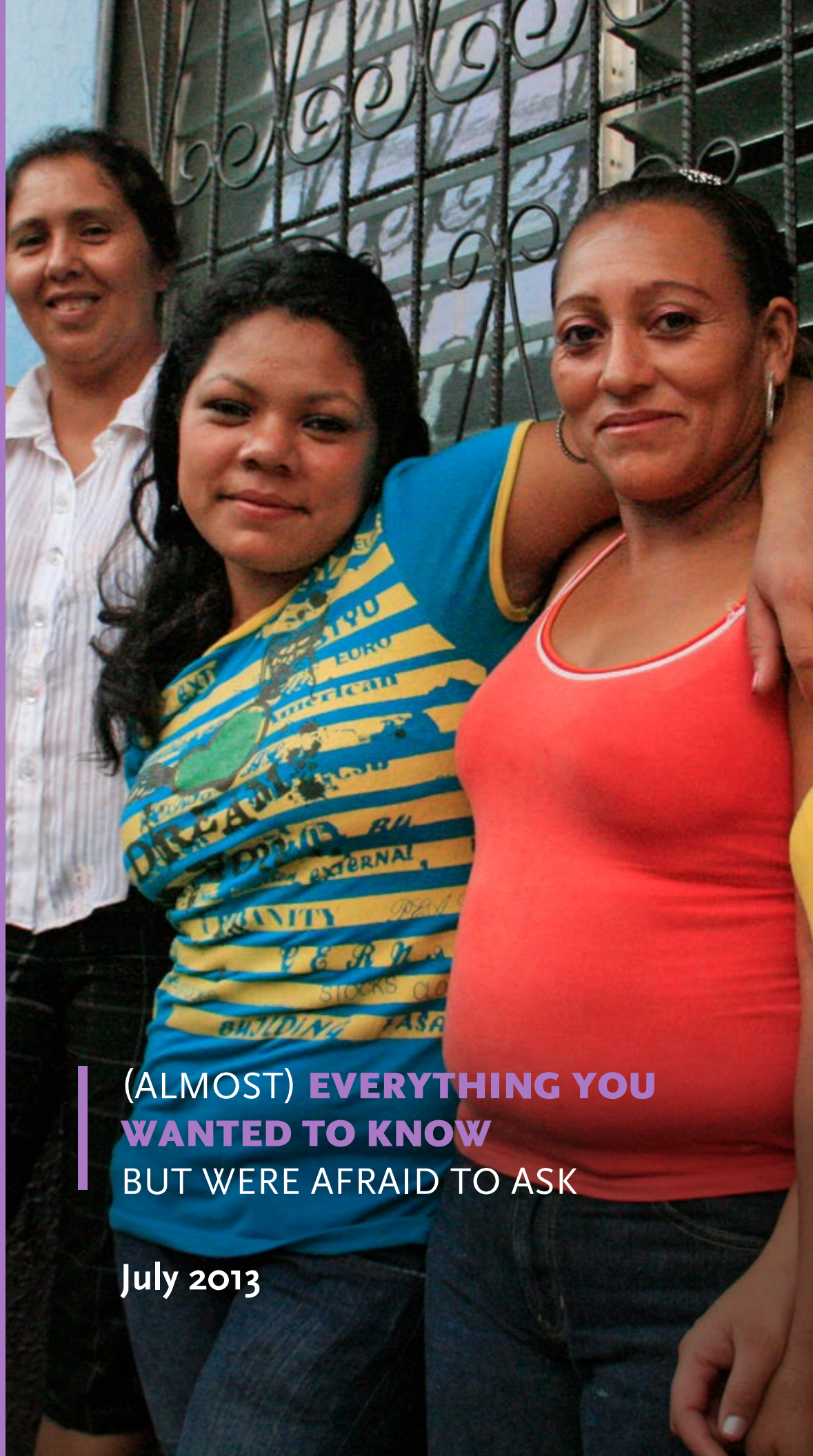


SEX WORKER RIGHTS



(ALMOST) **EVERYTHING YOU
WANTED TO KNOW**
BUT WERE AFRAID TO ASK

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ACKNOWLEDGEMENTS

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FRONT COVER Las Golondrinas works to protect and respect sex workers' rights through human rights education, sexual and reproductive health trainings, and advocacy with local authorities in Nicaragua. Photo by Stefanie Rubin.

