

ain't i a

WOMAN?

A Global Dialogue between the Sex Workers' Rights movement
and the Stop Violence Against Women movement

Bangkok, Thailand, 12-14 March 2009



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and advances women's
human rights and the
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CASAM SANGRAM's
Centre for Advocacy
on Stigma and
Marginalisation, India

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STOP VIOLENCE
AGAINST WOMEN

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This working paper has been written by Bishakha Datta who was the rapporteur of this dialogue, in consultation with dialogue participants. Bishakha Datta is a non-fiction writer and filmmaker with an abiding interest in representing invisible points of view and people – specially people who are marginalized because of their genders or sexualities, or points of views that are unheard, 'illegitimate' or silenced. Her most recent published work is '*9 Degrees of Justice*', a collection of essays on struggles against violence on women in India. Her most recent films include documentaries such as *In The Flesh: Three Lives In Prostitution*, and *Taza Khabar: Hot Off The Press*, and shorts such as *Zinda Laash: Bollywood's Norms for Dhandewalis* and *Out Of The Closet*. Bishakha is the Executive Director of Point of View, a non-profit in Mumbai that promotes the points of view of women through media, art and culture. She is on the boards of non-profits such as Breakthrough, CREA, Dreamcatchers, Majlis, and the Wikimedia Foundation.

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Introduction

Introduction

Prostitution has traditionally been seen as a form of violence against women. Over the last two decades, however, the global sex workers' rights movement has consistently argued that while there is violence *within* prostitution, the exchange of sexual services for money is not in and of itself violence. Consensual adult prostitution does not constitute violence per se.

In their work and lives, sex workers do experience disproportionate levels of violence, including police abuse, sexual assault, rape, harassment, extortion, abuse from clients, intimate partners, local residents, and public authorities. But because of the overall positioning of 'prostitution as violence', the everyday violences that sex workers face are largely overlooked or ignored. Very rarely are they recognized or addressed within the framework of 'violence against women'.

In this context, *Ain't I A Woman?* brought together activists from two movements – the sex workers' rights movement and the stop violence against women movement – in a global dialogue that was the first of its kind. Held in Bangkok, Thailand from 12-14 March 2009, *Ain't I A Woman?* included activists working on sex work, sexuality, women's human rights and violence against women who recognize the rights of people in sex work.

Through a process that was collaborative rather than confrontational, the dialogue explored the following issues:

- When and where does violence occur within adult sex work?
Who are the perpetrators? How can such violence be prevented?
- How can global campaigns and interventions against violence on women expand their frameworks to include not just trafficked women, but also violence against women in sex work?

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- What strategies and alliances can be built across movements to ensure that sex workers are seen to be as deserving of human rights as other constituencies?
- How can we ensure that the rights of sex workers - including the right to freedom from violence – are better protected globally?

Two substantive introductions laid the ground for *Ain't I A Woman?*, locating the dialogue amid a series of global dialogues around gender, sexuality and rights and against the historical backdrop of tensions and discomforts between feminists and sex workers.

The magic of dialogues

GEETANJALI MISRA | CREA, INDIA/UNITED STATES

Dialogues have always been considered a powerful mechanism to exchange views, perspectives and opinions - and work through differences. But dialogues, even within social movements, are often convened by organizations that are based or resourced in the North, with limited or marginal participation from groups working in the global South.

In challenging this trend, CREA has convened a series of four global dialogues around social justice issues from 2004. Centred around organizations in the global South, these dialogues bring together advocates working on women's human rights from an intersectional perspective. They include participants from the North out of the recognition that 'a global South also exists in Northern countries.' *Ain't I A Woman* is the final dialogue in this global series, which includes:

- *Building Alliances Globally To End Violence Against Women*¹
Held at Bellagio, Italy in 2004, this dialogue brought together activists working directly and indirectly on the issue to explore global perspectives and common themes on violence against women. Working through chasms, differences and boundaries was an important part of the dialogue.
- *Strengthening Spaces: Women's Human Rights in Social Movements*²
Held at Bangkok, Thailand in 2005, this dialogue explored how different social movements are addressing women's human rights issues and vice versa. It brought together activists from diverse movements, including trade unions, seamstresses' associations, *maquiladoras*, transgender, dalit, right to information, sex workers rights, youth, and women's movements.
- *Listening To Each Other: A Multigenerational Feminist Dialogue*³

1 This dialogue is documented in *Building Alliances Globally To End Violence Against Women* (CREA, 2004)

2 This dialogue was organized in collaboration with the Association for Women's Rights in Development (AWID) and is documented in *Strengthening Spaces: Women's Human Rights in Social Movements* (CREA, 2005)

3 This dialogue was organised in collaboration with the Centre for Women's Global Leadership (CWGL) and the Youth Coalition for Sexual Reproductive Rights (YC) and is documented in *Listening To Each Other: A Multigenerational Feminist Dialogue*. (CREA, 2007)

Held at New Jersey, USA in 2007, this dialogue invited activists across three generations to explore their own understandings of feminism. It explored the challenges of broadening and renewing feminist movements by identifying the obstacles to and opportunities for multigenerational alliance and collaboration.

Relationship building is one of the strongest elements of these dialogues, which link not just activists from diverse movements but also the issues they work on. When reproductive rights advocates who didn't frame their work as 'violence against women' were invited to dialogue on this issue, they couldn't understand why they were being invited. "Why are you calling us to this meeting?" they asked. "It's a violence against women meeting." The outcome: a reframing of the discourses of violence against women and reproductive rights, with intersections made explicit.

Identifying discomforts and talking through sticking points is another strength. At the dialogue on social movements, indigenous groups pointed out that many movements never take indigenous people's issues and rights into account. "Why should we then address issues of sexuality?" they asked. At the multigenerational dialogue, activists seriously took on board feminist issues that were important to other generations without being tokenist. The outcome: a deeper understanding of the interconnections between different social movements and different strands of feminism.

Many of these newly built relationships have led to joint initiatives and deeper alliances around sexuality, gender and rights. "What's best about these dialogues is really the learning, the knowledge, and the unintended benefits that come from bringing people together," said Geetanjali Misra, executive director, CREA. "The alliance building that happens face to face discussing issues that we all care about in the context of social justice and women's rights – that is really magical. You can't do it over the internet. And you can't do it over a phone call. There are innumerable examples from these dialogues of things that would not have happened had people not met in a safe space, discussing these issues."

Can this dialogue happen?

MEENA SESHU | SANGRAM/CASAM, INDIA

Locating the need for *Ain't I A Woman* in the existing chasm between feminists and sex workers, Meena Seshu traced her own journey as a feminist and sex worker rights activist. This journey began in the violence against women (VAW) movement, when she worked with deserted women and dowry death cases in rural Maharashtra in the late 1980s and early 1990s.

“The sex workers were always ‘the other’ in every village that we worked in,” said Seshu. “The understanding then was that married men abused their wives largely because of their interest in these ‘loose’ women. They were the ones we blamed constantly for every woe and every problem that we had with men.”

With the onset of the HIV epidemic in India, Seshu began working to prevent the spread of HIV among sex workers, or prostitutes as they were then called. Here too, the dichotomy between ‘good’ and ‘bad’ women surfaced, with government HIV prevention policies among sex workers geared towards protecting clients. “Men had to be saved to save their wives or good women in their houses from HIV.”

This was Seshu’s first interaction with a community of sex workers, but reality didn’t corroborate theory. “I was trained to look for oppression,” she said. “I was programmed to believe that this was an oppressed class that I had to go and save. But when we started working with sex workers, everything turned upside down. This so-called oppression was something I couldn’t see very clearly with my eyes...I kept thinking there’s something wrong with me or my eyes.”

As a feminist, Seshu noted that male power dynamics worked differently in the sex work community. “I came from a traditional rural women’s movement where many things were decided by men in the family,” she explained. “For example, to go to a meeting, women had to ask the men in the family, whereas any meeting with sex workers was easy. We didn’t have to cart or herd them there. We didn’t have to take care of them.” Sex workers also came across as women who knew how to deal with issues affecting them. “Here were women who were actually telling us what the issues were and where they wanted us to intervene,” said Seshu.

Violence was one of the areas where sex workers were already intervening. “There’s a lot of violence in the community,” said

Seshu. “Men are beating up women, women are beating up men, there’s lots of alcohol, people are fighting all the time, the police is coming and raiding, they’re constantly negotiating with the police at various levels...from simple bribes for nothing to being picked up and being taken to the police station because the cops have to meet their targets. They would come and pull women by their hair. Everyone would be watching this and doing nothing.”

Criminal gangs were one of the main sources of violence. “The power, the control they seem to have, it’s unbelievable,” said Seshu. “One woman told me, ‘It’s very easy to deal with these criminal gangs. Just pretend you’re drunk and say everything you want to say to him. The next morning pretend you can’t remember anything and apologize.’”

In dealing with violence, sex workers were loath to turn to the State, but would resist violence in their own ways. “So there I was from the VAW community, for whom the reference in everything is the State,” said Seshu. “And here was this community that was saying, ‘Don’t let’s go anywhere near the State. The State is not going to give us any currency.’ This world of sex workers taught us to negotiate violence.”

The first time that SANGRAM, an organization that Seshu founded, escorted a group of sex workers to the police station, they were made to stand outside. “Even stigma and discrimination are simple words sometimes for me,” said Seshu. “They cannot describe the feeling that the police officer will not allow you to come into the police station to write your complaint. Women police officers would turn around and say, ‘They’re not women. They’re petty criminals, but they’re not women.’”

Taking its cue from the sex work community, SANGRAM started articulating this attitude of the police as the violence of stigma, or the violence of a judgemental attitude. “It was then that we started looking at issues of stigma and discrimination as violence,” said Seshu. “Till then we had only been looking at them as stigma, discrimination, marginalization – but we had never articulated these as violence till then.”

When a policeman threatened to rape a sex worker in the middle of the road and “tear open her vagina,” SANGRAM started articulating the links between violence and language. “This was routine language for him, but the violence of language then became an important issue,” said Seshu. Every legal attempt was made to book the police officer, but to no avail. “We came across a wall. If

you were a sex worker, the system was not willing to accept that you had a grievance and that grievance was valid.”

This struggle for justice also made SANGRAM realize that alliances with other movements are needed to secure sex workers’ rights. “We realized we cannot fight this fight alone,” said Seshu. “We will have to reach out to other movements that will help us articulate, stand up, and actually document in such a way that we can actually get justice where violence against sex workers is concerned.”

But building alliances with human rights and women’s rights movements that saw prostitution itself as violence was not easy. “We were told we should not be talking about the rights of sex workers. We should be talking about doing away with sex work. How do we talk about the rights of this community when we come up against communities of activists who do not believe they even have rights?”

Over the last few years, the ice has partially cracked, with some feminists willing to re-examine their understandings of prostitution. From 2004 to 2006, SANGRAM convened a series of feminist dialogues in five cities in India in collaboration with established women’s groups in each city.⁴ The dialogues influenced thinking on the issue and contributed to women’s groups in India coming out in support of bar dancers’ rights to their livelihoods when a state government banned bar dancers. “It was then that we realized that this dialogue can happen,” said Seshu.

4 These include Point of View in Mumbai, MASUM in Pune, Saheli in Delhi, Vimochana in Bangalore and Sanhita in Kolkata. These dialogues are documented in *Are We Not Women?* (SANGRAM/Point of View, 2008)

LETTERS
TO
THE
YOUTH
OF
AMERICA
ON
THE
SUBJECT
OF
VIOLENCE

Violence against sex workers: The view from the ground

CHERYL OVERS | NETWORK OF SEX WORK PROJECTS, AUSTRALIA

In this presentation, Cheryl Overs described how she went from being a sex worker to a sex worker rights activist, and how sex workers experience and resist violence on the ground. “I was a sex worker and I thought I was a feminist,” said Overs. “I was young, I went to university, I studied women’s studies. But when I tried to take my place among various feminist movements in Melbourne, I quickly found I wasn’t welcome. I was accused of colluding with the patriarchy.” Overs, who also managed massage parlors, was also accused of exploiting women and colluding with male oppression of women.

Overs became an activist partly because of the violence that sex workers experience – and partly because of her experience with feminists. “I didn’t think the police should be able to come into our brothel and bust us for prostitution,” she said. “But actually, I was incredibly angry with feminists for what I saw as a bankrupt analysis of sex work. So that motivated me.” While analysing where the violence comes from in sex work, Overs highlighted responses to preventing violence. “But what I’m not going to do is describe the violence very much,” she said. “I find the pornography of descriptions of violence disturbing.”

Where does the violence come from?

Sources of violence are often quite different for sex workers than they are for other people. Not only do criminals operate in many red-light areas, but State violence is also a source of violence for sex workers in many countries. In China, public shaming programmes have been used on arrested sex workers; in Cambodia, sex workers have been forcibly rescued; and in other countries, sex workers

have been held in 'voluntary detention' after being rescued.

In 2008, Cambodia outlawed prostitution as part of a new law addressing human trafficking,⁵ leading to arbitrary detention and human rights abuses. Many police are now arbitrarily detaining anyone carrying a condom on the alleged grounds that they sell sex. Arrested sex workers are sent to 'rehabilitation' centres that are basically prisons, where women are held in communal cells with no bathrooms or running water, and where they hardly receive food or water. Some are beaten and raped in detention, while others are denied treatment if they are HIV-positive.⁶

"The level of demand this violence generated for services has been overwhelming," said Overs. "Everyday sex workers' groups in Cambodia had people coming in who had lost their house, their livelihood, who had medical problems, people with HIV who had no access to their ARVs, who had lost their children." The same small clutch of activists struggled to support sex workers and simultaneously document the violations they had experienced for advocacy purposes.

Sex workers also face violence from abolitionist anti-trafficking organizations and ideologies, specially when they are forcibly rescued. One such policy is that of demand reduction, or reducing the demand for sex workers by penalizing or criminalizing clients. "These are some of the feminist-driven basket of abuses," said Overs, "and these are really the ones feminists need to think through."

One such abuse is arresting non-traffickers for trafficking. When a member of an anti-trafficking group visited a prison in Phnom Penh to view traffickers in 2008, she was shocked. "She thought they'd brought the wrong people," said Overs. "Because what they brought into the room were 25 people, of whom 23 were women over 50 years. These were decrepit old poverty-stricken women. And she'd come all this way expecting to see violent men. She expected the trafficker of popular imagination, the abusing grabbing enslaving man. What she found were these old women, ex-sex workers eking out a living." Former sex workers often earn a living in red-light districts looking after sex workers' children, getting food and drink, washing clothes etc. This does not make them traffickers. "It is important to stop trafficking," said Overs, "but real trafficking. Not imaginary trafficking."

5 http://www.sexworkeurope.org/site/index.php?option=com_content&task=view&id=218&Itemid=1

6 <http://www.groundreport.com/World/Cambodia-Sex-workers-100-Condom-Use-and-Human-Righ>

Some HIV-related policies and programmes are also creating violence. Policies of ‘mandatory testing’ are being implemented in countries like Mongolia – where sex workers are forcibly taken to the police station for ‘voluntary’ counselling and testing. “That’s a very real form of violence,” said Overs. “The World Health Organization says this is not violence. It is not mandatory testing. It’s provider-initiated testing. I’m not sure if the provider is the cop or the doctor.”

In Cambodia, which has the highest rate of HIV/AIDS infection in SouthEast Asia, police enforce a 100% condom use policy among sex workers.⁷ A report by Carol Jenkins shows that policemen are raping sex workers in Cambodia – with condoms on.⁸ “My reaction to that is ‘thanks a lot, HIV industry, thanks a lot. Safe rape. That’s just great, isn’t it?’ ”said Overs. “You’ve done behaviour change and you’ve convinced men to rape sex workers with condoms. Brilliant. Safety is more than condoms – but all these agencies are going around saying that condoms equal safety. We really need to rethink what safety is and the feminist movement can really help us there.”

Safety - and safe spaces - need to be understood from a sex worker’s perspective. Outsiders often tend to think of slums as dirty and unsafe and five-star hotels as safe. “But from a sex worker’s perspective, a slumful of people you know and where you can scream for help is a lot safer than a five-star hotel,” said Overs. “In the hotel, if something goes wrong with a guy who feels he’s got a right to do whatever he wants to you, the staff is going to back him, not you. Because he’s carrying a hundred dollar bill. That makes a five-star hotel a lot less safe than a dirty slum. But outsiders don’t see that. They don’t see safety from a sex worker’s perspective.”

Preventing violence among sex workers

Violence prevention takes place at two levels in sex work communities: individual and collective. Preventing violence at the personal level requires, first and foremost, that sex workers believe they do not deserve violence – and that they can prevent it. In a research study in Rio, not one of 700 sex workers said they had experienced violence, since their definition of violence was ‘being

7 <http://us.oneworld.net/issues/justice-and-crime/-/article/357121-condoms-cambodia-a-double-edged-sword>

8 Carol Jenkins, Cambodian Prostitutes’ Union, Women’s Network for Unity, and Candice Sainsbury: Violence and Exposure to HIV among Sex Workers in Phnom Penh, Cambodia (USAID, 2006) online at www.aidslex.org/site_documents/SX-0020E.pdf

shot, stabbed and hospitalized.' "If you were shot and stabbed but not hospitalized you fell below the definition of violence," said Overs. "So the first intervention is to convince people they don't deserve to be victims of violence."

