Sex worker advocates have devised numerous strategies to counter the efforts of anti-sex work organisations. A collection of efforts that have progressed the fight for sex workers' rights, health, safety, and autonomy can be found in feature boxes throughout this guide.

Consulting NSWP members

NSWP consultations revealed several common challenges faced by sex worker-led organisations who have experienced push-back from anti-sex work groups. Variations between regions were also reported, reflecting the unique socio-political histories of the respondents' respective countries. For example, whereas sex workers in northern Europe struggle against morally conservative cultural views on sex and sex work, this is less of a concern for organisers across India, who are lobbying to gain access to national worker pension-plans for sex workers.

SEX WORKERS FIGHT BACK: **RESISTANCE IN PRACTICE**

INDIA



“We are protesting, we are marching. Sex workers are marching on the roads for social entitlements and against anti-trafficking laws that are being proposed in our parliament. We have a self-regulatory model in the red light areas since 2000. Peer educators, who are sex workers, identify new sex workers who are new in the profession, so she is sent to the self-regulatory board. It’s 50% who are sex workers, the other 50% are lawyers, doctors, and other civil society members. This model is entirely run by sex workers and we believe that sex work is work. We are identifying what their real issues are and addressing discrimination and stigma. We say it’s a democratic process to prevent trafficking. We are working on media advocacy and interactive sessions with the media. These are strategies to discuss all of sex workers with local media and English media. To say ‘what do sex workers really want?’ Apart from this we have contacts in civil society who are raising our issues as well. They are collectively mentioning sex worker issues in their common agendas. They are putting us in front of policymakers and governments. This is another way to address the issues of sex workers. Universities and institutions invite us to speak, so sex workers are going there for interactive sessions to put our issues forward”

CANADA



Sex workers are compiling comprehensive local guides to document how well local services work with their community. Some are exploring a ranking system for services, where a series of standards must be reached to earn a stamp of approval as a safely accessible space.

When asked about the harmful activities of anti-sex work groups in their communities, several political strategies were revealed as common across most regions. These included: a reliance on bad research which ostensibly provided evidence of sex work's harmful effects on individuals and society; the conflation of sex work with trafficking; and, the dismissal of sex workers' testimony and activism through a number of discrediting narratives, such as being under 'false consciousness' and being 'not representative'. Instances of direct threats and harassment were recorded, including examples of public 'outing' of sex workers who were vocal in rights movements. Collaborations with law enforcement that resulted in violent raids, arrests, displacements, and deportations of sex workers were also reported.

Sex workers' rights groups lamented the time and money spent responding to biased research and false statistics that could have gone towards much needed advocacy and support for sex workers. The toll of these activities extends beyond the strain on finite resources and into the emotional well-being and lives of sex workers' rights activists. Respondents described feelings of frustration, anger, and trauma from dealing with groups that are dedicated to hindering the advancement of human rights for sex workers.

"Our members generally find it very difficult to be confronted by the arguments of the anti-sex work movement. Some members have tried to reason with them, tried to explain that we want industrial and workplace rights but we are often dismissed or insulted. Most of our members can't continue in this for long before it affects them too much"

AUSTRALIAN SEX WORKER

A Note on Language

NSWP uses the terms 'sex work' and 'sex worker'. Exceptions are made in this guide where quoting the specific language of anti-sex work groups.

Fundamental feminist groups addressed in this Guide typically employ language that is considered pejorative in the sex worker rights movement. The term 'prostitute' and the passive 'prostituted woman' are standard in abolitionist feminist literature. The word 'abolitionist', describing the political desire for the total erasure of sex work, will be used to describe the core goals of these feminists.

The decision by fundamental feminists to prioritise victim-centric language effectively silences, insults, stigmatises, and misrepresents sex workers. It is therefore considered a harmful practice within the scope of this Guide.

A Note on Privacy

Organisations that fail to protect the human rights of sex workers often directly target those who do. The names and locations of respondents in this document have been changed in some cases and certain examples have been presented without specific details, for the sake of privacy and security.

SEX WORKERS FIGHT BACK: **RESISTANCE IN PRACTICE**

NORWAY



“We have succeeded in the way we have manage to get national LGBT-organization to establish a resolution against the ban on purchasing sex and our engagement in Oslo Pride. Our perspective have many supporters who also participates in public debates but... our threshold is the governmental level”



Sex worker activism at Oslo Pride, Norway

Who is Harming Sex Workers and Why?

Groups that undermine the human rights of sex workers are motivated by a variety of ideologies. Outlined below are the most common ideologies employed by these organisations.

1 Fundamental Feminism (also referred to as ‘abolitionists’)

These campaigners consider sex work a form of violence against women. Despite copious evidence to the contrary, fundamental feminists believe that the complete elimination of sex work is possible and a desirable goal. They promote laws and policies that attempt to inhibit or hinder sex work, with the aim of making it disappear. These laws and policies include, for example, the ‘Nordic Model’, and other forms of sex work criminalisation. These laws and policies are promoted regardless of the negative impact they have been shown to have on female sex workers.

SEX WORKERS FIGHT BACK: RESISTANCE IN PRACTICE

BRAZIL



In Brazil, one community of sex workers organised a large presence at a Sao Paulo anti-rape protest to show their support for ending gendered violence, after years of being alienated by local feminists. In 2002, pressure by the sex worker organisation Davida contributed to the Brazilian Ministry of Labor adding “sex worker” to an official list of occupations.



© NOIR

Demonstration for sex workers’ rights in Norway

“I had the chance to speak to an abolitionist face-to-face, calmly, and asked her ‘what do you genuinely think sex workers will do when they can’t work under the criminal model you’re campaigning for here? How do they feed their kids tonight? Not a month from now or a year from now, but tonight?’ And she just didn’t have an answer. And I realized that they really don’t consider the immediate impacts of what they’re doing”.