BACK COVER Sex Workers from Durbar Mahila Samanwaya Committee (DMSC) in West Bengal march at the Sex Worker Freedom Festival in Kolkata, July 2012. Photo by Dale Kongmont, Asia Pacific Network of Sex Workers (APNSW).

THE QUESTIONS

- 1 What is sex work?
- 2 Why does AJWS fund sex worker rights?
- 3 Who are sex workers?
- 4 Why do people do sex work?
- 5 In places where sex work is illegal, what human rights do sex workers have?
- 6 What's the difference between sex work and human trafficking?
- 7 If sex work and human trafficking are two different things, what are sex worker rights organizations doing to combat human trafficking?
- 8 Why not just help sex workers leave the industry, instead of focusing on making it better inside the industry?
- 9 What's wrong with the criminalization of sex work?
- 10 What does it mean to decriminalize sex work?
- 11 What is the difference between "decriminalization" and "legalization"?
- 12 Why not just criminalize people who buy sex? Won't that help end sex work?
- 13 I'm a feminist. Why should I condone sex work?
- 14 What's the history of sex worker rights organizing?
- 15 What has AJWS done in support of sex worker rights? What are we doing now?

Appendix:

Dos and Don'ts

Glossary

American Jewish World Service (AJWS) is the leading Jewish organization working to promote human rights and end poverty in the developing world. AJWS advances the rights of women, girls and LGBTI people; promotes recovery from conflict, disasters and oppression; and defends access to food, land and livelihoods. We pursue lasting change by supporting grassroots and global human rights organizations in Africa, Asia and the Americas and by mobilizing our community in the U.S. to advocate for global justice. Working together, we strive to build a more just and equitable world.



“We are sex workers. We are workers who use our brains and our skill to earn an income. We are proud to support ourselves and our extended families. We look after each other at work; we fight for safe and fair standards in our industry and equal rights within society. We are a major part of the Thai economy, bringing in lots of tourist dollars. We are active citizens on every issue...politics, economics, environment, laws, rights etc. We try and find the space in society to stand up and be heard. Some see us as problem makers but actually we are part of the solution. We are sex workers.” —AJWS grantee EMPOWER

1. WHAT IS SEX WORK?

Although an official definition of sex work does not exist, AJWS refers to sex work as the act of providing sexual services in exchange for money, goods or favors. This term has replaced the word prostitution, which is marked by years of social stigma. The term sex work and, in turn, sex worker, better describes the work and the adults engaging in it. It separates the economic activity from a personal identity and recognizes that sex workers, like all people, have identities beyond their occupation.

2. WHY DOES AJWS FUND SEX WORKER RIGHTS?

AJWS believes in the essential dignity of every human being and recognizes that marginalized communities must take the lead in addressing the challenges they confront if we are to make lasting progress toward social justice. Through its grantmaking, AJWS supports organizations led by sex workers and their allies that are working to pursue the full spectrum of rights associated with sexuality, safety, health, control over one’s body, and economic justice for sex workers.