Other key preventive steps at the individual level include knowing strategies for avoiding violence, having the skills to put those strategies into action, and knowing people that can help stop the violence. Actions that help individual sex workers avoid violence include:

- Individual awareness of legal and human rights
- Information and counselling that increases self worth
- Information about potential sources of violence and how to avoid them
- Learning and practising practical self defence methods and tips
- Access to safe spaces to work and tools for safety

At the collective level, the following principles help prevent violence among sex workers:

- Group rejection of 'violence as a norm' – the idea that the group will not tolerate violence
- Group strategies for preventing violence that the group knows about and believes in – these include having whistles to blow for help and circulating 'ugly mug' lists
- Mutual support and solidarity
- Sharing of information and strategies.

Collective actions that help prevent violence include:

- Producing campaign materials around violence against sex workers
- Establishing drop-in centres that help address violence
- Having trained outreach workers that know how to deal with violence
- Having mechanisms for documenting and recording violence.

The Ugly Mugs list is an innovative information-sharing strategy that sex worker-led projects have devised to prevent violence. Sex workers routinely draw up descriptions of violent clients that are posted at prominent places so that other sex workers can avoid such clients. The Ugly Mugs list has been used in two ways: at individual and collective prevention levels, and also as a means for documenting crimes against sex workers in an area; this list is then taken to the police.

When a sex worker does face violence, the emphasis is to move her from ‘victim’ to ‘survivor’. Harm and trauma-reduction strategies are used for this, including:

- Sexual assault counselling that is appropriate for sex workers
- First aid
- Emotional support
- Practical support (eg shelter, accompany to hospital, childcare)
- Support to document, report or take legal action.

Sex worker collectives are also working to ensure appropriate structural responses to violence against sex workers. Violence against sex workers occurs not just because economic, social and legal disadvantages make sex workers vulnerable to violence – but because this violence is allowed to occur. A structural response is needed; governments and police can and must play a key role in preventing violence against sex workers.

Sex worker groups have used the following actions to stimulate structural responses:

- Documentation
- Advocacy
- Protest
- Police liaisons
- Partnerships with civil society actors such as women’s groups

Effective governance is one structural response that can prevent violence against sex workers. In Brazil, when governance improved significantly over a fifteen-year period, violence went down dramatically – both in the general population and against sex workers – since the rule of law was more firmly observed. Protests and advocacy actions by sex worker groups around the world are gradually pushing governments to ensure that citizenship rights, including the right to violence-free lives, are also available to sex workers. “Some people are working on individual responses, some people are working on advocacy, some people at the community level,” said Overs. “My main question is: where do the various we’s sitting around this table actually fit into this effort?”

Discussion

In a discussion following Cheryl Overs' presentation, participants raised the following questions:

Is there a backlash against sex workers organizing?

The sex workers' movement has become most visible in the context of HIV; this visibility has led to a backlash, largely from anti-trafficking and women's rights groups. "The anti-trafficking groups were already there," said Meena Seshu. "But they did not have as much currency till there was a backlash to the visibility the sex workers' movement suddenly had. That's when the anti-trafficking groups also started becoming very strong."

How can sex worker rights groups work with anti-trafficking groups?

Anti-trafficking responses have always existed; some are effective, others are not. "There is good and bad anti-trafficking work," said Cheryl Overs. "But there is now the advent of a problematic new wave of anti-trafficking authoritarianism that doesn't respect the rights of sex workers."

Groups like the Global Alliance Against Trafficking in Women (GAATW) work within a framework that respects the rights of sex workers and are potential allies for the sex workers rights movement. "The strategic way forward is to identify the commonalities and marginalize the extremes and build strong alliances with groups that have good ideas and are interested in effective responses to trafficking," said Overs. "An effective response is a measurable response. An effective response is not rescuing 3-4 young girls who run away the next day."

What are some of the institutional violences that sex workers face?

Religious fundamentalism is one form of institutional violence that sex workers face. For instance, Maesy Angelina from HIVOS talked about 56 religion-inspired local regulations in Indonesia, many of which exhort communities to act against prostitution. This, in turn, increases community violence against sex workers.

Wanda Nowicka from the Federation for Women and Family Planning, Poland added that institutions which are meant to help people often use their power to abuse people's rights. Several laws and policies around reproductive rights, for instance, are imposed by institutions and limit human rights.

How and where are sex workers organizing around the world?

Sex workers have been organizing for decades, both formally and informally. The global Network of Sex Work Projects (NSWP) that was initiated in the early 1990s by Cheryl Overs and the Brazilian sex worker rights activist Paulo Longo brought together sex workers who were academics and those who were activists. "There are just a small number of sex workers who put their head above the parapet," said Ruth Morgan Thomas of SCOT-PEP, UK. "As a marginalized community, sex workers face immense stigma and violence and exclusion."

The sex workers' movement is evolving and growing in different regions. In Asia, the Asia Pacific Network of Sex Workers (APNSW) has sex worker members from more than 22 countries. In Latin America, a network of female sex workers has formed Retrasex, which is hosted in Argentina, has four regional focal points and organizes groups. Africa hosts two sex worker listservs: one French-speaking, one English-speaking. A recent conference in South Africa brought together sex workers from many countries to initiate a pan-African network. While there is a strong national network emerging in the United States, there are many sex workers' rights groups in Canada that have not yet started to network.

Three separate sex worker rights networks coexist in Europe and work together. These include:

1. The International Committee on the Rights of Sex Workers in Europe, which has brought 120 sex workers from 26 European countries together to develop a sex workers' manifesto and a declaration of the rights of sex workers in Europe.

2. SWAN, a network of harm reduction working in central and eastern Europe, funded by the Open Society Institute.
3. TAMPEP, a network of projects in 25 countries who work with migrant sex workers.

Not all sex work organizing is formal – through networks or NGOs. A research study showed high levels of informal organizing in South Africa, for instance. “It was dramatic to see plenty of sex workers organizing around working conditions, against violence, taking care of each other when they were dying and couldn’t get access to appropriate medical care,” said Anna Louise Crago, Canada, one of the researchers. “There was an amazing amount of informal organizing.”

The sex workers’ movement is often asked what percentage of sex workers is organized. “Like all social movements, this too is in a process of evolving, of becoming stronger, in circumstances that are increasingly challenging,” said Ruth Morgan Thomas. “Nobody knows how many sex workers there are, let alone how many sex workers are involved in social movements. I don’t think we should get involved in percentages and numbers and statistics because we don’t ask that of other communities who are organizing. So why do we have to constantly respond to this?”

What is the legal status of sex work in Asia?

Sex work does not have a consistent or uniform legal status in Asia. In many countries, while sex work is not a criminal offence per se, activities associated with sex work are illegal. These include soliciting, running a brothel, living off the earnings of prostitution, and pimping.

There is great variation in laws in the region. In Mongolia, for instance, sex work is illegal. In Bangladesh, on the other hand, sex work is highly tolerated, regardless of its legal status. “If you are above 18 years of age and go to the police station and sign a declaration saying you are a voluntary sex worker, then you are not subject to the law,” said Overs. In Pakistan, selling sex is illegal; women in red-light districts are officially allowed to entertain clients through song and dance, but not do sex work. In India, sex work is neither legal nor illegal – it has no legal status, but soliciting, running a brothel, living off the earnings of prostitution, and pimping are illegal.

“The question: ‘Is sex work legal or illegal?’ is really not a useful question,” explained Cheryl Overs. “I could say sex work is illegal

in Britain. I could describe it and I would be quite right. Another sex worker could describe the same thing as legal and she would also be right. The question is: Is the glass half full or is the glass half empty? The same situation can be described in two ways. Whether or not sex work is legal or illegal is not the issue. The question is: What complex mix of law, policy and enforcement practices are occurring in a country?”

Civil societies in different countries also engage with legal systems in different ways. “Maybe in Europe the engagement with the legal system and the State is much higher than in India where there is literally no, or very little, engagement,” said Seshu. “The laws as written in the books, don’t have much impact on people who practice sex work on the ground.”

In many countries, police more often turn to local regulations – including vagrancy and decency laws – to deter sex work, than national legislation. “These are invoked in words only,” said Overs. “There are no charge sheets, there are no trials, there is no access to courts, stuff that is fundamental nuts and bolts of the rule of law. Without these, law reform is just somebody in a building called Parliament with a piece of paper and a pen making something called law.”

Is there an effective model of decriminalizing sex work?

Decriminalization is a necessary step to securing sex workers’ rights. “What changing the law does is remove barriers, and that’s important,” said Overs. “Criminal law effectively creates barriers to access to justice. By removing the law you don’t fix the situation, but you create a better environment in which the situation can be fixed.”

New Zealand decriminalized adult prostitution via the Prostitution Reform Act of 2003. It largely removed voluntary adult prostitution from the criminal law and replaced it with civil law at both national and local levels. A distinction was made between voluntary and involuntary prostitution; it remains a crime to coerce ‘someone to provide sexual services’. Contracts between provider and client were recognized, and providers have the right to refuse services. Contested contracts can be referred to the Disputes Tribunal. Advertising is banned with the exception of print media, where it is restricted, while ‘offensive soliciting’ is punishable. New workplace safety and health rules, developed in consultation with the prostitutes’ collective, apply to sex work. Employment disputes can be referred to the Labor Inspectorate and Mediation Service.

Police activities changed from registration and prosecution to protection. The Police Manual of Best Practice was amended to include prostitution. Local government was empowered to develop by-laws for zoning and advertising, but not prohibit sex work.⁹

“It is a small country but has the rule of law,” said Overs. “But if the rule of law is not there it doesn’t matter what the law is. Countries where the worst abuses happen are countries where there is very little governance. You can have the best law in the world, like New Zealand, transplanted to Bangladesh, where sex workers on the street are still beaten up by the police.”

Do transgender and male sex workers also face violence?

Even though violence is largely thought to affect only female sex workers, transgender and male sex workers face lots of violence. A sex-worker driven survey around situations of arrest, detention and violence showed that trans sex workers reported higher levels of sexual and physical violence than non-trans sex workers. Male sex workers reported facing higher levels of physical violence and lower levels of sexual violence than other sex workers.

Male sex workers in Sangli, India also say they feel safer wearing male attire in public spaces – otherwise, they face anger for being both a sex worker and a trans person. “You have to deal with these two angers,” said Seshu. “So it’s better then to just wear a shirt and pant and be a man, because the police then direct less anger towards you and you have less violence to deal with – both from society and the State.”

The HIV industry’s reclassification of male and trans sex workers as ‘men who have sex with men’ (MSM) has removed both these genders from the category of sex workers, leaving only women in this category. “Removing male sex workers from the category removes people who are seen to have agency,” said Overs. “In the process sex work is constructed as being done by those who have no agency - women. This raises very interesting issues around the gendering of sex work.” At the same time, female sex workers are not really categorized as ‘women and girls’ who have HIV. “They’re just seen as sex workers,” said Susana Fried, UNDP, New York. “That’s also problematic.”

9 http://en.wikipedia.org/wiki/Prostitution_in_New_Zealand

NEW YORK
AND WOMEN'S
MOVEMENTS

2

Sex work and women's movements: Converging discourses and histories in context

SVATI SHAH | UNIVERSITY OF MASSACHUSETTS, AMHERST,
UNITED STATES

In her presentation, Svati Shah explored the history of women's movements in India and the United States, tracing the contemporary history of feminist discomforts around sex work back to the 'sex wars' in the 1980s, when feminists disagreed about both the relationship between pornography and violence, and what the appropriate legal response to pornography should be. Similar debates surfaced in many countries, and are part of global feminist discourses. While Shah also discussed the role that the HIV/AIDS pandemic played in fostering awareness of and infrastructure for sex workers' movements in the Global South, she focused on the historical contexts for intersections of discourses on feminism, violence against women, and prostitution.

"'Global' means something quite complex in today's context of economic globalization," said Shah. "Its meaning includes the ways that certain countries and international institutions can dominate policies that devolve to the national level. This includes policies and laws around sex work and human trafficking, where there is immense pressure on certain countries in the Global South to enact very specific laws. In an earlier era, governments were either making their own laws on prostitution and migration, or they were governed by colonial states. Their laws may or may not have had synergy with laws in other countries. However, that has been changing with respect to migration, trafficking and prostitution after the contemporary implementation of economic globalization and, specifically, of free trade agreements."

Contemporary women's movements that emerged from the 'second wave of feminism'¹⁰ began growing in the US and in India in the 1970s. In the US, they grew out of crucible moments of the sixties and seventies: anti-Vietnam war movements, the 'war on poverty,' civil rights struggles and McCarthyist defamations of the American Left. In India, the crucible was informed by struggles against the government declared 'Emergency' (1975-1977), and by ongoing engagements with Left politics; many feminists were also members of Left groups.

"A lot of women coming together in the Indian women's movement had also worked in social movements that had a discourse about equality and justice, but that did not necessarily have an analysis around gender," said Shah. "Another movement needed to emerge at the time." Both the Indian and US women's movements had antecedents in the early twentieth century, in the form of anti-colonial and suffragist women's movements, respectively, that also informed their revivals in the 1970s.

'Violence against women' was the central analytic construct for this burgeoning feminist discourse in the early 1980s. "Ending violence against women was the axis around which much of feminist organizing turned," said Shah. "This axis had a lot to do with disrupting the myth that private space is separate from public space, or that women who don't work for a salary don't work." Feminists insisted that the public/private divide structured the idea that private space was free of any legal intervention, an idea that had damaging consequences for women, who were also thought to primarily and properly exist in private. This ideological intervention resulted in legislative and more broadly political campaigns against domestic violence and against rape, including rape within marriage.

Feminist movements in the US remained relatively unitary at local and national levels until the debates around pornography began in earnest in the mid-eighties, debates which centred around the location of violence in pornography. "The discourse on pornography turned on women's bodies," said Shah. "There was no real discourse around men in pornography, or gay porn. It was about women working in heterosexual porn." Anti-pornography feminists in the US argued that pornography is inherently violent because it degrades women by objectifying them, and that pornography 'causes' men to perpetrate violent acts against women.

10 The first wave of feminism refers to struggles around female suffrage in the early 1900s.

They argued, therefore, that women working in the pornography industry need to be rescued from it, that pornography degrades all women, and that objectification and the consumption of pornography is violent.

“There were some spurious causal effects that were postulated,” said Shah. “That porn leads to actual violence, that there’s no distinction between fantasy and reality, that people do in the flesh what they see in the porn. So if you see a picture of a woman being strangled, you want to go out and strangle a woman.” This analysis led to demands for banning pornography in the US as a way to end violence against women, specifically through new laws that would give the State the right to monitor and censor ‘obscene’ material.¹¹

Other American feminists opposed the government censorship of printed materials that are deemed obscene, citing the right to freedom of speech, which is a basic right in the US constitution, and citing feminist criticisms of allowing the government to decide what is and is not obscene. They argued that pornography cannot be deemed inherently violent by virtue of its depictions of sex acts, and that the feminist backlash against pornography was part of a sex panic¹² in the US that targeted it. “The argument around pornography is fundamentally about the location of violence,” said Shah. “And a lot of what we’re talking about now with respect to sex work is also about the location of violence. We see very similar analytical frameworks being used to discuss pornography that are later used to discuss sex work – and that is why we are now dealing with this conflation of sex work and trafficking.”

A parallel conversation focused on the role of the State in the lives of women, including its role in ending violence against women. “Should the State protect women from themselves and their potential abusers?” asked Shah. “Or should it be less involved in this way?” Early feminist campaigns around domestic violence were about the State doing its job better, by implementing laws to protect women. The success of feminist campaigners’ demands for the State to actively enforce anti-violence laws had wide reaching consequences, including their impacts on anti-pornography

11 The legislative campaign against pornography was unsuccessful. Although laws were proposed, none were passed. Ordinances against pornography, written by Andrea Dworkin and Catherine MacKinnon, were passed in Minnesota Indianapolis, and Belingham, Washington.

12 ‘Sex panic’ refers to a phenomenon in which campaigners garner support for legislative and social change based on fears of sexual outsiders, and is derived from sociologist Stanley Cohen’s notion of a ‘moral panic,’ in which a specific group of people are targeted by the majority because they are perceived to be a threat to the existing social order.

feminists' demands for the State to ban porn.

"If we draw this thread further, the failures of the anti-pornography movement actually become the successes of the anti-trafficking movement," explained Shah. "That's because the individuals and institutions that were built during the anti-pornography moment become mobilized in the service of anti-trafficking, in which trafficking is conflated with prostitution, in which prostitution rhetorically equals violence against women, in much the same way that pornography rhetorically equalled violence against women. In the case of prostitution, anti-prostitution feminists have argued that the violence is located in the act of selling sex itself. The violence is not, according to this position, necessarily located in being raped by police officers, or arbitrary detention and, in many cases, deportation, or the stigma of sex work. It is literally the act of selling sex. Incorporated in these are normative ideas about sexuality, propriety, and what proper sexuality should be."

If the anti-trafficking agenda has built on the infrastructure of the anti-porn movement, it also re-asserted itself in the context of right-wing government agendas, particularly during the Bush years in the US. If anti-porn feminists and the right-wing Reagan administration allied in the 1980s, radical feminists who want to abolish prostitution allied themselves with the right-wing Bush administration in the next two decades. "The Reagan and Bush administrations did not have an analysis of patriarchy, to say the least," said Shah. "But they happily got into bed with radical feminists over this issue because it served their agenda."