SEX WORKER IN NORTHERN EUROPE

Fundamental feminism has dominated popular discourse on sex work since the 1980s. While the issue of sex work has always had a place in discussions of women’s rights, key abolitionist campaigners have significantly shifted the way sex work has been taken up as a feminist issue. Some of the most notable figures in this movement include Catherine McKinnon, Andrea Dworkin, Kathleen Barry, Janice Raymond,

Melissa Farley, and Sheila Jeffreys. In their advocacy against sex work, they rely on certain common assumptions about selling sex and about women, including:

- Women's sexuality is constructed for the benefit of men.²
- Sex work irreversibly damages women (as well as "men who are like women").³, and
- Women are not capable of consent within a patriarchal society.⁴

"Really, most organisations somewhere in their hearts are anti-sex work. You've got the ones who don't even know they're anti sex work right up to the ones who are screaming it. We call them 'mutant feminists' – they call themselves 'radical', but radical means something good to us. They're this mutant strand of feminism"

SEX WORKER IN THAILAND

Within this approach, sex work represents a symbolic violence rather than literal violence. Even if a sex worker has never experienced physical violence, the act of selling sex is considered a form of violence in itself, due to gendered imbalances of power.⁵ Sex workers and other feminists point out that this definition of violence could easily encompass any type of job or personal relationship that takes place under patriarchy⁶. Yet it is sex work and the women who engage in it that are targeted by these groups.

For sex workers' rights activists and many other feminists, the logic of these arguments omits any concept of female sexuality as an entity

in itself, preferring to see it as only a source of disempowerment relative to male desire.⁷ Within this framework, any woman who claims sexual agency is said to be suffering from a false understanding of her own social reality, termed 'false consciousness'. In these critiques, "there is no space for the [sex worker] herself as speaking subject, particularly if her speech might contradict the feminist construction of her".⁸

"[during government consultations] everyone agreed that prostitution is bad and that they must do something against it. They just disagreed on how to fight prostitution. So the consequences on our lives, they don't care at all. Most think that it is normal for sex workers to suffer from violence abuse and disease 'cause this is the definition of what prostitution is in their head. Their aim is for us to stop sex work so the problem is solved"

SEX WORKER IN FRANCE

- 2 MacKinnon, Catharine A. 1989. *Toward a feminist theory of the state*. Cambridge, Mass: Harvard University Press.
- 3 Dworkin, Andrea. 1987. *Intercourse*. New York: Free Press.
- 4 MacKinnon, Catharine A. 1989. *Toward a feminist theory of the state*. Cambridge, Mass: Harvard University Press.
- 5 Agustín, Laura María. 2007. *Sex at the margins: migration, labour markets and the rescue industry*. London: Zed Books.
- 6 Koken, Juline A. "The Meaning of the 'Whore': How Feminist Theories on Prostitution Shape Research on Female Sex workers," in Ditmore, Melissa H, Antonia Levy, and Alys Willman. *Sex Work Matters: Exploring Money, Power, and Intimacy in the Sex Industry*. London: Zed Books, 2010. and Nagle, Jill. 1997. *Whores and other feminists*. New York: Routledge.
- 7 Vance, Carole S. 1984. *Pleasure and danger: exploring female sexuality*. Boston: Routledge & K. Paul., see also Rubin, Gayle. 2011. *Deviations: a Gayle Rubin reader*. Durham, NC: Duke University Press.
- 8 Bell, Shannon. 1994. *Reading, writing, and rewriting the prostitute body*. Bloomington: Indiana University Press.

2 Anti-Trafficking Groups

Many sex workers have been harmed in the name of anti-trafficking initiatives. Due to the persistent conflation of sex work with trafficking, the anti-trafficking movement has provided an opportunity for some to push an abolitionist agenda more effectively. Some organisations that previously operated for the sole purpose of criminalising ‘prostitution’ now identify as ‘anti-trafficking’ organisations, working towards the same abolitionist goals.

Sex workers in the global South and migrant sex workers are most directly impacted by these interventions, experiencing the brunt of ‘raid and rescue’ operations. They report a wide range of organisations that compromise their safety and livelihoods, including non-governmental organisations, religious groups, and police that violently enforce harmful laws.

SEX WORKERS FIGHT BACK: RESISTANCE IN PRACTICE

CANADA



One group in Canada organised a national event that encouraged fellow community groups to challenge myths that conflate sex work with trafficking. They spread the word on social media with the hashtag #harmsofantitrafficking.

“We had a group of 121 women who were arrested in a raid. At least 21 of them were detained illegally. We contacted the group responsible and we said ‘what are you doing for the women that you have had arrested, plus the other 280 that were made unemployed by your raid?’ and they said they had no responsibility for that; it’s none of their business.”

SEX WORKER IN THAILAND

In some contexts, trafficking has also become a euphemism for anti-migration fears. Many countries interested in stemming the flow of migrants have passed anti-migration policies in the name of anti-trafficking.⁹ The resulting strict immigration requirements make migrants even more vulnerable to labour abuses as undocumented workers, as well as debt bondage to cover the costs of high-risk border crossings.¹⁰ For migrant sex workers who are caught up in raids, they are not only vulnerable to criminalisation for sex work, but risk deportation as well.

“The trouble is for migrant sex workers. They’re big targets. [Police] can get them for immigration, for working without a permit, for ‘trafficking’, whatever you need to meet your quota. It’s one stop shopping”

SEX WORKER IN THAILAND

9 Agustín, Laura María. 2007. *Sex at the margins: migration, labour markets and the rescue industry*. London: Zed Books.