In many of the countries where AJWS works, sex workers face extreme stigma, violence and discrimination—with severe consequences for their health and human rights. They face multiple barriers to accessing health services and information, including denial of treatment by health care providers. Because sex work is considered illegitimate and immoral—if not illegal—most sex workers do not experience just or favorable working conditions. Even where sex work is not illegal, sex workers are criminalized through laws on loitering and public indecency. There is widespread resistance from health workers, police and government officials to actively promote and protect the rights of sex workers. Often, sex workers face abuse at the hands of fellow citizens and by authorities responsible for their protection. Sex workers are often reluctant to report human rights abuses to police; in many cases, when they do report abuses, they encounter additional harassment and violence and have limited access to legal recourse. For example:

- In April of 2012 in a city in Maharashtra, India, a pregnant sex worker named Anu Mokal was beaten so severely by the police inspector that she suffered a miscarriage. During the beating, the police commissioner allegedly called “women like her” a “shame.”¹
- In November 2012, AJWS grantee **Las Golondrinas** received a call to support a sex worker who had been severely beaten in a bar in Mulukukú, Nicaragua. She had injuries to her head and hand, and would eventually lose three fingers. When the director of Las Golondrinas, Fany Tórrez Rodríguez, arrived at the clinic where the sex worker was supposedly being treated, she found that the health provider had neglected to treat her for two days. After the staff had asked her what her profession was, they did not provide her with the same level of treatment as the other patients and did not even bother to change her blood-soaked sheets and clothes.
- In May 2012, police arrested two staff and three members of AJWS grantee **Women’s Organization Network for Human Rights Advocacy (WONETHA)**, a Ugandan sex worker rights organization that runs a drop-in center

¹ “Activists protest against police violence.” The Hindu. 15 May 2012. Web. 2013.



Sex workers from Asia and Africa march through Sonagachi red light district as part of the Sex Worker Freedom Festival in Kolkata, July 2012. Photo by Dale Kongmont, Asia Pacific Network of Sex Workers (APNSW).

for sex workers that provides information on sexual and reproductive health. The five people—three of them sex workers—were charged with “living on the earnings of prostitution” under Uganda’s penal code. In addition to violating these people’s rights to freely associate, the police’s actions posed real threats to public health efforts.

In the face of these challenges, grassroots sex worker rights organizations have emerged around the world to stake powerful claims for their rights. They are organizing fellow sex workers into labor unions and educating them about their health and human rights. They are providing skills training including financial literacy and support to diversify their livelihoods. They are organizing sex workers to lobby health service providers, police and governments for access to services and protection; raising awareness about the destructive impacts of violent brothel raids and other misguided efforts to help sex workers; and pursuing legal strategies to decriminalize sex work.

To strengthen their ability to advance their rights, sex workers’ organizations are also building alliances with other human rights movements.

Funding for these organizations, however, is extremely limited. When available, it is most often restricted to specific projects—most of them focused on HIV prevention or anti-trafficking measures. While such measures are important and there have been positive byproducts (over the last decade, funding for HIV and AIDS has played a significant role in supporting sex workers to organize and has raised the visibility of sex worker rights), these initiatives are not comprehensive enough to address the full spectrum of issues sex workers face. The overwhelming emphasis on HIV and AIDS prevention has meant that other important issues that sex workers face have been overlooked. Few donors provide long-term funding to sex worker rights organizations, and even within the human rights funding community, there is not a strong base of support for sex worker rights. Many funders are not aware of the human rights approach to sex work or if they are aware, they fear taking on the controversial issues surrounding it.

These funding challenges were further exacerbated by the U.S. government’s “anti-prostitution pledge,” which severely limited funding for sex worker rights groups.² According to the pledge—which was struck down by the U.S. Supreme Court in a landmark 6-2 decision on June 20, 2013—any group receiving federal anti-AIDS or anti-trafficking funds was forced to adopt an organization-wide policy opposing “prostitution” in order to be eligible for these funds. There were several problems with the policy, one being that it failed to clearly define what “promoting prostitution” constituted. This led to fear among organizations seeking funds for HIV prevention and treatment that they would not be compliant with the policy if sex workers were included in their programs. As a result, many programs excluded sex workers³ and many organizations have been unable or unwilling to collaborate with sex worker rights organizations out of fear that they would lose their funding. In an attempt to overcome this unjust policy, some organizations publicly refuted it. In 2005, AJWS grantee **SANGRAM** gained international attention when it refused to sign the pledge and, instead, returned a grant to USAID. Sex worker activists and allies around the world celebrated this positive decision by the Supreme Court, but it is important to note that it applies only to U.S. organizations.