Trafficking was initially articulated as an abolitionist concern in the late 19th century as 'white slavery', or the idea that white women were being sold into prostitution, or were selling sexual services, against their will. It was one of the planks for colonial humanitarianism, via which "white women wanted to save brown women from brown men," said Shah, drawing on a oft-referenced idea from Gayatri Spivak that is used in describing the politics of colonialism and humanitarianism in the Global South. "A hundred years later, we are again talking of trafficking," said Shah. "As was the case in anti-white slavery campaigns, contemporary anti-trafficking discourses have also intersected with concerns about illegal migration and so-called 'porous' borders."

More than two decades after the 'sex wars' erupted around pornography, there is still little consensus around prostitution. "For me, what it all boils down to is locating where the violence is," said Shah. "This means asking a number of questions. Is the

violence in this particular practice? Or is it located elsewhere, in the stigma and in arbitrary state-level practices that rely on the marginality of certain people? This is the point where we have to ask ourselves: which feminism are we referencing when we talk about making alliances with 'the' women's movement? And, ultimately, how are these alliances contextualized geopolitically? What are the geopolitical implications of the policies that these alliances promote?"

Discussion

A discussion following Svati Shah's presentation focused in more depth on three issues: language and terminology, the term 'sex worker' and how different strands of feminism view prostitution.

To begin with, many participants agreed that a historical understanding of discourses and movements is a critical aspect of strengthening one's activism. "It is important to look at histories, especially histories that may not be located in our fields of work, that happen in different places and impact each other," said Geeta Misra. "As activists and advocates, we need to learn that history because it makes our activism more informed, more analytical, more intersectional."

Language and terminology

The conflation of 'trafficking' and 'prostitution' takes place at the level of language itself. In this context, one participant suggested using the term 'anti-prostitution' rather than 'anti-trafficking' to describe anti-trafficking groups that are against prostitution. Like many other movements, the anti-trafficking movement is diverse; not all anti-trafficking groups are against prostitution. For instance, the Global Alliance Against Trafficking in Women (GAATW) supports the rights of sex workers while opposing human trafficking.

"It is definitely a shorthand measure calling it anti-trafficking, not anti-prostitution," said Svati Shah. She noted that the same issue crops up around abortion: women who support abortion are often asked if they are pro-abortion or pro-choice. "Similarly, we are asked: are you pro-prostitution or are you anti-something else? For a while I was calling people who didn't want to abolish prostitution the 'anti anti-prostitution lobby.'"

This conflation between trafficking and prostitution is also seen in numbers – for organizations that do not make a real distinction

between the two, it is assumed that all women in prostitution have been trafficked; thus the numbers of trafficked women are often used as a proxy to indicate the numbers of women in prostitution. These numbers then feed into demands for abolishing the industry. Similarly, many sex workers are or have been migrants in some point in their lives, but this fact gets subsumed under the discourse of trafficking. The feminization of migration is increasingly read as 'trafficking,' as trafficking becomes a proxy for talking about women migrating. There is, therefore, a need to separate trafficking and migration.

"It is difficult to have a conversation as sex work activists with anti-trafficking activists unless we change this language and create a new paradigm," said Meena Seshu. "We cannot use that same anti-trafficking language; there is really no space in it. The understandings that exist globally are too complex. Unless we have a new language we are not going to get there."

Deconstructing the 'sex worker'

Part of this confusion around terminology extends to the term 'sex worker'. While 'sex worker' is a widely-used term nowadays, this too has its pros and cons. One pro is that it destigmatizes prostitutes. "If they're not calling you anything, it's one thing. But if they're calling you prostitute, whore, criminal etc, then sex worker does fit the bill nicely," said Cheryl Overs. "The word sex worker being taken into the English language and other languages is one of the greatest achievements of the movement."

On the other hand, the term sex worker does not address the deeper structural issues that create stigma. It also means different things in different languages, countries and contexts. In India, for instance, sex workers largely accept the concept of sex work as work. But within the work paradigm itself, there are differences: some sex workers see themselves as labourers, others as businesswomen. Members of the Durbar Mahila Samanwaya Committee (DMSC) in Kolkata call themselves *jounokarmi*, a word that means sex worker in the local language. Members of VAMP in Maharashtra and Karnataka see sex work as *dhandu* or business and prefer to use the term 'people in sex work', rather than 'sex worker'. At the national level the construction of the sex worker is still being debated.

Different strands of feminism

In looking at the linkages between feminism, sex work and anti-

trafficking, there is a tendency to focus on the radical feminist position, which is both anti-pornography and anti-prostitution, and to use that as a proxy for the 'feminist position' around prostitution. "One of the effects of the growth in power of the anti-trafficking, anti-porn part of the feminist movement is that that sort of became what feminism was for a lot of people," said Shah. "We need to be specific in using the term feminism. The question is – which feminism?"

"A lot of young people think of feminists as very anti-sex, very institutional, people who work in offices and go to meetings," said Shah. "Feminism is not 'cool' for them. But we all do a lot of things that are feminist. Like, we have analysis of male power, we try to have egalitarian relationships, we want to have sex with whomever we choose, whenever we choose...there are a lot of things we would not be able to say unless we had engaged with feminism in some way. I actually think that a large part of engaging with the feminist discourse on prostitution is about putting complexity back into the term feminist."

Other participants asked if some feminists or women's groups are taking different approaches or positions around prostitution? Which women's groups are sex workers linking with? There are now some grassroots connections between sex workers' groups, autonomous women's groups, and other feminists in countries like India, alliances that are relatively new. In 2007, the National Conference of Autonomous Women's Groups held in Kolkata did include sex workers for the first time; at the same time, many participants expressed discomfort with a performance by bar dancers at the same venue.

Feminists in India faced a similar struggle putting violence against women on the agenda of political party-affiliated women's groups in the 1980s. Left groups just didn't see violence against women as significant in the overarching framework of class oppression. While locating violence within prostitution, it is critical to look at the continuum of violence through the life cycle, said some participants. It is also important, they said, to look not just at violence in the location where women are today, but violence against girls too.

"It's really about victim feminism as opposed to difference feminism," said Susana Fried of UNDP, summarizing how different feminists view sex work. "It's about understanding women as inherently victimized and needing protection as opposed to understanding women as making their own decisions."

En Nursing's Discomfort

3

Rephrasing discomfort: Women and human rights activists speak

This panel provided an opportunity for feminists and women's rights advocates to express their discomforts around sex work in a constructive spirit of engaging with the issue.

Panelists included:

WANDA NOWICKA | FEDERATION FOR WOMEN AND FAMILY PLANNING, POLAND

BENE MADANUGU | GIRLS POWER INITIATIVE, NIGERIA

GULNAR TABASSUM | SHIRKAT GAH, PAKISTAN

YASMIN MASIDI | IWRAW-AP, MALAYSIA

Each panelist was asked to answer two trigger questions as part of a brief presentation: Why did you think it was important to attend this meeting? What are your discomforts, confusions, or hesitations around sex work issues?

The panel and the following discussion were chaired by:

MAESY ANGELINA | HIVOS, INDONESIA

WANDA NOWICKA

Wanda Nowicka works with sexual and reproductive health and rights in Poland and at the international level through ASTRA – Central and Eastern European Women's Network for Sexual and Reproductive Health and Rights. Much of her work focuses on abortion, contraception and sexuality education.

“One of the discomforts I'm having is at a certain level, obvious,” said Nowicka. “People should be given rights to decide about their lives. They can make decisions which we don't approve of,

they can make choices that we ourselves may not make. They are agents of their lives – they should be allowed to do so. We should not question that right.”

However, in many central European countries, feminist discomfort around prostitution is so strong that feminist allies in other struggles often become opponents in this particular struggle. “This is extremely detrimental to women’s issues in general,” said Nowicka. “There are many differences within the women’s movement around many issues but I think this is the biggest division.”

The women’s movement in Poland has not shown much interest in discussing or engaging with the issue of prostitution. “Some of us wanted to organize a debate on this issue among feminists,” said Nowicka, “but there was no interest at all.” While the sex workers’ movement has yet to emerge in Poland, some HIV prevention organizations are working with street-based sex workers.

At the European level, there is a big division among women’s groups around prostitution. The institutionalized women’s umbrella within the European Union takes a strong abolitionist position, with which many central and east European women’s groups do not agree. Recent laws in Sweden and Finland that criminalize the buying of sex are feeding into these positions.

“Personally, I have a small problem with young girls in Poland, 13-14 years old, who are getting into sex work for cosmetics etc, not because they have nothing to eat,” said Nowicka. “And there are some limits which I probably myself have. On the one hand, I am for women’s decision-making. But would I like my daughter or potential daughter to do this? Of course I would not.”

BENE MADUNAGU

Bene Madunagu is on the board of Girls Power Initiative (GPI), an intensive program that empowers adolescent girls in Nigeria around sexuality, sexual and reproductive health, rights education, life management and leadership skills from a gender perspective.

“There is confusion within the women’s movement on this issue,” said Madunagu. The Nigeria Feminist Forum and the Africa Feminist Forum both support struggles for sex workers’ rights, pitching in when they can. “We learnt a lesson from this division in the women’s movement on the issue of women’s rights. We don’t want ‘feminist butts’, who claim to be feminists but with

limitations when it comes to the rights of women to express their sexual preferences and choices. We have to be clear what we mean by women's rights. No buts. No ifs."

For the first time in August 2008, female and male sex workers were invited to a meeting of the Gender Rights Initiative which tries to instil women's rights issues at the national level. "We wanted them to express their voices in the national HIV/AIDS policy," said Madunagu. "We got the national body to sit in this meeting and hear these people out. Our collective organized a national meeting involving among other marginalised groups, sex workers, women living with HIV/AIDS, youths. For the first time, sex workers expressed their voices in a forum of this kind."

Terminology is one of the barriers to working on this issue. For instance, sex work is often referred to as 'commercial sex work'. "Only when you begin to say that someone is a commercial teacher, a commercial doctor, can you use the term commercial sex workers," said Madunagu. Another barrier is people's understandings of human rights, including the right to choice. "Very few people understand that individuals have choices to make. So if you think that you have a right to be something, why don't you think that others have similar rights? And it is that person's right to make those choices."

Forced prostitution remains an area of concern. In a context of growing poverty, very young persons are being exploited. Girls Power Initiative provides economic skills training to ensure that young people have some skills to earn a living for themselves. "That will reduce the challenge of having to enter into prostitution if they don't want to," said Madunagu. "Girls of 10-18 years are really too young and don't understand their choices. The concept of choice is shaky. Individuals need accurate information to enable them to make informed choices."

GULNAR TABASSUM

Gulnar Tabassum works with Shirkat Gah, Pakistan's first feminist organization formed in 1973. Shirkat Gah works on women's legal status, and reproductive and sexual rights. "When you say you are a feminist in Pakistan, you are labeled an outcaste, anti-men, looked on as an outcaste," said Tabassum. "It is an abusive term for women there."

The women's movement in Pakistan started in the early 1980s during General Zia Ul Huq's regime. Although women did

raise issues of rights violations, they were seen as elite and representative of the 'haves'. "The concept of 'othering' is very prevalent in this movement," said Tabassum. "They are seen as Western, well-connected people. Others think: what do they know of the real issues facing Pakistani society? Human rights is also seen as a Western concept that is imposed."

While women's groups in Pakistan have worked on issues of violence against women, they have yet to take up issues of sex work or sexual identities. "There is a strong taboo against these issues and against working on these issues," said Tabassum. "Talking about reproductive rights is hard enough – talking about sexuality and sex work seems impossible."

The Women's Action Forum, a network of women's groups, has also been resistant to discussing issues related to sexuality, such as sex work and lesbian issues. The feeling is that the Forum should talk about general issues facing women; sexual identity and sex work are seen as 'lesbian' or special issues, rather than issues concerning all women. Younger women within the Forum are however trying to raise issues of sexuality, specially since sexuality repeatedly comes up as an underlying or root cause of violence against women, including domestic violence.

"At a personal level, I have contact with several sex workers," said Tabassum, who recently did a series of video interviews with sex workers. "I really see them as part of society. But they live as outcasts. They have separate towns to live, separate streets, there is no space to mix with common life."

YASMIN MASIDI

Yasmin Masidi works with International Women's Rights Action Watch, an international women's human rights organization that works on the progressive interpretation and realisation of the human rights of women through CEDAW and other international human rights treaties.

IWRAW's current work with CEDAW has a limited engagement with/understanding of sex work. "Sex work is work," said Masidi. "We need to talk of labour. We need to understand violence against sex workers as a form of discrimination." The Convention tries to take a safe middle ground between abolition and decriminalization, with Article 6 referring to the 'exploitation of prostitution'. Members of the CEDAW Committee have different positions on the issue – some are abolitionist, some are not.

Underlying these differing positions on sex work are differing understandings of sexuality. Some CEDAW committee members have strong reservations around sexuality rights; others see it as central to women's equality, as part and parcel of the structure of rights that women need and enjoy. "The big question is really of inclusiveness," said Masidi. "Traditionally speaking we have worked with mainstream women's rights groups. Marginal women – lesbian women, indigenous women and sex workers – are often excluded from the discourse. What is brought to the international level really needs to be inclusive in terms of women's human rights."

In Malaysia, the women's movement is relatively young and still to work on this issue. There is a wide spectrum of understanding sexuality within the national movement, ranging from moralistic conservative understandings of sexuality to seeing sex work as work or as choice. "To be honest, I think a lot of women in Malaysia are more comfortable with the idea of lesbian women than the idea of women in sex work," said Masidi. "But whether you approve of it or not, it can be someone else's choice. Nobody deserves to be deprived of their rights. Nobody deserves violence. This is part of what you have or should have as a human being."

The wider political discourse in Malaysia sometimes acts as a barrier to discussion around issues of sexuality. Women's rights activists are also activists in other sectors – struggling for workers rights, civil and political rights etc. "In terms of trying to widen democratic spaces in Malaysia, trying to widen political discourse, civil and political rights often get privileged in the human rights discourse in Malaysia," said Masidi. "Not social rights."

The rise of fundamentalism poses a different barrier. When women who are political activists make linkages with other social movements to widen the democratic space in Malaysia, these other actors may not always welcome the idea of women's human rights – or sex workers' rights. Sex workers' rights get pushed even lower on the agenda, one of the inevitable pawns in the give and take of alliance-building.

On the rare instances when sex work is considered or discussed, it is framed within the discourse of HIV – not of human rights. "It's still a struggle to try and marry together sex workers' rights and human rights, to frame sex workers rights in terms of human rights," said Masidi. "That's something we really need to do and we just have not done."

Discussion

In a candid discussion following the panel presentations, women's rights activists, sex workers, sex worker rights activists and human rights activists put forth their confusions, questions, hesitations and discomforts around 'sex work'.

Fears, judgments, stereotypes

The stereotypes that surround prostitution often create an uncomfortable barrier to activism around sex work. "I had a fear of being judged," said Geeta Misra. "One of my fears was: Would I be seen as a bad woman engaged with something that is dirty, underworld and criminal? My class orientation was a discomfort in this context."

A sex worker shared how her biggest discomfort was her own stereotypes around clients – before she started working. "I had an enormous fear about who my clients would be," said Ruth Morgan Thomas. "Many people have stereotypical images of sex workers – actually we also have stereotypical images about clients. They are often a group that is not brought into the discussion directly. My discomfort around who they could be was very quickly answered: they could be my neighbour, my father, my brother if I had one, my husband. In other words, men."

Would I want my daughter to do this?

One of the most common feminist responses to sex work is: Would I want my daughter to do this? Two sex worker rights activists responded to this question from their own experiences.

Ruth Morgan Thomas shared how her father accepted her decision to do sex work. "I told my father," she said. "We sat and had a discussion about it. He asked if I had looked at my alternatives and options. I said I had. He asked me: 'And do you honestly believe

this is your best option?’ I said, ‘Yes’. And he accepted me and he respected me and he has continued to support me not only through my eight years of being a sex worker – which included coming and picking me up from the brothel I worked in; taking me back when I stayed at his house with his family - right through when I was in my activist era. So I can answer the question from my father’s perspective: When I came out to my father, it didn’t change anything. I was still his daughter.”

Cheryl Overs located her response in the working conditions that sex workers often face. “I wouldn’t want my daughter to do any job where she is likely to be exposed to violence, where the pay is low, where there’s no career path, where there’s no super-annuation, no welfare, where there is very little respect, where there is very little opportunity for career advancement,” she said. “Before we pile it on to the sex, I would be pretty disappointed for all these reasons. Although it can be a pretty good student job if all those problems are solved. But the number of countries in which these problems are solved is extremely low.”

Is this work?

Many women’s groups, feminists and rights activists are uncomfortable accepting sex work as work. “What does it mean to talk about work with your body as work?” asked Susana Fried. “That’s the place where folks get stuck, folks who in general would support women’s rights to make choices, and attempts to address violence against sex workers.”

Cheryl Overs noted that on a daily basis, the actual sexual transaction taking place in paid sex feels much like work. “It feels like the kind of work that the manicurist and the pedicurist did on me the other day; it feels very much like the work of the nurse, or the masseuse. To be the person providing that service is actually not that difficult – nor that different from many other things.”