10 Global Alliance Against Traffic in Women, “Smuggling and Trafficking: Rights and Intersections” 2011. http://www.gaatw.org/publications/Working_Papers_Smuggling/WPonSmuggling_31Mar2012.pdf.

3 Religious Groups

“Tours run by [a religious group in our area] have charged people to be placed in a volunteer program that goes out to brothels and attempts to do outreach (no training or very minimal training is given). They have used blackmail to obtain entry into brothels to preach – by using the fact that activities around sex work (such as being on premise of a brothel) is still heavily criminalised [in our area]”

SEX WORKER IN AUSTRALIA

Religious groups that oppose sex work have exerted significant power over international and country-level sex work laws and policies. Religious groups, namely Christian reformers, date back over one hundred years as organisers of the first social programmes to abolish sex work or ‘rescue fallen women’.¹⁴ In some countries, such as Canada and Ireland, groups that perpetrated severe abuses through these programmes now act as key stakeholders in government conversations on the rights of sex workers.¹⁵

In the United States, evangelical groups are heavily involved in the anti-trafficking movement and played an integral role in passing criminal legislation against sex work in the early 2000s, through strong lobbying efforts.¹⁶ Fundamental feminists have also collaborated with conservative Evangelicals under an anti-trafficking agenda.¹⁷

SEX WORKERS FIGHT BACK: RESISTANCE IN PRACTICE

HONG KONG



“Some religious groups collaborated with us to challenge the moral arguments against sex work. To say ‘actually, the bible doesn’t say it’s bad...’. One year we asked to be the leading group of the labour protest. Some of the groups were against it, but we have so much support from feminist groups and workers group and religious groups, so they came up and supported us. I think the support of the allies is very helpful. The organizing model of the sex worker in HK is different. It is more of a workers’ rights model. This is a workers’ rights issue. Other than the religious and feminist organizations, we also work with labour organisations”

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- 14 Valverde, Mariana. 2008. *The age of light, soap, and water: moral reform in English Canada, 1885–1925*.
 - 15 Backhouse, Constance. 1991. *Petticoats and prejudice: women and law in nineteenth-century Canada*. Toronto, Ont., Canada: Published for the Osgoode Society by Women’s Press.
 - 16 Feingold, David A. “Think Again: Human trafficking.” *Foreign Policy*. October 20, 2009. <http://foreignpolicy.com/2009/10/20/think-again-human-trafficking/>.
 - 17 Bernstein E. 2010. “Militarized humanitarianism meets carceral feminism: the politics of sex, rights, and freedom in contemporary antitrafficking campaigns”. *Signs*. 36 (1): 45–72.

Setting the Standard: Identifying Groups Doing Harm to Sex Workers

In the contemporary political landscape, identifying groups opposed to sex work can be challenging. With the practice of deceptively naming organisations and programmes being used by fundamental feminists and abolitionists, alongside the growth of an anti-trafficking movement, the landscape of sex work-related projects is murkier than ever.

Historically, organisations opposed to sex work stated their positions loudly. Victorian-era abolitionists in England considered it their moral obligation to end 'prostitution', which they considered a social evil and moral scourge.¹⁸ Moral reformers of this time sought to cure society of the vice of 'prostitution' and to protect the virtue of women. The argument that sex work was simply morally depraved, that female chastity should not be tarnished, and that women are better off in the home, shaped much of the cultural framework for how sex work is understood today.

Consistent with campaigners of the past, modern anti-sex work organisations have used language clearly stating an abolitionist standpoint, where terms like 'prostituted women' are preferred, and the term 'sex worker' is rejected. However, in recent years, the vocabulary of many organisations has evolved to mimic that of sex workers' rights groups. There are self-identified 'sex worker rights advocates' and 'harm reduction advocates' who in fact work from an abolitionist standpoint, rather than the rights- and evidence-based approach that these terms generally imply. This new vocabulary does not accompany a change to their fundamental anti-sex work ideology.

The widespread conflation of sex work with trafficking has further contributed to this problem, by creating opportunities to disguise discriminatory policies aimed at sex workers. The language of 'anti-trafficking' has been adopted by many anti-sex work groups so much over the last two decades that the term 'trafficking' has become synonymous with not only forced labour in the sex industry, but with voluntary involvement in sex work.¹⁹ Countless organisations worldwide now work on 'human trafficking'. The terminology has allowed them to access available anti-trafficking funding and increased public support.

18 Walkowitz, Judith R. 1980. *Prostitution and Victorian society: women, class, and the state*. Cambridge: Cambridge University Press.

19 Bernstein E. 2010. "Militarized humanitarianism meets carceral feminism: the politics of sex, rights, and freedom in contemporary antitrafficking campaigns". *Signs*. 36 (1): 45–72.

These misrepresentations have serious negative outcomes for sex workers. Financial resources earmarked for improving sex worker health, safety, and wellbeing are directed towards organisations that actively undermine progress in those areas. Many sex workers' rights organisations around the world brought forward complaints regarding the misallocation of funds that occurred in this way.

“They access funding, which has a mandate to act in the best interest of sex workers’ rights. Then they advocate the Nordic Model. They just shouldn’t be receiving funding to do harm like that”.

RESPONDENT IN AUSTRALIA

“[one project] called their non-consensual visits to brothels ‘outreach’, applied for money to do outreach in regional areas where they knew sex worker organisations were not currently funded, and copied the model identically, even mixing some of the genuine sex worker resources into their information packs”

SEX WORKER IN AUSTRALIA

Sex workers who seek frontline support from social services that have misrepresented their attitudes towards sex work have reported encountering traumatic experiences, rather than the sex worker-positive space they were promised in a brochure or website.