² The “anti-prostitution pledge,” also known as the “anti-prostitution loyalty oath,” was first included in the 2003 Global AIDS Act, which authorized U.S. government funds to combat HIV and AIDS, tuberculosis and malaria internationally. The pledge prohibited funds from being used to “promote or advocate the legalization or practice of prostitution or sex trafficking” and required funding recipients to have “a policy explicitly opposing prostitution and sex trafficking.” These limitations were initially applied only to foreign non-governmental organizations; in 2005, they were expanded to include U.S.-based organizations. “H.R. 1298--108th Congress: United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003,” 2003. January 2, 2013.

³ See for example: Ditmore, Melissa Hope and Allman, Dan. “An analysis of the implementation of PEPFAR’s anti-prostitution pledge and its implications for successful HIV prevention among organizations working with sex workers.” *Journal of the International AIDS Society*. 16. (2013). Web. 2 Jan 2013.

Local organizations in the developing world are still covered by the anti-prostitution pledge, and further action by the U.S. government is required to address the barriers it poses to their work.

In this very challenging context, AJWS is among a very small number of donors that provide comprehensive, flexible funds to grassroots sex worker rights organizations. AJWS's grants provide general support and technical assistance, support networking among like-minded organizations, promote inclusion of sex workers and other minorities within mainstream human rights movements, and help sex workers amplify their voices in the international arena.

Advancing a human rights agenda that includes the voices of sex workers requires a long-term investment. Over the last eight years, we have witnessed our grantees' successes as they have worked to build strong organizations and movements, provide critical services to their communities, change attitudes and behaviors, and fight harmful laws and policies. Because we believe in the importance of this issue, we prioritize support to organizations promoting the rights of sex workers in countries across all three regions where AJWS works—in Africa, Asia and the Americas.

3. WHO ARE SEX WORKERS?

Sex workers come from diverse backgrounds across the globe, representing a wide range of class, ethnic and racial identities, and sexual orientations. While the majority of sex workers throughout the world are female, some are men and trans*⁴ people. Though many conversations about sex work center around women's vulnerability to sexual and physical abuse, male and trans* sex workers are also at risk of violence and are often stigmatized because of their sexual orientation or gender identity. Sex workers also span the range of marital and employment status: some are partnered or married; some are not. They may work part-time, full-time or just occasionally; from their homes, from bars or brothels, or on the street.

Data about the number of sex workers in the world is extremely limited for a number of reasons.⁵ Sex work is illegal in most countries, and many people who exchange sex for money or goods do not identify themselves as sex workers. Most surveys focus on female sex workers, leaving out male and trans* sex workers. In addition, methodologies for calculating the number of sex workers vary widely and surveys are often limited in geographic scope; estimates may come from outreach through sex workers' peer networks (i.e. asking sex workers to count other sex workers), or by extrapolating from surveillance reports on HIV, AIDS and sexually transmitted infections (STIs) conducted by national or international agencies. Such extrapolations may over-represent those working in established settings like bars or brothels, and underestimate the number of sex workers working independently, part-time, episodically or in less formal settings. Migrant sex workers may also be overlooked in such surveys because of language barriers or their fear that participating in a survey will jeopardize their ability to remain in the country where they work.