She explained that ‘private sex’ is quite different from ‘sex work’. Sex workers are often trained on delivering low impact sex, which results in a quick, effective outcome without the sex worker having to work too hard. “High impact sex, the sex that we all want when we’re really having sex is hard to buy,” said Overs. “Rare, possible, but expensive.” She added that some countries are now offering a service named ‘the girlfriend experience’ which, as the name suggests, includes intimacy. In Australia this is about eight times the price of a sexual service. Meena Seshu added that in some cities in India, street-based sex workers are trained to ensure that

men can ejaculate fast – since that is when the sexual contract ends in a paid encounter.

What is sold in sex work?

Prostitution is often loosely referred to as ‘selling the body’, a term that perpetuates the myth that what is exchanged is also ownership, personhood and self. “Are we selling our bodies or are we selling sex?” asked Misra. “We very easily say: she’s selling her body. Is she? She still has it. How we use language in our advocacy impacts what happens to people behind those words.”

Building on this, Seshu argued that nothing is actually sold in the paid sexual encounter – neither the body nor sex. “We challenge the construction of selling – there is no language in India around selling of anything. When we tried to translate this into local languages, the women wouldn’t accept it – they said they weren’t selling anything. They said they weren’t selling body, sex, vagina, anything – the client wasn’t buying anything. He was just giving money for a sexual service. In India, there is the concept of *dhanda*, in which services are provided.”

Has the body, particularly the able body, been linked too much to the idea of sex? “We’ve made it the sacred body, the honourable body, the moral body,” said Misra. “These are our concepts. So we don’t think of the transactional body or the non-abled or the disabled body. We don’t think of bodies that are not able as being sexual bodies. We don’t think of ourselves as temporarily-abled because all of us at some time in our lives are disabled in some ways. For example, I have asthma. Some of our discomforts are around where we see someone else making choices about their bodies that we may not make. We need to interrogate our own ideas of the body – and how we’ve come to terms with where we draw the line.”

Sex work only for necessity?

Sex work is often seen through binary lenses – sex work out of necessity is considered legitimate, but not sex work for any other reason. “Why is it okay to do sex work for stomach or survival but not for lipstick?” asked Meenakshi Kamble, a woman in sex work from VAMP. “Why should girls not have a right to luxury items?”

Building on this, Seshu noted that while many activists support the rights of sex workers, what is contested is the right to sex work. Do people have a right to sex work?

Marriage and sex work

Sex work and marriage are also often seen in binaries – one vs the other. What is often implicitly asserted through this is that married women are not sex workers and vice versa. “Nowhere is it written that married women cannot do sex work,” said Swapna Gayen of DMSC. “Even if she’s married, she has a right to do sex work.”

For many married women, sex work is a job. “Thousands of flying sex workers, as they are called, live in villages outside Kolkata,” said Bishakha Datta of Point of View. “They take a train and commute for three hours up to the city by 9 am. Just like any other woman would go to any job, they see clients between 9 and 6 in the evening and then go back to their homes and do the traditional wifely motherly duties. Many of them say they can negotiate the terms of their interactions with their clients or even refuse to have sex with a client. But when they go home, they can never refuse to have sex with their husbands.”

In Australia, where sex work is legal, going off to a brothel is seen as work. “I’ve known hundreds of women in sex work who have gone home,” said Overs, “including to situations where they are forced to have sex with their husbands but also to happy and unhappy marriages.”

Looking at marriage and sex work also raises the issue of sexual fidelity. “Many people associate marriage with sexual fidelity,” said Heather Doyle of the Open Society Institute. “You don’t have sex outside of marriage. The general population will say, ‘I don’t want my husband sleeping with other women’. So if we’re trying to build alliances we need to address issues of fidelity etc.”

Minors in prostitution

A participant noted that teenagers often don’t see themselves as ‘in prostitution’ or as sex workers, they see it as an exchange of goods - sometimes exchanging a dress or something for sex, but not taking money.

Another participant noted that children in prostitution are sexually abused children. “If a person has sex with a 10-year-old, that is rape,” said Overs. “The rape of children is not relevant to the discussion around sex work. Its inclusion undermines the importance of consent and agency in the discourse.”

Part of the problem with addressing child sexual abuse is related to defining childhood. Who is a child? In India, the Child Marriage

Act prohibits marriage till the age of 18, but child labour laws allow children to work after they turn 14. “How do you identify who is a child?” asked Kamayani Bali Mahabal. “Many bar dancers in cities like Mumbai are young, but they don’t know their age. They say they are 16 or 17.” Anti-trafficking groups often stress the demand for minors in prostitution to strengthen their case for abolition of prostitution.

Talking to the sex work community is a possible strategy to reduce the numbers of children in prostitution. “One reason why you have young girls in business is because there has been no attempt to talk to sex workers,” said Kamble. “There is a need for discussions of the female body: when is it ready for sex? We have been kept out of these conversations.”

Participants agreed that sexuality education needs to be given at an early age. “Girls at age 10, they don’t understand what sexuality is all about,” said Bene Madunagu. “Anything that anyone does should be made from a position of information.”

Trafficking, migration and sex work

When the 2006 World Cup football finals were held in Berlin, there was a fear that the city would be flooded with prostitutes. Television headlines loudly proclaimed that 40,000 trafficked victims were being brought into Berlin to service football fans. “We were getting calls for action from many people who said: What should we do?” said Nowicka. “But doing something means what? Stopping Ukrainian women from going to Berlin?”

While panics like this are often framed within the anti-trafficking discourse, they also build on fears of illegal migration. “Many people supporting this action later said they were not aware of what was behind this,” said Nowicka. “In the European context, many people don’t know what they think about this issue because they are not part of any debates or conversations on this.”

Swedish government research has found no evidence of significant increases in trafficking during sporting events, said Morgan Thomas. Instead, two of the biggest brothels in Berlin went bankrupt because there was no trade. “It’s known in the sex industry that sporting events are not good for business. Football, particularly, does not go well with sex. It goes well with beer.”

Sex work and patriarchy

While sex work has traditionally been seen as the most extreme

manifestation of patriarchy, sex workers rights groups argue that sex work also challenges patriarchy. “What are the central organizing principles around which sex work is organized?” asked Suneeta Dhar of Jagori. “How do they look at notions of being a single woman? How do they challenge patriarchy? What are the commonalities through which we can look for new ways of equality? Where are the similarities that we can organize around? Are all sex work groups necessarily feminist and based on principles of empowerment and equality?”

Sex workers do challenge patriarchal norms in many ways, said Meenakshi Kamble of VAMP. “We do not allow men to sit on our heads,” she said. “We are the earning heads of households. Everything to do with the money we earn is decided by us. We have more power within our families compared to other women. We are the ones who run our families: take all the decisions about the money, about the family members etc. In fact, we have more equal relationships with the men in our lives.”

If patriarchy didn’t exist, neither would men with money, said Seshu, explaining how women in sex work view it as a source of livelihood. In deconstructing patriarchy, it is vital to talk about institutions that control sexuality. “We also need to talk about the sacred space of sex. The engagement of feminists on the so-called ‘sacred space’ of sex is very limited. Sex is looked down upon, but anything in the name of love is considered.”

It is also important to deconstruct the idea that sex work is an incredible challenge to normativity, or the idea that sex workers are constantly challenging patriarchal norms. “The idea of challenging patriarchy gets mapped onto transgender people in much the same way,” said Svati Shah. “Trans people are also supposed to have gender figured out, it’s assumed they’re challenging all the norms. But people are just people. Some people are challenging norms, others aren’t. The idea that there’s something exceptional about sex work – either in terms of its politics or in terms of its harms – needs to be challenged. Why do we think it’s an exceptional space to begin with?”

Discussions around sex work largely tend to focus on female sex workers. “How do our assumptions and analysis shift when we think of male, female and trans sex workers?” asked Susana Fried. “Does our concept of servicing change? Do our constructions of sexuality, patriarchy, and heteronormativity change?”

Ways of seeing

Outsiders have typically looked at prostitution through societal lenses. “All of us come from backgrounds of socialization, paternal values, religious doctrines, all kinds of things,” said Madunagu. “What lenses are we using in this discussion? As women and feminists? Or are we using the lenses of society?”

The lens that is used typically determines how one views prostitution. “This is the oldest profession in the history of human beings,” said Gulnar Tabassum. “Is it about male pleasure from this sexual activity? Or is it a way for women to make money? How do we see it?” Is prostitution something that should be accepted, or something that should be abolished? asked another participant. “If there is no demand, there is no prostitution. The Swedish model is trying to deal with demand. There is something attractive about looking at it from this perspective.”

How we view prostitution also ties into deeper feminist visions of the lives and societies that we want to build. “As feminists, should we aim for an ideal world where sex work does not exist?” asked Nowicka. “Or should we as feminists say that we do not have any deep prejudices – that this is no different from another job?”

Nelia Sancho of GAATW shared how her socialization shaped her initial response to prostitution.

“We had a fear of women who worked in prostitution because of how it has been stigmatized and discriminated against. Some of it was so ingrained from our socialization – due to religion, family upbringing etc. Most of it was imbibed wisdom. We had taken along these ideas into the women’s movement, we thought these were feminist ideas. We didn’t really know who are the women working in the sex industry. We never even talked to them. We were dealing with them just as ideas – not dealing with the women themselves. Our politicizing of the issue was not from the experiences of women, but from how we were socialized.”

Choice, agency, morality and consent

One of the biggest contestations around sex work has been around ‘choice’ and the ways in which choice is constructed. “In many ways, lesbian women are more accepted than sex workers in the women’s movement,” said Svati Shah. “It revolves around the issue of choice. Unfortunately we’ve got to a place where homosexuality has been ethnicized to the point where it’s just sort of a given – somewhere being lesbian or gay is not seen as a choice. It’s in

your body or in your brain. It's in some kind of DNA or something.” From this perspective, being a sex worker can seem like a ‘choice’.

Why is there such an emphasis on ‘choice’ when it comes to marginalized sexualities? “We never really ask: Why do we ask this question about choice?” said Shah. “We never ask why someone is the way they are unless we think there's something wrong with them. Nobody asks why are people straight? Why do people not do sex work? Why do people get married? Most people just think it's normal. Why do we ask these questions in the first place and what other question might it be more helpful for us to ask if we're trying to achieve a different kind of world?”

Morality is often one of the underlying standards in determining sexual legitimacy. “Our standards of sexual legitimacy are usually morality-based, not consent-based,” said Misra. “If the women's movement can use consent as a standard within marriage, and look at marital rape, then why not here too? We need to learn how to use consent as a standard across the board.”

Visiting Patpong: Impressions from a visit and responses from the participants

Some participants went on an optional visit to Patpong, Bangkok's sex district on the first evening. Many reported back that they found the Patpong visit disempowering – both for themselves as women's rights activists and for the women working there.

The visitors felt there was a high level of manipulation and exploitation in the bar they visited, with male employers manipulating both the women who work there and visitors to the bar. Their impression was that women working there do not have much of a say in what they do, or little control. Some participants found the experience ‘inhuman’ while others found it ‘traumatizing’. One participant referred to the women working there as the ‘living dead’.

Other participants said they had different experiences. Perhaps this is partly due to different working conditions in different bars? While there is no doubt that some women are exploited in Patpong, this does not mean that everyone who works there is forced or exploited. Both women who have been trafficked as well as women who opt for this work exist

in these spaces. How differently would we react if we went to a sweatshop with large numbers of women workers? asked one participant. How different is the exploitation or the poor working conditions there? How different is our own reaction – and why?

A sex worker's response on this visit

“Some of us felt that it was problematic to visit a bar as customers and form impressions about working conditions, consent and choice of the workers they see. The visitors felt there was a high level of manipulation and exploitation in the bar but my memory is that a lot of that was linked to their understandable reaction to the way they were touted and charged for drinks. We perhaps could have reflected more on ‘the gaze’ in theory and its practical manifestation of female observers in a red light areas in general with Thai bar workers. I don't want to devalue the experience and feelings of the our colleagues and friends who went to the bar but I don't think this is a form of exploration we should be encouraging”.

“It is a measure of the gap between feminists and sex workers that feminists feel justified to decide sex workers are being exploited without knowing anything at all about their arrangements with their employer or how much they are being paid. This underlines the confusion between gut level repulsion and rationale concern about working conditions”.

Response from an activist working for sex workers' rights

“For me the issue is of transference. Since visitors felt that they were exploited because they were forced to buy drinks at the bar does not mean the women working in the bar were exploited by the management. A customer is very different from a worker and moreover not all workers are 'exploited'.

“As an outsider there are many impressions one can get but reality could be different - A brief 30 minute visit cannot be considered a fair assessment of the exploitation that the sex workers face. But I would accept the feeling of rage of the visitor at being exploited by the bar. That is real! ”

LOUISIANA beyond the bayou

4

Beyond vice and victimhood: Sex workers speak

This panel provided an opportunity for sex workers to put forth their own experiences and understandings of violence within sex work: how, when and where it takes place, who are its perpetrators, and how it can be resisted.

Panelists included:

MEENAKSHI KAMBLE | VAMP, INDIA

RUTH MORGAN THOMAS | SCOT-PEP, SCOTLAND

ANNA-LOUISE CRAGO | CANADA

The panel and the following discussion were chaired by:

MEENA SESHU | CASAM, INDIA

MEENAKSHI KAMBLE

In her presentation, Meenakshi Kamble pinpointed three sources of violence against sex workers:

- Violence from the State
- Violence from society
- Violence within business or *dhandra*, as prostitution is often referred to

State violence includes violence from the police, municipality or local government, the public health system, judges, courts, state lawyers and the police. The police often misuse the law. “They pick you up from home and say you were soliciting on the street when you weren’t,” said Kamble. “You were at home.” These violations continue as policemen then take away any money a woman in sex work may have – and expect to have unpaid sex with her.

The local government – another arm of the State – also inflicts violence, by never providing any facilities or services in red-light districts, nor bothering to clean them on a daily basis. “We are expected to live in these dirty slum areas even though we’ve built good houses for ourselves,” said Kamble. “But the surrounding areas are kept dirty.” Political leaders who visit red-light districts to solicit the votes of the sex work community then participate in the eviction of these communities – another form of State violence. “This is the vicious circle we are part of.”

At public health facilities, violence often comes in the shape of stigma and discrimination. A doctor may be intimidated on realizing a woman is a sex worker – and not know how to deal with her. So he just makes her wait. Sex workers are often made to wait till every other patient has been attended to. In the courts, sex workers often deal with judicial stigma by admitting to crimes they have not actually committed. “If you don’t accept it, you know you’ll be open to violence,” said Kamble. “There is no system of justice for a sex worker. It just doesn’t exist.”

Societal violence is most visible in the abuses that sex workers face everyday: whore, slut, cunt. Obscene language is used against sex workers both casually and routinely. “Just dealing with society is such a violent space for us,” said Kamble. “Just the simple everyday dealing with society.” Even going to the market is a big issue for a sex worker: men will come up, rub their bodies against them, push them around. The police often pick up sex workers at the market on charges of soliciting.

Families of sex workers also face societal violence. A sex worker’s child is often abused by his or her peers and mistreated by the school system, resulting in him or her dropping out and foregoing an education. “All our kids just leave school in the middle and don’t complete it because of that.”

Societal violence includes goons or petty criminals who assault and use physical violence against sex workers. They demand sex without money, itself a significant form of violence for sex workers. Private doctors, who sex workers often resort to in the absence of public health care, tend to charge them exorbitant rates. “Just because you are a sex worker, you have to pay them this very high price for treatment – and then you may not even get the correct kind of treatment.” Lawyers tend to lie to them and fleece them, while anti-sex work NGOs are forever trying to rescue and rehabilitate them. “Because they have decided that sex

work is bad, they conduct raids on us,” said Kamble. “This can be a very violent attack on communities of sex workers.” Girls and women who often have nothing to do with prostitution, but are merely family members of sex workers, are often picked up and traumatized during such raids. “These rescuers think they will go to heaven through their acts,” said Kamble. “We say: save us from such saviours.”

Violence within business also comes in many shapes and forms. There are alcoholic and abusive clients, as well as clients who take more time to ejaculate. There are coercive clients and there is the fear of being raped. Clients sometimes demand sexual acts that a women may not be comfortable doing or may not have agreed to. While having sex, a client may tear a condom – representing both the risk of pregnancy and the violence of HIV.

Brothel owners are another source of violence. Not all brothel owners are good; some are exploitative, particularly when it comes to money. They put a sex worker into debt and charge her exorbitant rates of interest.

Society and State violence often combine in the life of a sex worker, through laws, policies and programs that are based on certain attitudes to or myths about prostitution. One such myth is the conflation of sex work and trafficking. “Trafficking is not sex work,” said Kamble. “And sex work is not trafficking, although you can get trafficked into sex work.”

This conflation results in several things. Top-down laws, for one. “Laws are supposedly made about us and for us,” said Kamble. “But they are used against us. If they’re having a law about us, we should be the ones who are consulted.” Top-down rehabilitation policies, for another. “Rehabilitation is income-generation,” argued Kamble. “We do not understand why society tries to rehabilitate us and give us an income when we already have one. We don’t need rehabilitation, we need rights.”

Collectivizing is one of the most effective strategies to resist and reduce violence against sex workers. VAMP’s collectives have helped sex workers deal with exploitative brothel owners and other forms of violence – the police now recognize that women in sex work are the only ones who can reduce violence in sex work. Goons, bad clients, political leaders, school teachers – all of them have to negotiate with the collective.