“Sex workers are being shamed when accessing feminist anti-violence support. One woman had a counsellor blame her for an assault she experienced, saying she should expect it if that’s the line of work she’s in. These spaces are also unwelcoming towards transgender women. Where should we go, then?”

SEX WORKER IN AUSTRALIA

Others have been wrongly classified as ‘trafficked’, an abusive practice sex workers’ rights groups say is common from anti-trafficking groups that need to justify their funding.

“[anti-trafficking groups] have accused sex workers of being trafficked or of being underage, when we have a record of meeting with these women and documenting them as consensual and over 18. They have big budgets and they need to show they’re ‘saving trafficked women’, but they put sex workers at risk and out of work”

SEX WORKER IN INDIA

Using the Sex Worker Implementation Tool (SWIT) to Determine if Services are Using a Rights-Based Approach

For individual sex workers seeking social services, it can be difficult to discern which groups are actually working from a rights- and evidence-based approach. Any group working in the best interests of sex workers should be adopting basic principles set out in international normative guidance. The following strategies can be used to determine whether groups are doing harm to sex workers. They can also be used by organisations looking to improve their support services when it comes to sex workers' needs.

Does the organisation in question respect the principles set out in the international normative guidance of the Sex Worker Implementation Tool (SWIT)?²⁰ The full document can be found on the World Health Organization website and a summary of its key messages on the NSWP website, under 'The Smart Sex Worker's Guide to the SWIT'.²¹

Sex worker demonstration in Thailand



Good practice recommendations:

- 1 All countries should work toward decriminalisation of sex work and elimination of the unjust application of non-criminal laws and regulations against sex workers.
- 2 Governments should establish antidiscrimination and other rights-respecting laws to protect against discrimination and violence, and other violations of rights faced by sex workers in order to realise their human rights and reduce their vulnerability to HIV infection and the impact of AIDS. Antidiscrimination laws and regulations should guarantee sex workers' right to social, health and financial services.
- 3 Health services should be made available, accessible and acceptable to sex workers based on the principles of avoidance of stigma, non-discrimination and the right to health.
- 4 Violence against sex workers is a risk factor for HIV and must be prevented and addressed in partnership with sex workers and sex worker-led organisations.

20 World Health Organization, United Nations Population Fund, Joint United Nations Programme on HIV/AIDS, Global Network of Sex Work Projects, The World Bank. "Implementing comprehensive HIV/STI programmes with sex workers: practical approaches from collaborative interventions" (Geneva: World Health Organization, 2013), 4. http://www.who.int/hiv/pub/sti/sex_worker_implementation/en/.

21 NSWP, "The Smart Sex Workers Guide to the SWIT", 2015. <http://www.nswp.org/resource/the-smart-sex-worker-s-guide-swit>.

THAILAND



“A lot of women don’t read or write in any language, but they also wanted to feel like they had made their report, [so] we made a short film called “Last Rescue in Siam”. Some of the women who had been ‘rescued’ embroidered a tapestry. It’s an embroidered report of what happened and what they went through. These things [along with our formal report] have become our main tools for dealing with the anti-trafficking movement”



The ‘Mida Tapestry’ depicts how women who do sex work in Thailand experience ‘raid and rescue’

missions. Each panel was hand embroidered by migrant sex workers in 2010. It is an art work and an important document that speaks to and from the migrant sex worker community of Empower Thailand. It is made of a 10-metre piece of cloth with 13 embroidered panels sewn along its length.

SWIT Principles for implementing comprehensive HIV and STI programmes with sex workers:

- **Community empowerment** is the process whereby sex workers are empowered and supported to address for themselves the structural constraints to health, human rights and well-being that they face, and improve their access to services to reduce the risk of acquiring HIV. Community empowerment is an essential approach that underlies all the interventions and programme components described in this tool, and is inseparable from them.
- **Community participation and leadership** in the design, implementation, monitoring and evaluation of programmes are also essential. Participation and leadership help to build trust with those whom programmes are intended to serve, make programmes more comprehensive and more responsive to sex workers’ needs, and create more enabling environments for HIV prevention and sex work.
- Programmes should **address structural barriers**. Sex workers have detailed knowledge of the legal, social, cultural and institutional constraints that block their access to services and deny them their rights. Their participation is essential in strategizing to overcome these barriers.

- Programmes must **operate at multiple levels**, from the front-line to the national policy arena. Programmers should take into account how and where operational and policy decisions are made about funding, health care, social benefits, education, law enforcement or media coverage. All of these areas affect HIV prevention programmes as well as the lives of sex workers. Programmes and the communities they serve must be part of the decision-making process. Sex workers can participate and offer leadership at all levels.
- Programmes should be **holistic** – considering the full range of sex workers’ service needs – and **complimentary** – finding ways to coordinate and integrate service delivery – as far as possible, to make them more accessible and effective for sex workers, and to build strong referral links to other service providers. This includes clinical and non-clinical services, which should not be seen as separate realms.
- Although based on the 2012 Recommendations for sex workers in low- and middle-income countries, the principles that underlie this tool, and the operational approaches it presents, are no less **relevant to high-income countries** and should be seen as a minimum global standard.