4. WHY DO PEOPLE DO SEX WORK?

People enter into sex work for a variety of complex reasons and circumstances. Some sex workers could pursue any career but choose their job simply because they enjoy doing sex work. Others have extremely limited options and do sex work in order to survive. As UNAIDS puts it, many people “enter into sex work as a result of conditions that, while deplorable, do not involve direct coercion and/or deceit by another; such conditions include poverty, gender inequality, indebtedness, low levels of education, lack of employment opportunities, family breakdown and abuse, dependent drug use, humanitarian emergencies and post conflict situations.”⁶

⁴ Some global activists use “trans*” instead of “transgender,” with the asterisk indicating a placeholder for the diversity of gender identities, many of which are specific to local cultures. The Global Action for Trans Equality defines trans* as “those people who transgress (binary) (western) gender norms, many of whom face human rights issues as a result... This includes, among many others, transsexual and transgender people, transvestites, travesti, cross dressers, no gender and genderqueer people.” As a funder, AJWS uses the word trans* with the acknowledgement that our partners may self-identify in a variety of different ways under the larger umbrella of trans* identity.

⁵ Vandepitte, Judith, Rob Lyerla, Gina Dallabetta, François Crabbé, Michel Alary, and Anne Buvé. “Estimates of the number of female sex workers in different regions of the world.” *Sexually Transmitted Infections*. 82 (2006): iii18-iii25. Web. 2 Jan. 2013.

⁶ “UNAIDS Guidance Note on HIV and Sex Work.” *Joint United Nations Programme on HIV/AIDS (UNAIDS)*. March 2009. Web. 13 February 2013.

Most people choose sex work because they see it as the best option among a limited range of economic opportunities. In this regard, sex workers make calculations and weigh choices—just as all people do who need to make money to care for themselves and their families. For example, many people choose sex work because it offers flexible working hours. This is a significant factor for people who want or need to spend time caring for their children. Sex workers are often self-employed and can choose when, where and how to work. Sex workers can often earn more money in less time than when engaged in other types of work, such as domestic work or manual labor. Finally, for some, earning money from sex work feels more empowering and dignified than cleaning someone’s house or performing backbreaking physical labor.

Regardless of why people do sex work, they have the right to self-determination, should be treated with dignity and deserve equal protection under the law.

5. IN PLACES WHERE SEX WORK IS ILLEGAL, WHAT HUMAN RIGHTS DO SEX WORKERS HAVE?

Sex workers, like all people, are entitled to the human rights recognized in international legal instruments including the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, and the Convention on the Elimination of All Forms of Discrimination Against Women. According to the UNAIDS Guidance Note on HIV and Sex Work (2009), The United Nations system “affirms the universality, inalienability and interdependence of rights, and promotes and supports their application in practice, including for sex workers, their clients and otherwise in the context of sex work, even where sex work is criminalized.”⁷

Despite this, many governments deny sex workers their basic freedoms, including their rights to non-discrimination and equal protection under the law.

The criminalization of sex work denies sex workers their fundamental rights and freedoms, including:

- Freedom from abuse and violence
- Freedom from stigma and discrimination
- Freedom of movement
- Freedom from arbitrary arrest or forced rehabilitation
- Freedom to access quality health services
- Freedom to safe and healthy working conditions
- Freedom to associate and unionize
- Freedom to be protected by the law
- Freedom to work and choose one’s occupation
- The rights to privacy, bodily autonomy and sexual expression

6. WHAT’S THE DIFFERENCE BETWEEN SEX WORK AND HUMAN TRAFFICKING?

Sex work and human trafficking are often conflated. There is, however, a fundamental difference: sex work is a voluntary and consensual choice within a person’s range of economic options, while human trafficking is forced labor for the purposes of sexual or other exploitation. The conflation of sex work and trafficking is often caused by paternalistic assumptions that people make about sex workers, including the notion that sex workers are so exploited by their trade that they cannot be responsible for making their own decisions. AJWS and our partners seek to reexamine and challenge the assumptions underlying this erroneous conflation of sex work with human trafficking. Sex work should also be distinguished from child trafficking or prostitution. While adult sex work is a legitimate form of work, child prostitution is a human rights violation. The Convention on the Rights of the Child declares in its Optional Protocol regarding the sale of children, child prostitution and child pornography that states must prohibit “child prostitution” or “the use of a child in sexual activities for remuneration or any form of consideration” and cover it under criminal or penal law.⁸ Children found in sexually exploitative situations should be removed and provided access to services to protect their rights.