Collectives have also helped reduce the number of minors in

prostitution. The brothel owner herself brings the girl to the collective, saying ‘What do we do with her? What do we do with the family? How do we counsel the family to take her back?’ More fundamentally, collectivization has also empowered women in prostitution to step up to the plate. “Women in sex work are not coming from another planet,” said Kamble. “They are also human beings. We have now learnt that we are also citizens of this country and have a right to talk about this country. That’s why we are able to offer effective solutions.”

RUTH MORGAN THOMAS

In her presentation, Ruth Morgan Thomas focused both on her experiences engaging with feminists in Europe around sex workers’ rights and on ways in which sex workers in her home town, Edinburgh, combat the violences that they face.

Ruth’s first experience of engaging with feminists opposing sex work was at a meeting on *The Right To Work: Stripping?* Most of the feminists present roundly condemned stripping and did not see it as part of the right to work. At a Women’s Equality Forum on prostitution in Edinburgh, women’s groups turned their back on participating sex workers. “Not a single feminist in that room was prepared to speak to the women about their experiences,” said Morgan Thomas. “I couldn’t understand their attitude that women lack the right to have agency over their own bodies.”

Silencing is one of the forms of violence that feminists have inflicted on sex workers. “I’ve been silenced in some powerful ways,” said Morgan Thomas. “Women in the industry are never listened to.” Within women’s movements, ‘violence against women’ groups are often the most hostile to women in sex work. “For me, this is the field in which I have felt most attacked, most undermined as a woman, as a human being.”

When a coalition of NGOs wrote a letter to the government, protesting that no ‘real woman’ would choose to sell sex, sex workers who were members of that forum realized they were not being defined as ‘real women’. “I’ve been told I’m not a real woman,” said Morgan Thomas. “That I’m not a sex worker, that I need to prove I’m a sex worker, that I’m a liar, that it is not ethical for conference organizers to invite me to speak on a public platform because of the views I express. I’ve been told women like me don’t deserve to be included and protected by society. Other women are prepared to say all this to me as a woman, simply

because I have chosen to use my body in ways that they choose not to. That is a form of violence we really need to start unpicking.”

Condemnatory attitudes – be they in the domains of feminism, policy or media – all contribute to increasing violence against sex workers. “When politicians make statements about prostitution that are negative or imply that it is unclean, or when media coverage defines prostitution as negative, you see a rise in the violence experienced by women, both from those pretending to be clients and from the general public,” said Morgan Thomas. “Where you get a positive media image of prostitution, you see the violence going down.”

In the United Kingdom, clients are perceived to be the prime perpetrators of violence against sex workers, but this is not necessarily true. In her analysis of the murders of sex workers in Britain, sociologist Hillary Kinnell¹³ found that none of the men who were found guilty of murder, rape, assault or abduction had ever paid for the sex they took. In other words, they weren't clients. “In any other business, you don't refer to a bank robber as a customer,” said Morgan Thomas. “So why are we defining these men who attack women as clients, when they have no intention of paying? By doing so, we demonize clients in a way that I think is really harmful to sex workers.”

Sex workers are themselves able to recognize violence in their working environments – they know the difference between consensual sex and rape; they know when they're being exploited by managers; they know when their working conditions are not fair. They try to resist these in whatever ways they can. Groups like SCOT-PEP assist sex workers in their struggle against violence in concrete ways, such as:

- Recording witness statements shortly after an act of violence to ensure the witness does not forget details of the episode by the time it gets to court.
- Getting a liaison officer to negotiate within the police force. The liaison officer is typically not involved in enforcement but helps navigate the sex worker through the system. “In Edinburgh, they see sex workers as having the right to protection from the law,” said Morgan Thomas. “They just don't know how to do it.”
- Creating a personal safety handbook for sex workers in collaboration with the Managing Aggression in the Workplace

13 Hilary Kinnell, *Violence and Sex Work in Britain*, 2008, Willan Publishing

team from the National Health Service. The handbook provides practical safety tips.

- Establishing remote reporting centres. These centres, which were created to deal with hate crimes against ethnic minorities, have been rolled out to LGBT and other communities. “This allows sex workers to report crimes anonymously,” said Morgan Thomas.” Violence against sex workers is included in their definition of a hate crime.”

The Scottish government’s policy explicitly defines prostitution as a form of violence against women, and a national guidance document says that ‘prostituted women’ who say it is not violence should not be listened to. In Edinburgh, SCOT-PEP engaged with the city’s Violence Against Women Partnership Board on the violence experienced by sex workers. As a result of that engagement, Edinburgh is the only city in Scotland that does not accept prostitution in the definition of violence against women.

ANNA-LOUISE CRAGO

In her presentation, Anna Louise Crago spoke both from her own experiences as a sex worker in Canada, and as a researcher on a study exploring the human rights violations of female, male and transgender sex workers in Botswana, Namibia and South Africa.¹⁴

This study was based on interviews and focus groups with 87 female, transgender, and male sex workers working on the street, on highways, at truck stops, in brothels, in agencies, near mines and in informal settlements. It showed that the criminalization of sex work in each of these countries has left sex workers particularly vulnerable to sexual and physical abuse from law enforcement officers such as police and border guards, who often collude with one another.

In all three countries, sex workers reported routine police violence including sexual violence, beatings, rubber bullets, and spraying sex workers’ genitals with pepper-spray guns. These acts occur most often during police raids in brothels or on the street where sex workers are both lawfully or unlawfully arrested and sometimes, detained.

Repeated violence, extortion, and detention by law enforcement officers has left sex workers feeling constantly under threat. They are often forced to see and be exposed to their attackers on a

14 Rights Not Rescue, OSI

regular basis in the places where they earn a living. The abuse also severely compromises their access to equal protection from the law and creates a climate of impunity that fosters further violence and discrimination against sex workers. Sex workers said that anti-prostitution campaigns by vigilante groups, NGOs or faith-based groups or as part of government policy also contribute to stigma, scapegoating and violence against sex workers.

The combination of stigma, discrimination and violence and a lack of safe and supportive working conditions has made sex workers extremely vulnerable to HIV transmission. In places such as Zambia where sex workers are often blamed for HIV, the double stigmas against HIV and sex work often translate into increased attacks and hate-crimes. Female sex workers have been stoned, face violence in their homes, and complete exclusion from their communities. “Scapegoating is not just a social phenomenon but a political phenomenon,” said Crago. In Botswana and Namibia, sex workers reported that many of their colleagues had died because of stigma – none of them could access ARVs or respectful medical treatment due to hostility against sex workers, particularly when they were HIV+.

Members of the SWAN network in central and east Europe report that 41% of the violence they face is physical violence from police, of which 30% is sexual violence. Male sex workers with male clients also face homophobic intimidation and taunting and outing by the police, while transgender sex workers face much higher physical violence than other sex workers. Sex workers also face high levels of violence from the general public since they are seen as easy targets – only 29% of sex workers felt they could report this to the police, given low access to legal protection.

Speaking from her experiences as a sex worker, Crago said that the myth that violence is inherent to sex work still prevails all over the world – but this is not the case. “There is a need to look at the structural causes behind this violence,” she said. “For many sex workers, the law is essentially a form of violence. If anyone else kidnapped me, took my money, locked me up for three weeks such that I lost custody of my children or lost my home, or in cases of transwomen locked me up with a bunch of men where I was exposed to sexual violence, it would be called abuse. But when the police do it, it’s considered law and order.”

There is also a need for women’s groups to start working with sex workers’ groups, instead of opposing them. At a recent Montreal trial of an alleged serial rapist of sex workers, sex workers’ rights

groups demonstrating in support of the women who they had supported to press charges faced a counter-demonstration from feminist activists who were there to rally against sex work. “The attacks on sex workers denouncing violence must cease. But beyond that, mainstream women’s groups and human rights groups must support sex workers in denouncing abuses against us as human rights violations,” said Crago. “It is egregious that trafficking is the only human rights violation most groups will touch.”

Discussion

During a short discussion following the sex workers' panel, participants discussed the need to expand the framework of violence against women to include violence against women in sex work.

The violence against women movement may have unwittingly created the notion that some women are worthy of protection, others aren't. "If you are a good woman, violence against you is privileged over the violence you experience if you are a bad woman," said Meena Seshu. "The very fact that you are a sex worker means that you even lose the right to be heard." The police are rarely willing to consider sex workers' complaints of being mistreated by 'household women'. "The household woman's point of view is usually privileged in this argument." Sex workers need to be included within this framework as women. "We need to offer protection to sex workers the way protection is given to other women who experience violence," said Ruth Morgan Thomas.

On a similar note, Anna Louise Crago discussed how domestic violence shelters in Montreal only rarely accept sex workers who are currently working – even when they face domestic violence like other women. "If you have an abusive father, or husband or brother, you will not get access to the emergency shelter that is available to all other women," she said. "This is a specific form of discrimination." Certain shelters do let in sex workers, but "with certain very patronizing, paternalistic, maternalistic constraints such as 'Don't talk about it to the other women.'"

Sex workers groups in Montreal have allied with homeless groups, drug users groups, prisoners' rights, and HIV groups on common forms of violence. Sex workers can be homeless, drug users, imprisoned, or HIV-positive, so there are many overlaps. All these groups advocate the need to include State violence in any

discussions around violence against *all* women.

The conflation of trafficking and sex work is one of the main barriers to violence against sex workers being seen as a form of violence against women. “The trickiness of the anti-trafficking framework that sees all prostitution as trafficking is a problem,” said Anna-Louise Crago. “It’s become like the term terrorism – it means everything and nothing. Even when they are seen as different, trafficking is seen as much bigger than sex work.”

Another barrier is the framing of prostitution itself as violence and as ‘bad’ – this itself is a form of stigma. “Everything around prostitution has been so maligned and stigmatized that the violence around it is very high,” said Meenakshi Kamble. Violence exists in both marriage and prostitution, but marriage is not itself seen as violence - prostitution is. Neither are married women maligned the way sex workers are. “Being maligned itself is creating so much of violence in sex work,” said Kamble. “But that does not mean sex work is bad. It means violence is bad.”

The lack of support for decriminalizing sex work is another obstacle that needs to be overcome for violence against sex workers to be addressed. “A number of groups say they support sex workers’ labour or human rights but people stop short of decriminalization,” said Anna-Louise Crago. “They won’t touch it with a ten-foot pole.”

Criminalization is one of the factors contributing to structural violence against sex workers. “You cannot understand why sex workers don’t have human rights unless you understand what it means to be a criminalized population,” said Crago. “Even in places where we aren’t officially criminalized, you can de facto be criminalized and charged with disturbing public decency etc.”

Related to this is a need to understand how sex workers experience the law. “Not only is the law misused,” said Crago, “when you are arrested unlawfully or when there is violence that accompanies the arrest but the law, in and of itself, by creating and fostering these conditions needs to be looked at as abuse.”

the
Lutescent
Morphology

The challenges en route: Sex worker rights advocates speak

On this panel, three activists shared their experiences of working on sex workers' rights while being part of movements that have traditionally opposed sex workers' rights.

Panelists included:

BISHAKHA DATTA | POINT OF VIEW, INDIA

ELEANOR TAYLOR NICHOLSON | GAATW, THAILAND

GEETANJALI MISRA | CREA, INDIA

The panel and the following discussion were chaired by:

ESTHER VONK | MAMA CASH, NETHERLANDS

BISHAKHA DATTA

Bishakha Datta works with Point of View, a non-profit organization that places the points of view of women in the public domain through media, art and culture. Her presentation focused on the intellectual struggles she faced as a feminist advocating the rights of sex workers.

“If this meeting had been held seven years ago, I would probably have been in the panel on rephrasing feminist discomfort,” said Datta. “But I have now been able to sort out my discomforts. I can now lay claim to being a feminist, a women’s rights activist, and a sex worker rights activist.”

Working on sex worker rights was not easy for a feminist organization. For starters, it meant change the mission statement from ‘promoting the point of view’ of women to ‘promoting the points of view of women, since this was clearly an issue on which

women didn't have just one point of view. Point of View uses two key strategies to advocate the rights of sex workers:

- Putting out the voices of women in prostitution who are seldom heard on this issue
- Positioning people in prostitution and sex work as human beings.

“We call this the struggle to be human,” said Datta, “because I do feel that sex workers are still not seen as human or as women. The bottom line for you to feel you are entitled to human rights is for you to consider yourself or be counted as a human being, a citizen. Similarly, for you to be represented by the women’s movement, you have to be considered a woman in the political sense. Not just in the bodily sense.”

Many of the dilemmas related to working on sex workers’ rights as a feminist are rooted in the feminist framing of violence. Within feminism, prostitution is seen not just as exploitation or as a human rights violation, but as many kinds of violence: as slavery, as force (rather than choice), as rape, and as harm. Thus violence is seen as intrinsic to prostitution. “I inherited a feminist legacy on this issue,” said Datta. “The metaphor of ‘prostitution as slavery’ hung around my head for many years and I could only resolve it by trying to understand what slavery specifically means.”

Groups like Anti-Slavery International, a London-based group that has fought slavery since 1839, define slavery thus: one is considered a slave only when one is forced to work, owned or controlled by an employer, dehumanized or treated as a commodity, and physically constrained. ¹⁵“That helped me think through whether the relationship between the sex worker and her client or her employer is one of slavery,” said Datta. “Or whether there may be elements of slavery-like practices in some parts of the industry – which does not mean that all of prostitution is slavery.”

Another intellectual hurdle was sifting through the difference between ‘force’ and ‘choice’, specially since radical feminists have often referred to sex workers’ choices as ‘the choice that is not a choice’. “I didn’t feel the issue could be resolved in my head by mathematics,” said Datta. “I couldn’t listen to ten women say they chose sex work, and ten others say they didn’t. That’s not how I would get to it.” Instead, the term ‘choice’ needed to be deconstructed and understood: how do we understand choice, or

15 <http://www.antislavery.org/homepage/antislavery/faq.htm>

‘free choice’ as it is often put?

Noted economist Amartya Sen’s definition of choice was very useful in this context. Writes Sen:

“The existence of choice, does not, of course, indicate that there are no constraints restricting choice. Indeed, choices are always made within the limits of what are seen as feasible...This, however, is *not* a remarkable fact. It is just the way every choice in any field is actually faced. Indeed, nothing can be more elementary and universal than the fact that choices of *all* kinds in *every* area are *always* made within particular limits. For example, when we decide what to buy at the market, we can hardly ignore the fact that there are limits on how much we can spend. The “budget constraint,” as economists call it, is omnipresent. The fact that every buyer has to make choices does not indicate that there is no budget constraint, but only that choices have to be made *within* the budget constraint the person faces. What is true in elementary economics is also true in complex political and social decisions.”¹⁶

The word ‘poverty’ is often referred to in the context of sex workers’ choices. In countries like India, poverty is seen as context when a woman goes into domestic work, construction work, or becomes a vegetable vendor. But when a woman from that same class and caste background goes into sex work, poverty is called force, ie poverty forced her. “Poverty is seen differently in the context of different women,” said Datta.

Even when prostitution is not seen as violence by dint of force or slavery, violence is still seen as intrinsic to prostitution. “The word intrinsic means something that is native, inherent, and thus unchangeable,” said Datta. “If at all we have to use a word, we should use the word ‘endemic’. Endemic means highly prevalent, but not native.” For instance, malaria is seen as endemic to many regions, but with the right public health measures malaria can be eradicated. Similarly, with the right measures, violence against sex workers can be erased.

One of the reasons that violence is disproportionately high among – or endemic to - sex workers is because stigma is endemic to sex work. While social stigma labels sex workers as throwaway women and easier to assault, legal stigma labels prostitution as a crime and religious stigma labels it as a sin. “There is anyway this backdrop,” said Datta. “On top of that is judicial stigma which every woman

16 Amartya Sen, *Identity and Violence: The Illusion of Destiny*, 2006, pg 14

who goes to the court with a complaint of rape anyway faces. If you're a sex worker, you get more of it, since it's coming against this backdrop."

Add to that abolitionist stigma which has created the superstructure of 'prostitution as rape' – when prostitution itself is seen as rape, there is little space to see a specific encounter as rape. "And then there's activist stigma," said Datta, "which takes place when we go out on the streets and protest every other sexual assault except that faced by women in sex work. So stigma becomes like a series of interlocking gazes – social, legal, religious, judicial, abolitionist, activist – and itself contributes to further violence against women in sex work."

The gulf between the women's movement and the sex workers' rights movement was vividly seen on International Women's Day 2006. On the one hand, 4000 sex workers – mainly women – marched to the Indian Parliament, loudly protesting a proposal to criminalize clients. A smaller International Women's Day rally emerged from a side street, mainly women. The two groups of women crossed each other without coming together. "It was really strange" said Datta. "There were women marching in this rally, and there were women marching in that rally. And yet somehow, these two marches, these two groups of women, couldn't come together. I hope this meeting can somehow get these different streams of women to converge."

ELEANOR TAYLOR-NICHOLSON

Eleanor Taylor-Nicholson works with the Global Alliance Against Trafficking in Women (GAATW), a coalition of more than 90 NGOs that promotes the rights of women migrant workers and trafficked persons.

Anti-trafficking has historically been closely associated with anti-prostitution movements and certain anti-trafficking groups. The argument from certain groups has been that as prostitution is inherently violent and exploitative, it is inherently slavery, thus abolition is the solution to trafficking. Such groups have been deeply opposed to sex workers rights and have excluded sex workers from discussions about trafficking and sex work.

