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A feminist defence of sex workers' rights

GEETANJALI MISRA 28 October 2013

In the international row over decriminalizing sex work, Geetanjali Misra takes issue with the on-line petition launched by the women's human rights organisation, Equality Now.

Last month, an [online petition](#) by the group [Equality Now](#), titled 'United Nations: Listen to survivors – don't jeopardize efforts to prevent sex trafficking', did the rounds. Equality Now is a group working to mobilize international action to combat violence and discrimination faced by women and girls, and promote women's human rights. This petition was against two UN reports released last year- the Global Commission on HIV and the Law's report [HIV and the Law: Risks, Rights and Health](#) (2012), published by UNDP, and the UNDP, UNFPA and UNAIDS-backed report, [Sex Work and the Law in Asia and the Pacific](#) (2012). Equality Now argues that the "reports not only make recommendations in direct opposition to international human rights standards, but also largely ignore the experiences and views of survivors of prostitution and sex trafficking"

At its core, the Equality Now petition demanded that the UN must reverse trends towards the decriminalization of sex work, arguing 'that decriminalization and legalization – including of brothels – does not protect people in prostitution or improve their situation.' Here are three reasons why I disagree:

The petition is confusing and it collapses all sorts of issues. It [quotes](#) 'mounting evidence' for its position, linking to a two-pager with cherry-picked quotes - some of which are not necessarily authoritative such as the one from the lone a police officer from New South Wales in Australia - making generic statements like 'women are still abused', 'pimps are still common', and 'policing is patchy'.

All but one quote apparently originates from one of four countries: Australia, Germany, New Zealand and The Netherlands. And while it appears to be saying something coherent by the way the quotes are packaged, the document is actually conflating all sorts of complex social phenomena that manifest differently in different countries, and lumps them together to 'prove' two questionable points: all prostitution is trafficking, and decriminalization is bad for prostitutes.

This is a poorly constructed argument that does not stand up to my experience in India. Moreover, it can be disproved by plenty of robust research and consultations, including from work in the same countries the petition quotes from. The [response](#) by the Sex workers education and advocacy taskforce (SWEAT) to Equality Now, for example, outlines two studies examining the results of decriminalization in Australia and New Zealand which found an improvement in working conditions for sex workers, that the number of sex

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workers in the industry did not increase, and that sex workers were better covered by health promotion programmes.

women's work

It is a mistake to think that all sex work is equal to sex trafficking. Trafficking is a gross violation of human rights, and involves the use of force or fraud. Sex work can be adult, consensual and a livelihood choice – [according to](#) sex workers themselves.

The Equality Now petition begins with a quote from an Indian survivor of sex trafficking who says:

"When people tell me that women choose this life, I can't help but laugh. Do they know how many women like me have tried to escape, but have been beaten black and blue when they are caught? To the men who buy us, we are like meat. To everybody else in society, we simply do not exist."

Choice is a loaded word. And the politics of choice is extremely complex. It is not black-or-white, where a woman either freely chooses or does not. Choice is always limited, relative, and contextual. This is especially true for poor women in the labour market. But that does not invalidate these choices. If a poor woman can choose to be a domestic worker or a garment worker, she can choose to be a sex worker. In fact, these are the life choices before a lot of women in sex work in India today.

The Equality Now petition implores us to listen to the voices of women in the sex trade, so let's really listen to what these voices are telling us. In the first pan-India survey of sex workers, whose initial findings were [published](#) by the Center for Advocacy on Stigma and Marginalisation (CASAM) in April 2011, of 3,000 sex workers just over 70% said they had entered sex work willingly. Many of these women left other occupations because of low pay or the absence of regular work.

As the Open Society Foundations' *Ten Reasons to Decriminalize Sex Work* [report](#) demonstrates, the violence in sex work does not come so much from the act of sex work, but from the stigma and illegality surrounding it, which allows pimps and police and clients and health workers alike to be violent towards sex workers with impunity.

The question is, what should our intervention be? Do we work to introduce systems that can combat the violence - such as ending impunity for police who perpetrate violence, and improving the conditions of work so that women can work on safe premises rather than having to work on the street - or do we ask for the industry to be abolished, as Equality Now is effectively doing with its petition?

If we should demand the abolition of any situation that can possibly be violent, then why aren't the prostitution abolitionists asking for the abolition of marriage when [we know](#) that a substantial proportion of violence against women and girls occurs within marriage, and that women and girls are forced, even trafficked, into marriage?.

We need to have a consistent view of what we think is an inherent violation of women's rights and bodily autonomy, and what is not. Otherwise, it would seem, that the calls for criminalizing sex work have less to do with possible violations in sex work, which can and should be managed, and more to do with the stigma attached to working with a part of the body we are uncomfortable with, as opposed to our heads and hands.

I would urge Equality Now to listen to the sex workers who [explain](#) why decriminalization undermines their rights and livelihoods; public health practitioners including those at the World Health Organisation who take a [practical approach](#) to promoting sex workers' rights; human rights activists and groups who [show](#) how criminalization undermines the rights of sex workers; feminists, queer activists and researchers who [make the links](#) between sex workers' rights and women's rights; progressive governments such as New Zealand's which have decriminalized sex work; and UN agencies including UNAIDS, UNFPA and UNDP. Equality Now is reacting to the two [reports](#) by the UN agencies [published](#) in 2012 which are based on a rights-based approach and show a commitment to having this 'debate'.

Don't jeopardize efforts to uphold sex worker's rights. Aren't they women too?

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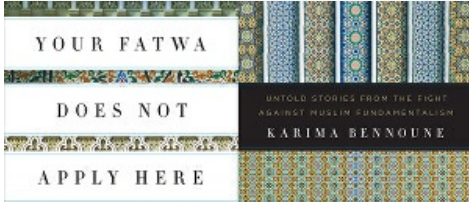
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