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Demonstration in Toronto, Canada

Harmful Activities of Anti-Sex Work Groups and Useful Resources to Counter Arguments

- 1 Bad Research
- 2 Conflation of Sex Work with Trafficking
- 3 Targeting Young People
- 4 Nordic Model Lobbying
- 5 Criminalisation of Third Parties
- 6 Common Tactics: ‘Not Representative’, ‘False Consciousness’
- 7 Former Sex Workers in Anti-Sex Work Organising

1 Bad Research

Sex worker activists will be familiar with much of the questionable ‘evidence’ used in anti-sex work campaigning.²² A human rights approach to sex worker health and safety is an evidence-based solution that is supported by rigorous research and compliant with international human rights treaties. Counterclaims to a rights-based approach frequently rely on false statistics, biased research, and inaccurate interpretations of data.²³

- The Supreme Court of Canada had been critical of prominent North American anti-sex work writer **Melissa Farley**, in one instance describing her as follows: “Dr Farley’s choice of language is at times inflammatory and detracts from her conclusions...Dr Farley stated during cross-examination that some of her opinions on prostitution were formed prior to her research...for these reasons, I assign less weight to Dr Farley’s evidence”²⁴

SEX WORKERS FIGHT BACK: RESISTANCE IN PRACTICE

NORTHERN EUROPE



“Engaging [with anti-sex work groups] in a collaborative way seems to be more productive than being antagonistic or spending too much time rebutting their bad statistics. I really believe people can get enough insight and education to understand our need for labour laws”

22 Weitzer, Ronald. 2010. “The Mythology of Prostitution: Advocacy Research and Public Policy”. *Sexuality Research and Social Policy*. 7 (1): 15–29

23 Weitzer R. 2011. “Sex trafficking and the sex industry: The need for evidence-based theory and legislation”. *Journal of Criminal Law and Criminology*. 101 (4): 1337–1369.

24 *Bedford v. Canada (Attorney General)* [353–356] (2010): www.canlii.org/en/on/onsc/doc/2010/2010onsc4264/2010onsc4264.html

- Celebrity anti-trafficking campaigner **Somaly Mam** was found to have fabricated elaborate stories of sex trafficking in Cambodia²⁵, through which she had raised millions of dollars in donations for her foundation.²⁶ In 2015, Mam opened a second non-governmental organisation, ‘Together 1 Heart’, formerly named ‘The New Somaly Mam Fund: Voices for Change’.
- **Chong Kim**, the writer and anti-trafficking activist behind a sensationalistic trafficking film, *Eden*, has been accused of falsifying her story of sexual exploitation to raise funds to fight for anti-human rights policies. As one reporter notes, “over the years, Kim’s story has grown more lavish and sensational as the bad guys morphed from abusive clients and boyfriends to international gangs of kidnapers, pimps, human traffickers and johns that included law enforcement agents and even an unnamed former state governor”.²⁷
- American writer and filmmaker **Nicholas Kristof** is an anti-trafficking activist whose interventions have focused on ‘raid and rescue’ projects internationally. His brothel raids and pressure on foreign governments to crack down on sex work have resulted in the mass criminalisation and detention of women, disruption of HIV-AIDS prevention programmes, and other abuses reported by sex workers.²⁸

SEX WORKERS FIGHT BACK: RESISTANCE IN PRACTICE

BELGIUM



“We have started to bring together pro-sex work groups and influential people, we are enlarging our own networks. We do this through networking, addressing directly ministers and cabinets and bringing them into contact with sex workers and managers of erotic businesses, so that policy makers start to see them as ‘normal’ people with whom you can have ‘normal’ talks about their work or business and their future.”

25 Global Network of Sex Work Projects, “Somaly Mam Steps Down As President of Somaly Mam Foundation,” May 29, 2014. <http://www.nswp.org/news/somaly-mam-steps-down-president-somaly-mam-foundation>.

26 Marks, Simon. “Somaly Mam Holy Saint (and Sinner) of Sex Trafficking,” *Newsweek*, May 21, 2014. <http://www.newsweek.com/2014/05/30/somaly-mam-holy-saint-and-sinner-sex-trafficking-251642.html>.

27 Ludwig, Mike. “From Somaly Mam to ‘Eden’: How Sex Trafficking Sensationalism Hurts Sex Workers,” *Truthout*, July 9, 2014. <http://www.truth-out.org/news/item/24827-from-somaly-mam-to-eden-how-sex-trafficking-sensationalism-hurts-sex-workers>.

28 Ahmed, Aziza. “The Unintended Consequences of of Nick Kristof’s Anti-sex trafficking Crusade,” *The Guardian*, March 26, 2010. <https://www.theguardian.com/commentisfree/cifamerica/2012/mar/26/nick-kristof-anti-sex-trafficking-crusade>.

Resources for Responding to Bad Research

In the face of unethical tactics, sex workers' rights groups have reported that they avoid responding to false information whenever possible. They choose to emphasise the strong evidence that supports the importance of a human rights affirming approach to sex work.

- In the call for the decriminalisation of sex work, Amnesty International joined The Joint United Nations Programme on HIV/AIDS (UNAIDS), UNFPA, WHO, UNDP, Human Rights Watch, the Global Commission on HIV and the Law, the World Bank, Open Society Foundations, the Global Network of People Living with HIV, the Global Forum on MSM and HIV, the International HIV/AIDS Alliance, the International Women's Health Coalition, the Association for Women's Rights in Development, the American Jewish World Service, the Global Alliance Against Traffic in Women (GAATW), The Lancet, The Global Fund for Women, the Elton John Foundation and the International Community of Women Living with HIV.
- Amnesty International adopted the 'Policy on State Obligations to Respect, Protect, and Fulfil the Human Rights of Sex Workers' in 2015.
<https://www.amnesty.org/en/documents/pol30/4062/2016/en/>

- Amnesty International's FAQ on this policy is a valuable tool to address common myths and misconceptions about the decriminalisation of sex work.
<http://www.amnestyusa.org/news/press-releases/qa-on-the-policy-to-protect-human-rights-of-sex-workers>
- UNAIDS "Guidance Note on HIV and Sex Work".
http://www.unaids.org/sites/default/files/sub_landing/files/JC2306_UNAIDS-guidance-note-HIV-sex-work_en.pdf
- NSWP "Sex Work and the Law: Understanding Legal Frameworks and the Struggle for Sex Work Law Reforms".
<http://www.nswp.org/resource/sex-work-and-the-law-understanding-legal-frameworks-and-the-struggle-sex-work-law-reforms>
- NSWP "Consensus Statement on Sex Work, Human Rights, and The Law".
<http://www.nswp.org/resource/nswp-consensus-statement-sex-work-human-rights-and-the-law>

SEX WORKERS FIGHT BACK: RESISTANCE IN PRACTICE

AUSTRALIA



"We have used a lot of resources on the NSWP website to show that our view is consistent with a global movement and that groups similar to theirs who have taken the time to understand our views have agreed with keys policy areas such as decriminalisation."