Since its formation in 1994, however, GAATW has sought to challenge this conflation between trafficking and prostitution. The alliance believes that this conflation does not represent the lived realities of women, particularly in the South, who opt for and

migrate for sex work. Indeed, such a conflation is likely to result in further harms through inviting repressive law enforcement measures, and stigmatizing sex workers and also trafficked women.

GAATW also rejects the view that prostitution is inherently violent. Basing its analysis on human rights law, the Alliance looks at violations that occur in the process of recruitment, migration and work, rather than viewing the violation in the ‘nature’ of any particular kind of work. Human rights violations can include arbitrary detention, inhumane treatment at the hand of state officials, slavery, denial of a right to fair wages and to be free from forced labour, denial of the right to organize, among others.

But crucially, such violations are not limited to the sex industry. “These same systems of control and exploitation have been used in many sectors against many women,” said Taylor-Nicholson. “Migrant women who cross borders without visas are in a particularly vulnerable situation, and so most of GAATW’s work in recent years has been with low skilled women migrants.”

Although these were initially seen as very controversial positions for GAATW to take, this has resulted in more understanding and more attention to the human rights approach over time. GAATW was one of the alliances that lobbied for the 2000 Palermo protocol¹⁷, of which one of the main successes was its delinking trafficking and prostitution. Under the Protocol, force, coercion, deception or abuse of power need to be proved for a situation to be considered one of trafficking.

Although sex workers were very active in the Palermo Protocol negotiations and the Alliance continues to involve sex workers groups in its work, it does not currently have a specific program on sex workers’ rights. “We have recognised that singling out sex workers in the anti-trafficking discussion can sometimes only reinforce in people’s minds that the sex industry is the main problem and thus all of the attention, including negative attention, goes there,” said Taylor-Nicholson. It was a decision of the membership,

17 The 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, known as the Palermo Protocol, defines trafficking thus: *‘Trafficking in persons’ shall mean 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.*

therefore, to not focus on a specific industry, but rather on broader patterns in the treatment of trafficked persons, and factors that make people more vulnerable to trafficking into any industry. The alliance is also building linkages with other movements – migrants rights groups, labour rights groups, women's rights groups – to make the struggle against trafficking more broad-based.

Some member-organizations are even urging GAATW to drop 'trafficking' from its name to distance itself from classic anti-trafficking agendas. "But at the same time, the anti-trafficking industry itself has become enormous in the past ten years," said Taylor-Nicholson. "Despite the effort that is going into stopping trafficking, there is very little emphasis on human rights – either protecting the rights of trafficked persons, or not harming the rights of others, such as sex workers, through anti-trafficking campaigns".

There is still a need for GAATW to be there to challenge conservative discourses. Indeed in this period of economic downturn, there are more 'moral' concerns and measures to abolish prostitution, often in the name of anti-trafficking. "We need to draw attention to the human rights of sex workers during these drives and bring sex workers into the discussions."

Also, although the anti-trafficking discourse is violations-based, there is a need to make it more empowering, to speak not just about negative rights, but also about positive rights. "What we have found is that if you focus only on the violations that are being suffered by women, you tend to invite more controls of those women and repressive strategies," said Taylor-Nicholson. For instance, some governments have responded to domestic workers' complaints of rape, violence and beatings, not by addressing the violations but by attempting to stop women from migrating.

"So we would like to see more focus on positive rights for women – the right to work, right to live, right to movement, right to make choices about our lives." While this may not garner as much public attention, it also might not invite a negative response and efforts to close down particular industries. "Can we turn it around and speak in more empowering ways so that we're talking about increasing opportunities and control for women, not control of women?"

GEETANJALI MISRA

In her presentation, Geetanjali Misra identified underlying conceptual assumptions around sex and sexuality that inform how

activists see, frame and work on this issue, including sex work.

She focused on the Sexuality and Rights Institute, one of the programs that CREA has run for the last eight years. The Institute is an annual course that focuses on a conceptual study of sexuality in theory and practice. In the last eight years, it has trained 160 people in 125 organizations on issues of sexuality and rights. “It tries to see how people think about these issues,” said Misra, “and whether they can change the way they think around issues of sex and sexuality, inclusion and their standards around sexual legitimacy. What is their standard?”

Misra outlined ten core principles in use at The Sexuality and Rights Institute that challenge participants’ understandings of sex and sexuality:

- 1) Challenging the who, how and where norms: Everyone has their own ideas of “who we should have sex with, how we should have sex, where we should have sex,” said Misra. “These ideas influence how we work with particular groups of people.”
- 2) Consent as the standard for sexual legitimacy: Traditionally, sex has only been considered legitimate within marriage or for reproduction. This moral standard needs to be replaced by consent as the standard. “The idea of consent holds sexuality and rights together, whether you are gay or heterosexual,” said Misra, “How can we get informed and meaningful consent?”
- 3) The idea of benign variation: “We don’t seem to care too much about people’s different tastes around food, music or living conditions,” said Misra. “But we really care about what kind of sex they’re having. We can’t get this idea that there’s just benign variation among people on this too.”
- 4) The fallacy of misplaced scale: Existing discourses around sexuality often scale up numbers that are not necessarily accurate to begin with and then treat the larger extrapolated figure as valid. Ideas based on these figures cannot be taken as a given; they need to be interrogated.
- 5) The phenomenon of selective labelling: Feminist scholar Uma Narayan writes extensively about this phenomenon, where one attribute or quality of a culture or a place is applied to the whole. “Is there a way to catch oneself when one is doing it?” asked Misra. “Whether it is around sex workers’ rights or around anyone’s rights? Can we be more careful advocates?”
- 6) The idea of sexual hierarchies: Sociologist Gayle Rubin has

detailed how hierarchies exist not just vis-à-vis caste, class, religion and gender, but also vis-à-vis sex. Who does society place on top and at the bottom of its sexual hierarchy? “Is your activism only climbing up that sexual hierarchy ladder?” asked Misra. “Are you excluding those who are below?”

7) Heterosexuality as a relatively new idea: Several writers have shown how heterosexuality is only a hundred-year old concept; earlier sexual arrangements in societies were set up differently. “Even today, we have societies with different sexual arrangements,” said Misra. “Is that okay?”

8) Interrogating normativity: Ideas of normativity around sex, caste, religion have much to do with the politics and priorities of nation-building. “There is this idea that what I like to do is the norm, normal,” said Misra. “This is a problem.”

9) The idea of purity: Purity and purification are central concepts in sexuality; those who transgress sexual norms are often considered impure, or requiring purification. “You pay a price in society for transgressing sexual norms,” said Misra. “What is that price?”

10) The idea of pleasure: Differing discourses around sexuality have focused on sexual violence, sexual health and reproductive sexuality; pleasure is also an essential aspect of sexuality.

The Institute challenges received wisdom around issues of sexuality, gender and rights through its curriculum, its faculty and the students. Inclusion and diversity are central principles in these.

“Who is in the room? And who teaches? Who’s part of your conceptual framework?” asked Misra. “It’s a challenge to take the whole idea of participation seriously. We’ve had transgender people, people with disabilities, sex workers and non-English speakers attend the institute. And that changes how people think about their work, their activism, who they include and who they don’t.”

When a sex worker attended the Institute by day, she would do sex work by night. “She would come back the next morning and tell us how much she earned,” said Misra. People were initially uncomfortable. “Should she dress up like that? Should she tell us all this? Eventually they got over it. The humanness of a fellow participant took over.”

Discussion

The discussion following the presentations focused on several issues the panelists had raised.

Trafficking, migration, women's rights

Even though trafficking takes place for many reasons, it continues to be associated with sex trafficking. The history of trafficking is loaded – it comes from ideas of purity and morality and women moving to work as sex workers. “No matter however much we clarify there is just this obsession with sex,” said Taylor Nicholson. “How much can we move forward talking about trafficking?”

The overall impact of anti-trafficking measures has been negative – not only has it given the police more powers, but it has been used as a front to control immigration and to crack down on prostitution. “A lot of people have paid the price of that,” said Taylor Nicholson. “In some places, they automatically arrest a woman without any cause but just on the basis that she’s potentially trafficked because she’s young and she’s crossing the border.” Given this, and given the way in which the anti-trafficking agenda is being articulated, is it more productive to use the framework of migrant rights? a participant asked. What kind of spaces are there in the trafficking framework to talk about rights and for advocating positive rights?

Responding to her, Taylor Nicholson noted that the key issue is not which framework to use: migration or trafficking, but the need to deal with underlying issues. “Violations do exist; there is trafficking happening,” she said. However, conservative agendas which seek to control women’s sexuality are changing the terms of the debate. “If we drop trafficking, we’re going to have the same arguments in the migrant rights debate. We have to deal with the underlying issues.”

Xenophobia is one such underlying issue. “We need to directly

challenge these underlying issues instead of looking at them through the trafficking lens all the time,” said Taylor Nicholson. Other issues that need to be challenged include: Why are women being discouraged from leaving their communities? Why are women being paid less money? Why do they have less voice in unions? Why are they not able to organize? Why are domestic and sex work considered other sectors that don't have a voice in labour policy?

In raising these issues, there is scope for building alliances with migrant rights groups, which are interested in challenging limits on women's movements and with labour rights groups that are interested in looking at forced labour. There is also scope to link with women's rights groups.

“We didn't realize we weren't linking with women's rights groups,” said Taylor Nicholson. “All the people we've signed statements with, attended meetings with, there are no women's groups on the list.”

However, alliances with other constituencies can mean that the issue of sex work gets left out because it is too controversial. “Unions don't consider them part of their constituency and migrants' rights groups don't really work with undocumented migrants,” said Taylor Nicholson. Since it is difficult for a woman to actually cross a border to do sex work, women usually get tourist or domestic worker visas. “Then once she crosses the border, she's actually illegal. We're not even talking about the sex. Just dealing with the migration part is a big challenge.”

On the other hand, there are examples of trade unions which have put sex workers rights on their agenda. The third largest union in the United Kingdom is campaigning against criminalizing sex work, supporting the International Union of Sex Workers, said Ruth Morgan Thomas. Svati Shah added that there is now more space within unions because of the global economic crisis. “The informal sectors are expanding. Trade unions are in a crisis about numbers and due-paying members. Even in India, some unions are recognizing sex work as work.”

Movements, alternative spaces, intersectionalities

Movements, including groups, collectives and organizations that are part of a movement, need to go through political processes, where they look at their core ideas, in order to include marginalized voices, said a participant. “Women's movements have never been

able to do justice to the particularities of women with different identities,” said Suneeta Dhar. “We need to understand how to begin to do that. We need to understand where the conversations and allies are.” She noted that ownership of a movement is also important: who has the power to include and exclude?

In the last decade, the World Social Forum has been one of the few global platforms where different social movements have intersected. “It is important to recognize that alternative space, and not just look at the women’s movement, because women’s movements are moving to those spaces,” said Dhar. She wanted to know how marginal struggles have considered such spaces.

In response, Meena Seshu said that many sexuality groups formed the coalition Rainbow Planet as a strategy to participate in the World Social Forum held in Mumbai in 2004. The coalition included sexual minority groups, sex workers groups, transgender groups etc. “It was incredible how the Left groups and trade unions suddenly had this sprung on them,” said Seshu. “There we were in all our colour, and all our masti, and all our glory. For the first time, we became a reality.” Trade unionists suddenly understood that their own constituencies could be part of sexual minorities – and that they’ve ignored that just because it’s in a sexuality rights space.

Bishakha Datta shared how Prima Donna, a transgender group from Malaysia, was invited to perform at the Mumbai Forum – and caused much confusion among delegates. “The positives are that it opened a dialogue and that sexuality got placed on the agenda along with other political issues,” she said. “But we also got feedback from women’s groups who said that ultimately what was performed on stage was a stereotypical femininity, a disempowered femininity. That it was a form of objectification.”

Sex workers rights advocates are anti-trafficking advocates

Although sex worker rights advocates are not traditionally seen as anti-trafficking advocates, they oppose the force, coercion and violence that are intrinsic to trafficking. “The point of course is that all of us are anti-trafficking advocates,” said Seshu. “And we should remember that. All of us believe that force, coercion and slavery-like practices are not acceptable. The problem is that historically the anti-trafficking language has got stuck with the moral anti-sex, anti-prostitution, anti-sex work mess. The minute you say you work on sex workers’ rights, you’re painted as a

trafficker. It's crazy. We are part of the anti-trafficking movement and I want to claim that space."

It is critical for sex workers to claim the anti-trafficking space, said Ruth Morgan Thomas. "I claim the anti-trafficking movement and I claim it as a sex worker because I don't know any sex worker in the industry who thinks that trafficking is a good thing and should be tolerated in the industry. All of us in sex worker rights organizations are trying to address the human rights of labour and migration – and our rights to have good working conditions, the right to travel as sex workers but as workers as well. It's not about dropping the name. It's about reclaiming the space."

Because of the way the discourses have played out, it is sometimes hard to say one is both a sex worker rights activist and an anti-trafficking activist. A sex worker rights advocate shared how an anti-trafficking organization asked her to help with a campaign to reduce the trafficking of minors. "I wanted to help stop the abuse part of it – but they wanted to work on the campaign both to end the abuse and sex work itself. I managed to negotiate a complicated middle path – it is very tricky partnering with anti-trafficking organizations whose ideologies are very different. The only commonality is that you both want to stop the abuse."

Feminism and sex workers' rights

There are different traditions of feminism, said a participant. "We cannot assume that every feminist comes from this tradition of sex work as violence." There are also a few examples of women's groups using the strategy of solidarity to protest violence against sex workers. When a policeman threatened to rape the VAMP collective's Shabana Kazi and "tear open her vagina," some women's groups from the region stood shoulder to shoulder to her, protesting this violation through a volley of emails, protests and petitions. It was treated as any other case of violence would be treated within the women's rights framework.

It is important for all women, including feminists, to distinguish between coercive sex – or rape - and consensual sex. "When you remove my right to say yes, you actually take away my right to say no," said Morgan Thomas. "And your own."

Feminists need to consider that their claims can sometimes harm the claims of another movement of women. Women's groups can also learn from the sex workers' rights movement. "They have taken participation to a level we don't see," said Geeta Misra. "The

whole idea of consent: Consent doesn't mean that once you say yes and once you say no, it's okay. Consent is something you constantly have to engage with. Otherwise you'll say someone's got married and that's eternal consent. Even within one act of sex, what kind of consent do you want to have? You need to periodically invoke consent – and that's why we need to work more on informed and meaningful consent – which means the yes, and the no, and even the maybe. In the women's movement, we need to think about that.”

6

THE
SHEPHERD

Media: The violence of a stigmatic gaze

Mainstream media representations have stereotyped and stigmatized sex workers in many parts of the world. In this context, a 15-minute video, *Zinda Laash: Bollywood's Norms for Dhandewalis* was screened during the dialogue. The norms *Zinda Laash* identifies for representing prostitutes, sex workers and call girls are classically melodramatic:

- They must smoke
- They must swear
- They must dress 'differently'
- *Paan* is a must
- Clients come in all shapes and sizes
- Seedy brothels are the only spaces for them
- They are surrounded by shady characters
- They enter this world through deceit
- They must be abused
- They are impure
- They are living corpses in hell
- They have no place in society
- They are different from other women
- They cannot be a wife
- They cannot be a mother
- They can never escape their identity

Many of these norms reflect the anti-trafficking agenda and perpetuate the myth that sex workers are not 'real women'.

The Tiger And The Crocodile

Meeting participants viewed *Caught Between the Tiger and the Crocodile*, a film made by the Asia Pacific Network of Sex Workers (APNSW). The film is supported by a grant from the Open Society Institute Foundation and made in association with WITNESS Video Advocacy Institute.

Sex workers in Cambodia have been fighting abuses within the country's '100% Condom Use Program' since it started. In early 2008, a new law against human trafficking was passed in Cambodia, making all sex work illegal. Now there are new types of repression as brothels are closed and sex workers are arrested and forced into rehabilitation centres. The response of the UN organisations and most international NGOs working on HIV has been to support the law but in a way that allows the '100% Condom Use Program' to continue.

Sex workers reject both the '100% Condom Use Program' and the new anti-trafficking law. This is the story of the abuses they have faced under both systems, and why Cambodian sex workers are stuck between the tiger and the crocodile.

QUINTOIA SUTRAS

7

Resisting violence: Everyday experiences

In settings where the State denies them rights and justice, sex workers and advocates have evolved their own strategies to challenge and resist the day-to-day violences that they face – not just at the theoretical level, but at the ground level. These were shared in a panel presentation.

Panelists included:

KAYTHI WIN | APNSW, BURMA

HUA SITTIPHAM BOONYAPISOMPARN | BANGKOK

SWAPNA GAYEN | DMSC, INDIA

The panel and the following discussion were chaired by:

CHERYL OVERS | NWSP, AUSTRALIA

KAYTHI WIN

Kaythi Win is a program manager, APNSW, Myanmar, of an outreach program working for sex workers and men having sex with men in Burma.

Stigma is one of the main forms of violence that sex workers face in Burma. “Women in sex work face double stigma,” said Win. “As a woman and as a sex worker.” Although several NGOs and international NGOs work in the country, none of them speak about the human rights violations and everyday violence, stigma and discrimination that sex workers routinely face. “They only talk about sex workers using condoms. That’s all.”