⁷ *Joint United Nations Programme on HIV/AIDS (UNAIDS)*, 5.

⁸ “Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.” *UN General Assembly*. May 2000. Web. 2. Jan 2013.

Despite this critical distinction, many governments and non-governmental organizations fail to distinguish between sex work and trafficking, and do not respond appropriately. In countries where sex work is criminalized, police often carry out raids on adult brothels under the guise of “rescuing” sex workers from exploitation. And children in sexually exploitative situations are often arrested when they should be given access to social services.

7. IF SEX WORK AND HUMAN TRAFFICKING ARE TWO DIFFERENT THINGS, WHAT ARE SEX WORKER RIGHTS ORGANIZATIONS DOING TO COMBAT HUMAN TRAFFICKING?

AJWS and our grantees make a very clear distinction between sex work and human trafficking. While they promote the rights of adults to do sex work, AJWS’s partners are against all forms of trafficking. In fact, supporting sex worker rights is an effective way to combat human trafficking and child prostitution. Many sex worker rights organizations work proactively against trafficking. In contrast to police or non-governmental organizations that carry out “raid and rescue” operations, sex worker-led organizations have the trust of sex workers and their communities and thus are often able to identify children and adults that are victims of trafficking and refer them to social services. Decriminalizing sex work would aid the fight against child prostitution because sex workers could safely and effectively act as allies to police and government agencies.

8. WHY NOT JUST HELP PEOPLE LEAVE SEX WORK INSTEAD OF FOCUSING ON IMPROVING CONDITIONS FOR SEX WORKERS?

AJWS and our partners all believe that sex workers can and should make their own decisions about their lives and livelihoods. Respecting the self-determination of sex workers means putting their needs and priorities at the center of any interventions to support them, whether they choose to continue doing sex work and want improved working conditions or choose to pursue other livelihoods. Programs that assume that all people want to leave sex work undermine the autonomy of sex workers and delegitimize sex work as work. Speaking of sex work as work enables a focus on improving working conditions and increasing sex workers’ ability to negotiate the different aspects of services they offer—when, where and how they have sex.

Programs aimed at supporting sex workers to leave sex work are unlikely to be effective unless they address the complex reasons why people choose to do sex work, including offering livelihood opportunities with equivalent levels of income and flexibility. Moreover, alternative employment options do not always offer less exploitative working conditions. Factory work, for example, isn’t necessarily more empowering, dignified, or well-paid than sex work.

Thus, none of AJWS’ partners pressure or coerce sex workers to leave sex work. Instead, they aim to equip sex workers with the skills and abilities to live and work in health and dignity. In addition to engaging in human rights advocacy, many AJWS partners run programs that aim to expand sex workers’ economic options through vocational training and financial literacy programs. Such programs help sex workers who wish to leave sex work develop alternative livelihoods; they also support sex workers to diversify their livelihoods and increase their ability to negotiate with clients.



Illustration from Asia Pacific Network of Sex Workers (APNSW) used for the International Sex Workers Day march on March 3, 2013.

9. WHAT'S WRONG WITH THE CRIMINALIZATION OF SEX WORK?

The criminalization of sex work has many negative effects on the health and human rights of sex workers, their families and communities. Criminalization includes any legal statute that makes consensual adult sex work illegal, including criminal law as well as administrative statutes. Even in countries that have no criminal laws against sex work, sex workers are frequently arrested or harassed by law enforcement officials under “disorderly conduct” or other public order statutes. Criminalization results in sex workers being deprived of their basic rights as citizens. When sex work is criminalized:

- **Sex workers are stigmatized by their societies, which leads to discrimination** by members of their communities and reduced access to health care, legal systems and educational institutions. Sex workers often have to lie in order to access health care and sometimes delay seeking care because they fear negative attitudes, discrimination or arrest.
- **Sex workers and all people are more vulnerable to the spread of HIV and STIs**, because criminalization decreases sex workers’ ability to negotiate safer sex with clients. This problem is exacerbated by the fact that condoms are often used as evidence for the crime of prostitution,⁹ discouraging sex workers from using them. This increased risk of HIV and STIs affects not only sex workers and their clients but also sex workers’ non-paying partners, the partners of their clients, the partners of those partners, etc.
- **Sex workers experience high levels of physical and sexual violence from clients** as a result of the covert nature of their work and often lack the ability to seek justice via law enforcement or the court system. A Kenya study indicated that 58 percent of sex workers have experienced forced sexual encounters.¹⁰
- **Sex workers face coercion, extortion, harassment, physical and sexual abuse, arbitrary detention and other due-process violations at the hands of police**, who are able to perpetrate these acts with impunity. One report in Cambodia documented that 72 percent of brothel-based sex workers have been beaten by police and 57 percent have been raped by police.¹¹ Sex workers also report that police often demand unprotected sex in exchange for not arresting them for doing their work.
- **Sex workers are vulnerable to other crimes and abuses**, such as non-paying clients, robberies and unjust evictions, because they aren’t seen as rights-bearing citizens and don’t have access to protection by law enforcement or courts.
- **The often negative relationship between sex workers and law enforcement makes it challenging to carry out effective anti-trafficking interventions.** When police intervene by carrying out “brothel raids,” for example, they arrest all sex workers, not just those being coerced.
- **Sex workers are denied their rights to privacy, freedom, bodily autonomy and sexual expression.** The criminalization of sex work and the differentiation of sex work from other work is one of many ways that governments seek to control people’s bodies and sexualities. In this way, criminalization of sex work is a denial of the sexual rights of all people.

10. WHAT DOES IT MEAN TO DECRIMINALIZE SEX WORK?

Decriminalization means the removal of all criminal prohibitions against sex work. When it’s decriminalized, sex work is governed by the same laws that affect all employment and protect all workers, including provisions for health and safety. For example, sex workers are able to work as independent contractors or as employees. They are able to unionize, participate in developing regulations for their industry, and can expect protection from the police. Brothel operators and management are expected to comply with existing employment and health and safety legislation. With a decriminalization model, sex workers are more empowered to make decisions about their bodies and the way they work.

⁹ Shields, Acacia. “Criminalizing Condoms: How Policing Practices Put Sex Workers and HIV Services at Risk in Kenya, Namibia, Russia, South Africa, the United States, and Zimbabwe.” *Open Society Foundations*, July 2012. Web. 2 Jan. 2013.

¹⁰ Federation of Women Lawyers Kenya. “Documenting Human Rights Violations of Sex Workers in Kenya: A Report Based on Findings of a Study Conducted in Nairobi, Kisumu, Busia, Nanyuki, Mombasa and Malindi Towns in Kenya.” *FIDA Kenya*, 2008. Web. 2 Jan. 2013.

¹¹ Jenkins, Carol. “Violence and Exposure to HIV Among Sex Workers in Phnom Penh, Cambodia.” *United States Agency for International Development (USAID)*. March 2006. Web. 2 Jan. 2013.

Decriminalizing sex work is an important demand of many of AJWS's grantees. It is also a policy recommendation of UNAIDS,¹² the UN Development Programme (UNDP),¹³ the UN Population Fund (UNFPA) and the Global Commission on HIV and the Law.¹⁴ In its 2012 "Guidance Note on HIV and Sex Work," UNAIDS stated that "States should move away from criminalizing sex work or activities associated with it. Decriminalisation of sex work should include removing criminal laws and penalties for purchase and sale of sex, management of sex workers and brothels, and other activities related to sex work. To the degree that states retain non-criminal administrative law or regulations concerning sex work, these should be applied in ways that do not violate sex workers' rights or dignity and that ensure their enjoyment of due process of law."