2 Conflation of Sex Work with Trafficking

“Anti-sex worker groups here have been influential in policy advocacy and publicity campaigns. The discourse around trafficking has begun to shift and become much more nuanced over the past few years, but the anti-sex work groups are still influential in political spaces”

SEX WORKER IN THE UNITED STATES

Anti-trafficking groups that conflate sex work with trafficking have had lasting negative impacts on sex workers, migrants, and in some cases survivors of trafficking.

Resources for Responding to the Conflation of Sex Work with Trafficking

- The UN “Protocol to Prevent, Suppress, and Punish Trafficking in Persons” sets out the current international agreed definition on trafficking in persons.²⁹ It came into force on December 2003 and defines trafficking as, “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.”³⁰
- The Human Rights Commission (HRC) has long urged the delinking of sex work and trafficking.³¹ HRC’s 1999 recommendations on anti-trafficking policy note that their original definition of trafficking focused “unnecessarily on one particular form of labour abuse, that in the sex industry...the special reference to prostitution...is a gratuitous response to the current public hysteria surrounding this particular form of trafficking...the references to prostitution and ‘sexual exploitation’ should be deleted from [the definition].”
- NSWPF Briefing Paper, “Sex Work is Not Trafficking”.
<http://www.nswpf.org/resource/sex-work-not-trafficking>
- Global Alliance Against Traffic in Women (GAATW) Resources and FAQs.
<http://www.gaatw.org/faqs/158-frequently-asked-questions/faq/454-understanding-trafficking>

29 United Nations “Convention Against Transnational Organized Crime and the Protocols Thereto,” 2000. <https://www.unodc.org/unodc/en/treaties/CTOC/index.html>.

30 Ibid. Definition of trafficking as per article 3 paragraph (a) <https://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html>.

31 Human Rights Commission, “Recommendations and Commentary”, January 1999: para 6.

- “The Untold Side of Raid and Rescue”, Human Trafficking Centre
<http://humantraffickingcenter.org/posts-by-htc-associates/the-untold-side-of-raids-and-rescues-re-thinking-anti-trafficking-efforts/>
- “Collateral Damage: The Impact of Anti-Trafficking Measures on Human Rights Around the World”, Global Alliance Against Traffic in Women, 2007.
<http://gaatw.org/resources/publications>

3 Targeting Young People

Concern for young people who sell sex is often used to argue for the criminalisation of sex work in all forms, despite evidence demonstrating the myriad ways that criminalisation and stigma put already vulnerable young people at increased risk. International human rights treaties state that young people under 18 must be protected from sexual exploitation, however, there is little agreement on how to meet the needs of the significant numbers of young people who are involved in selling sex. Laws, policies, and discriminatory practices that criminalise sex work create conditions that increase the vulnerability of both adult sex workers and people under 18 who sell sex.

SEX WORKERS FIGHT BACK: **RESISTANCE IN PRACTICE**

CANADA



“Our goal is to dispel the myths around sex work through public education and routinely do public events on issues around sex work. We are also very active on social media where our goal is to highlight the voices of sex workers and the work of allied organizations around the world”

Resources for Responding to the Targeting of Young People

- World Health Organization, 2015, “HIV and Young People Who Sell Sex”, 2015.
<http://www.who.int/hiv/pub/toolkits/hiv-young-sexworkers/en/>
- NSWP policy brief on Young Sex Workers, 2016.
<http://www.nswp.org/resource/young-sex-workers>
- “Part of the Solution: Youth Engaged in Sex Work and the Sex Trade”, 2010.
<http://thirdwavefund.org/blog/part-of-the-solution-youth-engaged-in-sex-work-the-sex-trade>

4 Nordic Model Lobbying

The Nordic or Swedish Model is a legal framework which seeks primarily to criminalise the purchase of sexual services. In effect, however, it creates significant harm for sex workers. At its core, this Model reflects a fundamentalist feminist belief that sex work should be eradicated entirely. This philosophy results in negative repercussions for sex workers who continue to work in contexts with laws and policies influenced by this belief³².

The popularity of the Nordic/Swedish Model poses a significant challenge for sex workers' rights organisations lobbying for human rights recognitions around the world. Sex worker-led organisations report that elected officials are often under the impression that the criminalisation of clients has a positive impact on and protects sex workers.

Sex worker protest, Norway



For groups seeking to criminalise sex work using this approach, vital tactics include the demonisation of people that purchase sexual services and the misrepresentation of the results of these laws.

Research from Sweden and Norway, countries that implemented the Nordic Model in 1999³³ and 2009 respectively, show no solid empirical evidence to suggest that the criminalisation of clients increases safety for sex workers.³⁴ Research performed by the Swedish Government in 2010, “Evaluation of the Prohibition of the Purchase of Sexual Services”, documented a reduction in visible sex work (street-involved or publicly labelled parlours), as well as a marked increase in social stigma around prostitution.³⁵ The Swedish government celebrated these results as a success, indicating that their goal was not to improve the safety of sex workers, but to work towards the abolition of sex work.