Violations that sex workers routinely face include not being paid for their services, being beaten up, being cheated by pimps or agents, and exploitation by brothel owners. The police often arrest

them on trumped-up charges, have free sex and extort bribes from them.

A sex worker who was standing at a bus stop was arrested on false charges of soliciting; even though she had nothing on her, the police claimed she had condoms as 'evidence' of soliciting. Sex workers gathered money, hired a lawyer, and got her released. Sex workers' groups are now advocating with the police to ensure that such false arrests do not take place. "We think the police should have more understanding towards sex workers," said Win.

HUA BOONYAPISOMPARN

Hua Boonyapisomparn is a researcher and transgender activist from Thailand who is working on a research project with the Centre for Health Policy Studies at Mahidol University.

Male to female transgenders experience severe discrimination in employment and in health care. Many of them engage in behaviours that put them at risk for sexually-transmitted infections, including HIV. Many trans persons go in for plastic surgery but don't have adequate information on hormone treatments and the after-effects of surgery.

Many trans people, including trans sex workers, also have low self-esteem, have a precarious economic status, lack of social support, and face substance-abuse issues. "I am not a sex worker," said Hua, "but because of my identity as a transgender, I identify with the problems they face."

Police violence is a big problem; the police are even more violent and abusive towards trans sex workers than they are to women in sex work. Sometimes they arrest trans sex workers accusing them of creating trouble for and disturbing tourists. One trans woman complained about a policeman's rough treatment saying, "I'm sure he thought I was just a man in a dress. But I'm not. I'm a woman. If I identify myself as a woman, I'm a woman."

Although there are a lot of trans people in Thailand, there are very few facilities or services geared towards them. There is a need to empower and build capacity in the transgender community. An Asia Pacific network includes transpeople and men having sex with men, but transpeople don't see themselves as men having sex with men. These terminologies have emanated from the HIV/AIDS discourse. Organizations working on HIV/AIDS need to add a human rights perspective and use human rights principles in their work with the trans community.

SWAPNA GAYEN

Swapna Gayen is a sex worker and member of Durbar Mahila Samanwaya Committee (DMSC), a collective of more than 70,000 sex workers located in Kolkata.

DMSC started its work through an HIV/AIDS intervention, distributing condoms to sex workers through a peer education approach. Sex workers, in turn, persuaded their clients to use these. A study conducted three years after the intervention began showed that not much had changed; it also showed that sex workers found it very difficult to deal with three categories of people: the police, local goons, and madams or brothel-owners.

This led the HIV intervention in the direction of a struggle for sex workers' rights. "We knew about various clubs or groups working on women's rights but there was no such collective or group for sex workers," said Gayen. "Our central demand was for workers' rights. We use our bodies like other workers – why should we not get workers' rights?"

The collective has also advocated against violence against sex workers since its formation. The advocacy was done in steps: first with madams to stop exploitation within brothels, then with local councillors and municipal ward officers and police to stop violence, then with women's rights groups who oppose sex work, then with political leaders and the state government.

In 1997, the collective started working to prevent the trafficking of minors into prostitution through the establishment of Self Regulatory Boards. New women or girls coming into any red-light district in and around Kolkata must present themselves to the board, which consists of a mix of sex worker and non-sex worker members from the area. Minors are sent off to shelter homes, then back to their homes.

In 2006, the collective was part of a march of more than 4000 sex workers to Parliament, demanding that clients of sex workers not be criminalized. "We said we would stop voting for the party in power if they did this," said Gayen.

Discussion

In a discussion following the panel, a participant said that mass democratic movements are places within which the sex workers rights movement can find place. For instance, sex workers and trans people were included in the violence against women demonstration in South Africa during the AWID Forum in 2008.

Hua gave the interesting example of resistance of Crystal, a transperson who refused to enter a nightclub in Bangkok because her identity card said 'Mr'. This led to a hotel apology and protection for gay and transgender rights being written into the Thai constitution in 2007. However, two years later, an LGBT march was not allowed in Thailand. "People think Thailand is a paradise for gay people," said Hua. "But the march was not allowed last month." The 100 LGBT marchers were met by a determined cadre of more than 300 opponents – and could not start their march. "It's scary, it's very scary. It is not a paradise any more."

Hua spoke of the need to work together as a network, "whether you are lesbian gay or trans" and to transcend the binary gender framework. The human rights framework must be able to respond to and stop violence against sexual minorities, including sex workers.

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Rights, policy, sex work and trafficking

This panel looked at concrete examples of how the domains of policy and human rights currently address and affect sex workers' rights.

Panelists included:

ALEX HORNE | HUMAN RIGHTS WATCH, USA

GITA SAHGAL | AMNESTY INTERNATIONAL, LONDON

HEATHER DOYLE | OPEN SOCIETY INSTITUTE, USA

The panel and the following discussion were chaired by:

HEATHER DOYLE | OPEN SOCIETY INSTITUTE, USA

ALEX HORNE

Alex Horne is a researcher with the women's rights division of Human Rights Watch (HRW), one of the world's leading independent organizations dedicated to defending and protecting human rights. HRW's work is carried out both through regional divisions, which have a geographical focus, and thematic divisions which focus on issues (such as child rights, refugees, women's rights etc). It works in more than 80 countries around the world, using a combination of indepth research and advocacy.

Violence against women is one of the core issues that the women's rights division works on. "We try to use it as the spine of our work," said Horne, "as related to dignity, personal freedom, physical integrity, and other human rights." Like other human rights violations, abuse and violence often block other positive rights – this impact is explicated in the division's work. For instance, a recent report showed that in Zambia, violence was undermining access to ARVs. "The violence was the barrier to the right to health."

Trafficking is also part of the women's rights portfolio. "Fundamentally from a human rights perspective we do not believe in trafficking," said Horne. Reports have focused on the sex trafficking of women and girls after the war in Bosnia and the disintegration of the Soviet Union. "We don't talk about trafficking in large global terms," said Horne. "We try to steer clear of misleading figures. We try and talk about it through specific examples."

Over the last four or five years, the division has analyzed the working conditions of domestic workers – migrants from Philippines, Sri Lanka, Indonesia. "These working conditions are framed within a migration context where women are making a choice," said Horne. "We have not framed it as trafficking."

The women's rights division has not yet done any work on sex workers' rights. "The fundamental human rights of these women as women can't be denied," said Horne. "Our thinking is that the best way to engage is to start working on this issue. We can bring a stronger lens to it as we go forward." One way to start working on the issue is by looking at simple human rights abuses that sex workers routinely face, including violence.

Human Rights Watch does not currently have a policy on sex work. "We're trying to figure out our policy on making a policy on sex work," said Horne. Even so, the organization has signed on to campaigns protesting the anti-prostitution pledge in the US, and the proposed criminalization of sex workers' clients in India.

GITA SAHGAL

Gita Sahgal heads the Gender Unit at Amnesty International, a global human rights organization that is membership-based. Amnesty International currently has more than 2.2 million members and subscribers in more than 150 countries and regions. Members participate in key decisions through a meeting held every two years, where they are represented. "The fact that we are a membership organization makes a fundamental difference to the way we work," said Sahgal. "Being part of a very broad democratic movement is both an opportunity and an impediment."

Policies typically take many years to be framed within this gigantic set-up. For instance, it took almost fifteen years for Amnesty International to define people arrested on the grounds of their sexuality as prisoners of conscience. While it defined arrested homosexuals as prisoners of conscience, it did not do so for heterosexuals – including women arrested under zina laws in

Muslim countries. “We didn’t really have a constituency arguing for this,” said Sahgal.

Since the early 2000s, Amnesty has been working on a global Stop Violence Against Women campaign. “Many coalitions are part of the Stop VAW campaign,” said Sahgal. “And many of the groups within this have abolitionist positions because that is the nature of the VAW movement. We don’t want those coalitions to collapse.”

Amnesty does not currently work on violence against sex workers or the rights of sex workers. Strategically, it is easier to position these within existing programs than to wait for Amnesty to develop a policy around sex workers’ rights. “If put out to democratic debate, that debate could go either way,” said Sahgal. “And it would take years to play out.”

At the practical level, the issue could be positioned within portfolios of workers’ rights, safe migration or migrants’ rights. “We need to do work on people who are working in various industries,” said Sahgal. “And that includes sex work. In other words, let’s not exceptionalize sex work.” It is also worthwhile looking for opportunities to position sex workers’ rights in Amnesty’s upcoming campaign around demanding dignity, which centres on people living in poverty.

Sahgal, who comes from the violence against women movement, also spoke of opportunities for talking about violence against sex workers within this setting. “The face of the VAW movement is abolitionist but it isn’t all abolitionist,” she said. “It’s not the default position.” Feminists within the VAW movement see the shift in funding – from domestic violence shelters to anti-trafficking refuges – as a threat to their own work. This could be one entry point.

Decriminalization is another possible entry point. “Many feminist abolitionists disagree on demand etc,” said Sahgal. “But they will be more open to decriminalization. They don’t want women to be criminalized. A lot of abolitionists will say that they didn’t want women to be criminalized, so they thought they would criminalize men.”

It is also possible to advocate for Amnesty to create a policy on decriminalization. “There is no impediment to doing research on women who are being criminalized,” said Sahgal. “And on the various violations that women face as women and as sex workers in the course of their work and in the course of their lives.”

HEATHER DOYLE

Heather Doyle is director of the Sexual Health and Rights Project (SHARP) of the public health program at the Open Society Institute (OSI). SHARP works to increase access to health care and advance the health-related rights of those who are marginalized because of their sexual practices, sexual orientation and/ or gender identity.

In 2005, OSI filed a lawsuit against the United States government's anti-prostitution pledge, which says that US government money cannot be used to support, promote or advocate the legalization or practice of prostitution.¹⁸ "Those words have been carefully crafted to be very vague," said Doyle. "We don't know what it actually means. It could be that just taking to allies about prostitution could be a violation. It could mean that if you have a conference and invite a sex worker, you could be in violation."

Not only has the anti-prostitution pledge had adverse impacts on funding and resources for sex workers' health and rights programs in many parts of the world, it has also forced organizations to have a policy on prostitution. "Whether or not they've had any internal organizational debate or discussion about whether this is their mission or their mandate," said Doyle, "they have to have a policy if they want to take US funding."

In 2006, a favourable judgement ensured that the pledge does not apply to American-based NGOs. But it still applies to groups outside the United States that work with sex workers. "The freedom of speech of US groups is being protected," said Doyle. "But foreign groups now have to live under US policy that US groups have now been exempted from. It's a perverse situation." Several sex worker rights groups argue that violence is the biggest issue facing sex workers, but they can't work on that with PEPFAR funding. "It's restricting anything else they can do." PEPFAR was re-authorized in 2008 and will come up for a review only in 2013.

In 2003, the year in which the anti-prostitution pledge was passed as part of PEPFAR,¹⁹ the US government also passed the Trafficking

18 The lawsuit, which OSI filed along with its affiliate, The Alliance for Open Society International (AOSI) charges that the pledge requirement is unconstitutional, under well established Supreme Court case law, because it requires private organizations to adopt the government's point of view in order to receive funding.

19 In January 2003, U.S. President George W. Bush announced the five-year \$15 billion President's Emergency Plan for AIDS Relief in January 2003; Congress passed it in May 2003. The act states: "No funds [...] may be used to promote or advocate the legalization or practice of prostitution or sex trafficking."

Victims Protection Reauthorization Act which provided for funding of anti-trafficking activities. The language around trafficking in both acts was similar.²⁰ “How those things happened was very tied in terms of the political process,” said Doyle. “Both have similar language around opposing prostitution and sex trafficking.”

Are there any opportunities for advocating on these issues with the new Obama administration? While advocates are working with Obama’s transition team in the Department of Justice and in the Department of Health and Human Services, this is still an open question. “We very optimistic about the Obama administration on a lot of things,” said Doyle. “Sex work is not one of them. The transition team has been open to hearing things but a lot less enthusiastic than they have been on other issues.”

Advocates need to identify openings for advocacy; in doing so, they need to understand the difference between legislation and policy. PEPFAR is a piece of legislation; a law. What’s important is how that gets translated into policy. This process needs to be understood. For instance, a new Administration can advise agencies not to enforce the pledge. Or it may continue to litigate (the prostitution pledge is currently under appeal). Or it could issue new guidance that would actually be a lot less draconian than that issued under the Bush administration. Or it could choose not to enforce the pledge on non-US groups. The best case scenario is that the Obama administration send a signal that this is not a high priority for this administration. In such a case, the pledge could be reviewed when PEPFAR comes up for re-authorization in 2013.

“No funds [...] may be used to provide assistance to any group or organization that does not have a policy explicitly opposing prostitution and sex trafficking.”

http://en.wikipedia.org/wiki/Anti-prostitution_pledge

- 20 Two clauses in the 2003 Trafficking Victims Protection Reauthorization Act read thus:

“No funds [...] may be used to promote, support, or advocate the legalization or practice of prostitution.”

“No funds [...] may be used to implement any program [...] through any organization that has not stated in either a grant application, a grant agreement, or both, that it does not promote, support, or advocate the legalization or practice of prostitution.

The anti-prostitution pledge language in both acts was authored by Representative Chris Smith, Republican from New Jersey.

http://en.wikipedia.org/wiki/Anti-prostitution_pledge

Discussion

The discussion following the presentations focused on a number of inter-related issues.

Human rights and women's rights

Several feminists expressed their concern at the inability of mainstream human rights organizations to take women's rights on board. "As a feminist and women's rights activist, I participated in the debates during Beijing and Cairo," said Wanda Nowicka. "Mainstream human rights organizations hardly engaged in women's issues. It was a big disappointment for some of us who hoped that human rights means human rights of all under all conditions."

Another participant noted that some governments were more progressive than mainstream human rights organizations, more easily accepting rights such as sexual and reproductive rights. Even so, some human rights organizations did eventually participate in these discussions. "I would like to acknowledge that some processes did happen even if they are not easy and not quick. But they are allies," said Nowicka.

Human rights, HIV and sex workers' rights

At Human Rights Watch, some of the most outspoken work around sex work has emerged from working on HIV. While HIV has created openings for working with sex workers, it has also constrained the discussion on sex workers' rights. In this context, a participant wondered if it is really feasible to work on violence against sex workers through the lens of HIV.

Human rights, not special rights

Ruth Morgan Thomas outlined how her stepmother gave up her

membership of Amnesty International because its anti-trafficking policy is also anti-sex work. “We need to look at the impact of these policies on sex workers and migrant sex workers,” said Morgan Thomas. “On sex workers who have migrated but are not trafficked.”

A male sex worker who was a member of both the International Union of Sex Workers (IUSW) and a long-term activist of Amnesty International put forth a motion of looking at a policy of decriminalization of sex work to Amnesty’s Annual General Meeting. It didn’t succeed. Amnesty then sent him a letter saying he cannot publicly say he is a member of both IUSW and Amnesty. “For a human rights organization to tell a unionist you cannot say you are a member of a union appals me,” said Morgan Thomas. “We’re not asking for extra rights, we’re not asking for the right to sex work. I’m asking for my rights to associate, to be a member of a union, to be free to move, to be free to choose my work. They’re human rights. They’re not special rights.”

The problem is often the morality underlying the rights discourse. “If you’re good your rights are going to be upheld,” said Morgan Thomas. “If you’re perceived as bad then there’s an issue about you having rights at all.” Responding to this, Gita Sahgal underscored the dangers of exceptionalizing sex work. “We don’t need to exceptionalize,” she said. “We need to support workers in their workplace in the rights framework they define.”

Decriminalizing sex work vs decriminalizing women in sex work

Anna-Louise Crago said that as a sex worker, she advocates the decriminalization of sex work, not just decriminalizing women or transpersons selling sex, but also clients buying sex. “A number of abolitionists are for decriminalizing women selling sex but not men buying sex,” said Crago. “To me that’s not decriminalization for a number of reasons.”

In countries where sex work is not decriminalized, sex workers are prosecuted under brothel owning laws, sometimes even for working out of their own apartments. Where clients are criminalized, even though women in sex work are not criminals, they get driven underground, where they face greater violence. “Criminalizing clients has been going on in USA and Canada for years and years and years,” said Crago. “And it certainly has not done anything for sex workers’ rights.”

In Canada, sex worker rights groups came within a hair’s breadth

of dejudicializing the law, said Crago. Police said they would not apply the law, given health and human rights considerations. But a backlash from conservative forces, including right wing neighbourhood associations who allied with women's groups, scuttled this plan. A large number of clients were arrested; sex workers were also arrested on homelessness and drug charges "just to mask what was actually going on." In that three-month period, there was a tripling of violence against sex workers "because it drove the industry completely underground and meant that your ability to choose clients was much reduced, because you had fewer clients to choose from. It's important to link even the criminalization of clients to a context of violence against sex workers."

Influencing human rights organizations

What are possible starting points for getting sex workers' rights on the agenda of mainstream human rights organizations? "It is difficult to penetrate or understand the struggle it takes to get even the smallest thing on the agenda of large organizations," said Geeta Misra. "The policy to make a policy. We need to understand the architecture of these organizations - they have influence and they set agendas."

Urgent actions are one mechanism for getting sex workers rights on the agenda of human rights groups. For instance, human rights groups understand the concept of torture. A sex worker who is being held at a police station and faces the threat of rape could be considered to be facing torture.

"When we started working on women's rights, we started working in the classical human rights framework - of torture, using the Torture Conventions," said Gita Sahgal. "What has not been recognized by the human rights framework is that sex workers face disproportionate violence from every arm of the State. We know this but the human rights framework as a framework does not know it."

While the War on Terror has repositioned torture as something done to men, said Sahgal, the violations that sex workers face fit classically into the torture framework. "With sex workers, there is absolute State violence." Getting human rights groups to recognize violations of sex workers as torture requires several steps: documenting, creating shadow reports and forwarding these to CEDAW, the Torture Committee, the Human Rights Committee,

forcing this recognition on them, forcing them to put language on this in their concluding observations about these issues.

“These are things that can be done within human rights discussions and haven’t been done,” said Sahgal. “It then leads to a stronger argument for decriminalization. Whatever your ultimate goal – whether ultimately you think prostitution should be suppressed because in a wonderful world nobody would ever be a prostitute, or whether you ultimately think that in a world where anyone could do what they wanted, selling sex is as valid an option as any other. Whatever your utopian goal, you can build steps for decriminalization, by arguing that the impact of criminalization causes many violations.”

9

Terminist Ensojōentantō

Feminist engagements: Taking on board sex workers' rights

This panel provided an opportunity for feminists to share how they have engaged with or taken on board sex workers' rights in their work. Panelists included:

Panelists included:

SUSANA FRIED | UNDP, NEW YORK

SUNEETA DHAR | JAGORI, INDIA

SVATI SHAH | UNIVERSITY OF MASSACHUSETTS, AMHERST, USA

NELIA SANCHO | GAATW

The panel and the following discussion were chaired by:

MAESY ANGELINA | HIVOS, INDONESIA

SUSANA FRIED

Susana Fried is a well-known advocate for human rights, LGBT rights and women's rights. In this session, she spoke from her institutional position as gender advisor at UNDP.

Explaining where and how violence against sex workers enters UNDP's institutional framework, Fried clarified that different UN agencies take the lead on different issues. For instance, UNFPA is the lead agency on sex work issues in the context of HIV, while UNDP is the lead on human rights, gender, diversity, and mainstreaming HIV into development planning. This does not mean that UNDP is the only agency working on these issues; what it means is that UNDP is responsible for coordination among the agencies on these issues.

UNDP has a long history of working on human rights, gender, sexual diversity, including sex workers. “We tread carefully,” said Fried. “We are very careful to raise violence against sex workers through the lens of human rights, gender and diversity. What that allows us to do is to frame the issue as a human rights issue, making the argument that a human rights-based approach is central to an effective AIDS response – and that means decriminalization. It means decriminalization of HIV transmission. It means decriminalization of same-sex sexuality. And it means decriminalization of sex work. We are very clear and forthright about these positions.”

In talking about sex workers, UNDP includes female, male and transgender sex workers. “But the real challenge is what we mean when we say gender,” said Fried. The agency is mandated to talk of gender as two separate but interlinked strands:

- women, girls and gender inequality
- men who have sex with men and transgenders

“We are mandated to talk about both but from separate categories,” said Fried. In the context of sex work and HIV, this creates a problem. “We try to stretch the limits of definition where we can.”

Fried recalled how it was easier to distinguish between sex trafficking (or forced prostitution) and prostitution in the 1990s decade of global UN conferences. For instance, prostitution entered the Beijing Platform Of Action as the human rights violation of forced prostitution, not prostitution.

“It was an easier time in 1995 than now in making those arguments,” she said. “Folks who take a different position have mobilized very effectively and achieved positions of enormous influence.” At the Committee on the Status of Women, for instance, the current dominant position is that of prostitution as violence; the counter-narrative is not so visible. “We need to figure out how important it is or not to reclaim those spaces.”

SUNEETA DHAR

For more than a decade, Suneeta Dhar has been part of Jagori, one of the first feminist training documentation resource training centres in India. She has also worked on issues of women’s rights in the context of HIV at UNIFEM.

In India, Jagori was one of the first women’s groups to deal with sexuality, including gay and lesbian rights. It has consistently

challenged the family as a site of violence, questioned State policies, and worked on women's health, positive sexuality and other contemporary issues, including in a rural context. "There are words I want to talk to you but you are not yet ready to talk to me," says a snatch of a poem in *Living Feminisms*, one of Jagori's publications.

Jagori has challenged its own peers in the women's movement on some of these issues. "The fact that we were addressing same-sex relationships and sexuality was itself a threat to many women's organizations," said Dhar. "We always had to contest and defend ourselves." In the lead-up to the Beijing Women's Conference, many mainstream women's groups did not accept lesbian women's rights. At that time, Dhar headed the Coordination Unit set up by donors to mobilize grassroots women's participation in Beijing. The National Commission of Women called the Coordination Unit to ask why the issue of lesbian women's rights was on the agenda. "That was the level of resistance and anger."

Highlighting the importance of creating spaces that do not further marginalize women, Dhar outlined some defining moments in Jagori's work on women's rights and sexuality. In the late eighties, the group took up the case of Leela Namdeo and Urmila Srivastava, two policewomen who decided to marry each other. "A lot of work had to be done around that politically," she said.

In 1994, the National Federation of Indian Women, which is the women's wing of the Communist Party of India condemned homosexuality. It asked the Prime Minister to cancel permission to hold a conference on gay men, HIV and homosexual identity. Jagori was one of the first organizations to initiate a campaign among women's groups to oppose these demands.

In the 1990s, Jagori deepened its work on violence against women through campaigns such as *Take Back The Night* that sought to make public spaces safe for women. "A lot of attention then in the women's movement was on domestic and sexual violence," said Dhar. "Very little was on public spaces or on State violence." As part of its goal of confronting violence in public and private spaces, Jagori worked with the Indian Railways to make the railways a safe space for women. "When joint women's programs for International Women's Day were fractured and fragmented on issues of sexuality and sex workers' rights, we chose not to be part of the process – where equal rights were not there for everyone."

Dhar decried her own learning journey on sex workers' rights, which began with spending a week at DMSC, the sex worker rights

collective in Sonagachi, Kolkata. She then spent a couple of days with the Bedias, a criminalized sex work community in central India. The Bedias are not counted as Indian citizens, in that they do not enjoy the right to vote.

“We went to that community and I think I really understood what consent meant then,” said Dhar. “At the age of 13-14, girls in this community are asked whether they’d like to be a sex worker or a daughter-in-law. We began to examine a female-run female-managed institution that actually runs the family, that manages the public space, and that sets terms and conditions that are pretty feminist in nature. This was something that was unknown to most women’s groups in the country – that there could be a community that was premised on consent to be a sex worker.”

Jagori worked with the Bedia community, documenting their stories, looking at how they wanted to move their lives ahead, putting them in touch with the National Commission for Women and the Election Commission – since they had no rights. That’s how Jagori’s work on citizenship rights, protection from police violence, and networking began on this issue. “There are plural sites of empowerment in India which are not known to people,” said Dhar. “It was amazing for us to look at the notions of empowerment, at how they were traversing the different spaces in organizing.”

In 2000, Jagori started looking at the issue of trafficking in women, building on learnings from GAATW, which is against trafficking but recognizes the rights of sex workers. Jagori produced an info-pack on the issue, and simultaneously developed a deep understanding of how to address trafficking. “However, when the UN started working on trafficking, Jagori decided that this was not the framework within which we wanted to work,” said Dhar. “We rejected the funding that could have come in from the UN to work on the issue.” Instead, Jagori started unpacking issues of safe migration, autonomy, and violence against women. “We did not go the trafficking route.”

When UNAIDS called for a meeting on gender and HIV with the National Human Rights Commission (NHRC), Jagori brought in representatives from positive women’s networks, sex workers’ groups and recommended the decriminalization of sex work. This was contested by mainstream women’s groups, who said decriminalize the sex worker, but not sex work. “There was a big debate,” said Dhar. “Even our understanding of how to educate NHRC policymakers on decriminalization was limited. We didn’t know how to work with them for them to take the recommendations forward.”

A draft law on women's rights in the context of HIV (that UNIFEM catalyzed) does address the rights of sex workers and marginalized women, but has not yet been adopted as a law. All Jagori trainings, networking activities and training manuals centrally address sex workers' rights and violence against women at all sites. "We are one of the women's groups that have spoken up for sex workers whose rights have been violated in Delhi and Bangalore," said Dhar. "Even in our safety audits, we ask: how safe are public spaces for all women, including sex workers?"

SVATI SHAH

In her presentation Svati Shah, who is both an academic and an activist around issues of gender, sexuality and rights, outlined her journey of engagement with sex work as a researcher.

Shah started out as a queer activist in the United States in the 1980s. "I was very much part of the identity politics of the 80s and 90s," she said. "But identitarianism had some limits. After you said you're gay, then what?" While she remains part of the LGBT movement in the US, Shah has started working on more intersectional issues. "We really need to be talking about sexuality and class and ethnicity and race and gender within the same frame," she said. "Somehow we have to have elegant ways of conveying that people are all of these things at the same time."

Her first exposure to sex work was when she realized that some of her queer women friends were doing sex work to put themselves through graduate school. "I was kind of shocked about this," said Shah. "I was very young and had fairly conservative ideas around sex that I had not examined. So this really challenged me."

Since then, sex work has become one of Shah's fields of research. From meeting sex workers' rights groups in India to seeing rights-based sex work interventions in practice, Shah moved on to writing an ethnography based in Bombay on sex work in the informal sector as her PhD dissertation. This is currently being developed into a book.

Shah brings a feminist lens to her research around sex work. "Feminism meant breaking one of the cardinal rules of research: having an objective view of one's field of study," she said. "Feminist historiographers, ethnographers, and researchers have argued that it is not necessary to have a vast separation between yourself and the people that you're talking about." This principle is not only politically essential if one is trying to challenge power

through one's work, but also helpful in terms of conducting the research. "It was helpful to see myself as in solidarity with the people I was talking with, or researching connections between me and my subjects of study."

But being a feminist researcher has also meant grappling with several issues. One of these is negotiating being a non-sex worker and being middle-class in the space of sex work. "Middle-class researchers have been going to sex work communities for more than a century," said Shah. "This historical memory is very very present in sex worker communities. People are very very aware of how they'd been written about."

Doing research in such contexts ethically and honestly means keeping this history in mind. "The idea is not to defensively say, 'I'm the good researcher, they're the bad researchers,'" said Shah. "But I have to explain why I'm there, ask if they mind if I take notes, and explain what I'm going to do with the conversations I'm going to have."

As a feminist researcher, Shah is aware that she is on a research path that is fairly controversial within feminism. "If there's one thing people don't agree about, it's this," she said. In the past, women who took an anti-censorship position were often labelled as pornographers, and accused of being in collusion with the sex industry. "If I was going to say that prostitution per se is not violent, then I was also exposing myself to this charge of promoting prostitution."

Since research is often used for advocacy purposes, this raises certain questions: How can one do rigorous research that doesn't have the answer before it asks the question? What does it mean to be an advocate? What are the differences between advocacy and altruism? During her long-standing engagement with sex work, Shah has also clarified her position around trafficking.

"We are really anti-trafficking advocates." She described how a group of male construction workers who were trafficked to the US were promised green cards by a multinational company - but did not get them. "What was shocking to me was how impossible it was for them to be classified as trafficking victims," said Shah, "because they were not female sex workers."

NELIA SANCHO

Nelia Sancho has been part of the Filipina feminist organization

Gabriella and is a member of GAATW. In her presentation, she shared the dialogues and tensions of grappling with the issue of prostitution in the Philippines.

Nelia's personal journey on this issue began when, as part of Gabriella, she helped a trafficked woman get justice. The Filipina woman had been trafficked to the Netherlands - she was taken to a sex camp instead of a hotel, where she was supposed to be a chambermaid. Although she lost the lawsuit in the Philippines, she won in the Netherlands with the help of the Dutch Foundation Against Trafficking (STV). In fact, her case became a landmark of sorts in the Netherlands.

"Philippines society and our legal system were not ready to deal with this case," remembered Sancho. "People focused not on the fact that she was trafficked but that she went into prostitution. She was shown smiling in some of the photos. Prostitution is taboo in our society – the ruling had something to do with this perspective."

In the 1980s, against the backdrop of military dictatorship and the excesses of the Marcos regime, women's organizations mobilized both against the impact of militarization on women, lobbied for the rights of refugee women, and carried out campaigns against pornography. In 1991, when an Asia-wide conference was held on sex trafficking, the sex workers' rights movement was not around. Trafficking was framed within the human rights perspective.

In the early 1990s, members of the abolitionist Coalition Against Trafficking in Women (CATW) attacked an anti-trafficking activist who brought up the concept of 'sex work as work' at a meeting. This led to a split within the anti-trafficking movement, and the formation of the Global Alliance Against Trafficking in Women (GAATW) – all those who supported a rights-based approach to trafficking while simultaneously supporting the rights of sex workers moved to GAATW.

As part of the Asian Women's Human Rights Council (AWHRC) and Gabriella, Sancho said she had many colleagues who were abolitionist. "We promoted respect, instead of polarizing ourselves." Although AWHRC did not have an official position on sex work and trafficking, individual members could have their own positions on these issues. "I could say, 'I am Nelia from AWHRC and this is my position' and still remain in AWHRC," said Sancho. "We were open to listening other women's voices, no matter where we came from."

Discussion

A lively discussion deepened the conversation between feminists and sex workers in the room and focused on the following issues:

Hearing sex workers' voices

Cheryl Overs highlighted the need for feminists to hear the voices of women in sex work. “There is a real divide between those who have done that and those who don’t listen,” she said. “We have got 30 years of trauma from those who don’t listen.” She talked of how slogans like ‘Don’t talk to me of sewing machines; talk to me of workers’ rights’ have been created in response to what adult women in sex work are saying – that they don’t want to be rehabilitated.

Creating safe spaces for sex workers

Feminists also need to create safe spaces, where women in sex work feel respected and enabled to put forth their own perspectives. “As a sex worker, I am not sure some of these spaces are safe for me,” said Ruth Morgan Thomas. “How do we create safe spaces where women like me don’t have to feel unsafe?”

Talking about how she was once asked to leave a feminist meeting where talked about the rights of women in prostitution, Meena Seshu said: “What was I saying that was so terrible? Why can’t we have a conversation between equals – as women?”

Explicitly stating feminist positions

Feminism is not a static monolithic movement; there are multiple women’s movements, with different feminists and women’s groups bringing new iterations, issues, expressions and articulations to the fore. While many feminist organizations do work on sexuality, they have yet to explicitly state their position on sex work. This

makes it difficult for sex worker rights organizations to understand who their allies are within women's movements.

Reacting to this, Nelia Sancho explained that it is sometimes difficult for organizations to articulate a position, because all the opinions in an organization cannot be unified into a whole. "While there are several structural issues underlying why large institutions don't take stated positions," said Svati Shah, "non-institutionalized and non-funded spaces are becoming important for breaking down these issues."

Understanding our own values

The issue of prostitution goes to the core of every human being – perhaps that's where the problem lies. "Unless we go through the process of examining our own values, this is very difficult to get to," said Susana Fried. "Now that I have crossed the line from saying 'let's abolish prostitution' to saying 'sex workers have rights' and 'sex work is about livelihoods', I also face stigma. I am often silenced."

Doing no harm

If continuous engagement is one principle for understanding difference, including different points of view, doing no harm is another. "How do we ensure that our activism does not reify distinctions between sex workers and non-sex workers?" asked Geeta Misra. "What does it mean to be in solidarity and do work in a way that does no harm?"

Worship,

Conclusion

The Global Dialogue came to an end with all participants – sex workers, feminists, sex worker rights advocates, and women’s rights advocates – unanimously applauding the meeting for creating a safe space for this critical dialogue to take place in a meaningful manner.

In breakout groups, participants listed the following points for action:

- A campaign to influence mainstream, international human rights NGOs to include sex workers’ rights within their work and mandates. The campaign, called ‘AH WAW!’ or ‘Aren’t I Human? Where Are We?’ aims to use violence against sex workers as an entry point to open closed doors. It envisages an online and offline on-the-ground campaign strategy both through social networking sites like Facebook and Twitter, and through the involvement of sex worker rights groups.
- A strategy to present the issue to regional feminist coalitions, such as AMINITARE or the African Partnership for Sexual and Reproductive Rights, of which 26 countries are members.
- A political statement by feminists that tries to reclaim the anti-violence feminist space - but not as an anti-sex work space. This statement would take into account that the world has changed tremendously since the advent of the sex worker rights discourse. It would talk of the need for transformation within feminism – to the point where feminists continue to fight trafficking, but also see sex work as work, regardless of the larger question of the existence of prostitution.
- A process through which sex worker rights groups define the negotiables and non-negotiables related to sex workers’ rights. This would help manage diverse positions within feminist movements.
- A mechanism to document best practices in fighting violence against sex workers. Preventing and reducing violence is a long-term goal of the women’s rights movement; the work of sex worker rights organizations needs to be positioned within this.

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CREA is an international feminist, human rights organization based in New Delhi. CREA promotes and advances women's human rights and sexual rights of all people by strengthening feminist leadership, organization and movements; influencing global and national advocacy; creating information, knowledge and scholarship; changing public attitudes and practices; and addressing social exclusion.

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