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- 32 O’Connell Davidson, J (2003) ‘Sleeping with the enemy? Some problems with feminist abolitionist calls to penalise those who buy commercial sex’, in *Social Policy and Society* 2(1), 55–63, and
- 33 The Act on prohibiting the purchase of sexual services (SFS 1998:408) <http://www.government.se/articles/2011/03/legislation-on-the-purchase-of-sexual-services/>.
- 34 Jordan, Anne, “The Swedish Law to Criminalize Clients: A Failed Experiment In Social Engineering” *Rights Work*, Issue 5, 2012. <http://rightswork.org/wp-content/uploads/2012/04/Issue-Paper-4.pdf>.
- 35 The Act on prohibiting the purchase of sexual services (SFS 1998:408) <http://www.government.se/articles/2011/03/legislation-on-the-purchase-of-sexual-services/>.

Resources for Responding to Nordic Model Lobbying

- NSWP, “Advocacy Toolkit: The Real Impact of the Swedish Model on Sex Workers”, <http://www.nswp.org/resource/the-real-impact-the-swedish-model-sex-workers-advocacy-toolkit>
- Pivot Legal, “New Research Shows Criminalization of Clients Endangers Vancouver Sex Workers and Violates Their Human Rights”, June 3, 2014. http://www.pivotlegal.org/new_research_shows_criminalization_of_clients_endangers_vancouver_sex_workers_and_violates_their_human_rights
- “The Swedish Model: A Briefing”, SCOT-PEP. http://www.scot-pep.org.uk/sites/default/files/reports/the_swedish_model_full.pdf

SEX WORKERS FIGHT BACK: RESISTANCE IN PRACTICE

THAILAND



“Sex workers in Thailand are sweet, smart, strong and sexy, so our advocacy is sweet smart, strong and sexy. We don’t do a lot of name-calling and shouting into other people’s faces, because it doesn’t work. We like to pinch. It’s a little bit like a Thai chili – it burns you later”.

5 Criminalisation of Third Parties

Negative stereotypes shape common understandings of third parties involved in sex work, which hinders progress for sex workers’ rights. Groups seeking to undermine sex workers’ rights rely on unfounded ideas about the role of third parties. NSWP uses the term ‘third parties’ to recognise the many diverse working relationships sex workers have. ‘Third parties’ includes managers, brothel keepers, receptionists, maids, drivers, landlords, hotels who rent rooms to sex workers, and anyone else who is seen as facilitating sex work.

Laws which criminalise organising, managing and facilitating sex work cause harm to sex workers, including in the following ways:

- Contravening the International Labour Organization’s (ILO) Recommendation 200, by failing to ensure sex workers’ vulnerability to HIV is reduced;
- Forcing sex workers into more dangerous and harmful working conditions;
- Use of these laws by authorities to prosecute and harass sex workers directly;
- Use of these laws to prosecute the friends and family members of sex workers;
- and, use of these laws by authorities to harass sex workers and limit their access to housing and services.

The decriminalisation of third parties protects sex workers' rights, enabling them to challenge abusive and exploitative working conditions and exert greater control over their working environment.

Resources for Responding to the Criminalisation of Third Parties

- Amnesty International's research into the decriminalisation of sex work documents the risks of criminalising third parties for sex workers globally. For example, following the criminalisation of third parties in Norway, Amnesty International "found evidence that sex workers were routinely evicted from their homes under so-called 'pimping laws.'" <https://www.amnesty.org/en/documents/pol30/4062/2016/en/>
- NSW, "The Decriminalisation of Third Parties", 2016. [\[Link to be added\]](#)
- Ugly Mugs, "Brothel Keepers Media Analysis 2008–2013". <https://uglymugs.ie/2016/10/07/brothel-keepers-media-analysis/>

SEX WORKERS FIGHT BACK: **RESISTANCE IN PRACTICE**

CANADA



"We facilitated workshops with feminist anti-violence groups on how to better support sex workers in our community. The women were stunned when we told them we were feminists, but I think that aspect made them realize how 'anti-feminist' their anti-sex work perspective really was"

6 Common Tactics: ‘Not Representative’, ‘False Consciousness’

“Sex workers are not considered as trustworthy because [abolitionists say] we are manipulated by pimps, we have vested interests, we are obliged to pretend we love our job to continue earning our clients’ money, [or] we have a Stockholm Syndrome defending our oppressors”

SEX WORKER IN FRANCE

Sex workers who speak out in support of their right to safety and security are frequently accused of being ‘not representative’ of an authentic or typical experience within sex work, i.e. that they do not define their experiences as overwhelmingly negative, exploitative, or violent.

SEX WORKERS FIGHT BACK: RESISTANCE IN PRACTICE

CANADA



A game called “Why Do We Have Sex?” encouraged participants to examine some of their own underlying judgements about sex work. Options included “for jewellery”, “to avoid doing the dishes”, “so my spouse is in a good mood”, or “to become pregnant”

For groups who seek the abolition of sex work, their perspective is incompatible with the vast bulk of evidence that asserts sex work is a valid form of labour and that sex workers assert agency in their decision to involve themselves in selling sex. One critic noted that, “women are described as lacking any agency, except when they resist being prostituted or when they decide to leave prostitution.”³⁶ This effectively side-lines active sex workers or those who do not wish to characterise sex work as abusive.

“They are rude, disrespectful and they misrepresent the truth. They disempower sex workers and use some sex workers’ stories to damage all sex workers”

SEX WORKER IN AUSTRALIA

Women of colour, Indigenous women, migrant women, and other marginalised sex workers are represented as being particularly unable to consent to sex work under this perspective, in comparison to white and middle class women who are portrayed as having agency in their decisions about their role in sex work.³⁷ This perspective has been criticised for reproducing colonial discourses that assert that women of the global South are less capable of exerting agency in their lives.³⁸

36 Weitzer, Ronald. 2005. “Flawed Theory and Method in Studies of Prostitution”. *Violence Against Women*. 11 (7): 934–949.

37 Mohanty, Chandra Talpade. 1988. “Under western eyes: feminist scholarship and colonial discourse,” *Feminist Review*. 61–88.

38 Kempadoo, Kamala. 2011. *Trafficking and prostitution reconsidered: new perspectives on migration, sex work, and human rights*. Boulder [u.a.]: Paradigm.

Resources for Responding to ‘False Consciousness’ and ‘Not Representative’ Claims

Amplifying the voices of the most marginalised sex workers is vital in the fight for human rights for all sex workers. It is especially important in the current context of anti-sex work groups seeking to speak for the most marginalised sex workers.

- “Don’t Talk to Us About Sewing Machines: Talk to Us About Workers Rights”, 2012.
<http://www.nswp.org/news/don-t-talk-us-about-sewing-machines-talk-us-about-worker-s-rights>
- NSWP Briefing Paper, “The Voices and Demands of Positive Sex Workers”.
<http://www.nswp.org/resource/briefing-paper-the-voices-and-demands-positive-sex-workers>
- The African Sex Workers Alliance (ASWA), “Raising Red Umbrellas in Africa”.
<https://www.youtube.com/watch?v=OHM90qI6pWs>
- “Supporting Aboriginal Sex Workers’ Struggles”, Jessica Yee, 2009.
- “Migrant Sex Worker Justice and the Troubles with Anti-Trafficking”, Migrant Sex Workers Project, 2015.
<http://www.migrantsexworkers.com/public-education.html>
- Incite, “Policing Sex Work”.
<http://www.incite-national.org/page/policing-sex-work>

SEX WORKERS FIGHT BACK: RESISTANCE IN PRACTICE

NORTHERN EUROPE



“We all want women to be safe, happy, and healthy – we know we have that in common with these groups, even if it doesn’t seem like we can meet eye to eye”

Creating Safe Space for Sex Workers to Speak Out

Given that sex workers have been ‘outed’ with their legal names and attacked by anti-sex work organisations after speaking publicly, protecting those who wish to speak about their own experiences is a particular challenge. Some web-savvy advocates have made resources for how to stay safe on- and offline.

- SWOP USA – “Resource Guide for Sex Worker Safety and Self Care”.
<http://www.new.swopusa.org/resources-usa/safety-self-care-resources/>
- “Protecting your Anonymity and Privacy: A How-To for Sex Workers”, 2014.
<https://www.eff.org/deeplinks/2014/07/protecting-your-anonymity-how-sex-workers>
- No One is Illegal (Toronto) – “Know your Rights”.
<http://toronto.nooneisillegal.org/knowyourrights>

7 Former Sex Workers in Anti-Sex Work Organising

“She [a former sex worker] was so obviously let down by the State. I don’t understand why she believes her experience could have been prevented by even worse criminalisation of the sex industry”.

SEX WORKER IN NORTHERN EUROPE

Anti-sex work organisations promote the voices of self-identified ‘survivors’ who speak in favour of abolitionist agendas. These representatives recount their experiences and use their personal stories as evidence that criminalisation is best for all sex workers.

The stories related by these individuals, without exception, fail to take into account the social, legal, and political contexts in which they occur. That is, environments with high levels of criminalisation, which have been documented to result in higher rates of violence and stigma for sex workers. Using negative experiences of sex work to justify harmful laws and policies, such as the ‘Nordic model’ and immigration restrictions in the name of anti-trafficking, can in fact increase likelihood of those negative experiences being repeated.

Sex workers’ rights groups acknowledge the impact of criminalisation, whorephobia, stigma, discrimination, and violence in the lives of all sex workers, including those who identify as ‘survivors’. Due to the ingrained systemic inequalities that marginalise everyone involved in sex work, many who move on from sex work face high levels of stigma in public and private life, including rejection by communities, employers, and families when their sex work history is discovered.³⁹

“Some sex work advocates have spoken to these ‘survivors’ and tried to understand their views on the legal framework that their stories are being used to push for, but unfortunately we have found that they often don’t understand any of the legal frameworks including the one they were working within.”

SEX WORKER IN AUSTRALIA

SEX WORKERS FIGHT BACK: **RESISTANCE IN PRACTICE**

UNITED STATES



“Engaging anti-trafficking organizations that share the ‘sex work is work’ perspective has been a helpful strategy for us. This helps to change the narrative within the anti-trafficking community and can help us to develop more nuanced responses to trafficking that can respect and protect the rights of sex workers”

39 Bowen R, and V Bungay. 2016. “Taint: an examination of the lived experiences of stigma and its lingering effects for eight sex industry experts”. *Culture, Health & Sexuality*. 18 (2): 186–99.





nswp

Global Network of Sex Work Projects
Promoting Health and Human Rights

SOLIDARITY IN ACTION

Even before the HIV epidemic, sex workers were organising themselves. NSWP, as a global network of sex worker-led organisations, has strong regional and national networks across five regions: Africa; Asia-Pacific; Europe (including Eastern Europe and Central Asia); Latin America; and North America and the Caribbean.

NSWP has a global Secretariat in Scotland, UK, with staff to carry out a programme of advocacy, capacity building and communications. Its members are local, national or regional sex worker-led organisations and networks committed to amplifying the voices of sex workers.



nswp

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Promoting Health and Human Rights

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