A man in Uganda receives condoms to distribute, courtesy of Crested Crane Lighters. Photo by Evan Abramson.

When sex work is decriminalized:

- Sex workers can realize their fundamental right to work and be treated with respect and dignity.
- Sex workers have increased ability to negotiate safer sex and engage in condom use, reducing risks of HIV and STI transmission and promoting public health.
- Sex workers have increased access to public health services and can more easily organize health services for themselves.
- Sex workers have increased access to financial services and opportunities for earning livelihoods.
- Sex workers can report crimes against them without fear of extortion, abuse, violence by police or negative repercussions for their livelihoods.
- Sex workers can more easily organize for their rights to safe working conditions and can access protection for occupational health and safety.¹⁵
- Sex workers will not face the stigma, discrimination and consequences of having a criminal record.
- Sex workers and law enforcement officers can work collaboratively to combat human trafficking, as sex workers will not fear arbitrary arrest at the hands of the police or repercussions by the judiciary system.
- Sex workers come one step closer to realizing their rights to privacy, freedom, bodily autonomy and sexual expression.

Decriminalization is necessary in order to fully realize the rights of sex workers, their families and communities, but it's important to note that it's not sufficient in and of itself. In New Zealand, where sex work was decriminalized in 2003, evaluations reveal significant gains but some remaining challenges. Sex workers have indeed realized their rights to organize, challenge employers' labor practices, report crimes to the police and access government services; they are more empowered and more likely to negotiate safer sex and better working conditions. Yet, the evaluations also noted that sex workers still face some level of violence, discrimination, and stigma and that many still harbor some distrust of authorities. These findings indicate a need to accompany decriminalization with a variety of longer-term interventions, including but not limited to: human rights education for both sex workers and government

¹² *Joint United Nations Programme on HIV/AIDS (UNAIDS)*, 6.

¹³ "New UN report takes a stark look at links between sex work, HIV and the law in Asia and the Pacific." *United Nations Development Programme*. 18 October 2012. Web. 2 Jan, 2013.

¹⁴ Levine, Judith. "Global Commission on HIV and the Law: Risks, Rights & Health." *United Nations Development Programme*. July 2012. Web. 2 Jan. 2013

¹⁵ Decriminalization in New Zealand, for instance, enabled the creation of occupational health guidelines that sex workers have used to demand their rights with employers and clients.

officials, campaigns to change public attitudes and discriminatory laws, and the provision of inclusive and respectful public health services.¹⁶

11. WHAT IS THE DIFFERENCE BETWEEN “DECRIMINALIZATION” AND “LEGALIZATION”?

Most sex worker rights movements advocate for decriminalization, rather than legalization. Legalization means that the government has special regulations for the sex industry and can declare some kinds of sex work to be illegal and other kinds to be legal under strict conditions. In some countries, this has resulted in increased state control over the bodies and choices of sex workers. Decriminalization, on the other hand, is the removal of all criminal prohibitions on consensual adult sex work, the treatment of sex work as work, and the governing of sex work by the laws that affect employment and labor.



Delegates from EMPOWER Thailand march through Sonagachi red light district as part of the Sex Worker Freedom Festival in Kolkata, July 2012. Photo credit: Dale Kongmont, Asia Pacific Network of Sex Workers (APNSW).

12. WHY NOT JUST CRIMINALIZE PEOPLE WHO BUY SEX? WON'T THAT HELP END SEX WORK?

One well-meaning but misguided approach to helping sex workers is to “end demand.” This school of thought is sometimes referred to as the “Swedish model” because Sweden was one of the first countries to implement it as a national policy. This model advocates for the criminalization of buying sex, rather than the criminalization of selling sex. In other words, clients would be subject to criminal penalty while sex workers would not. However, there is little evidence that ending demand for sex work is effective. Rather than ending demand, this model has been proven to “export demand,” pushing sex workers underground or across country borders. Evidence shows that efforts to reduce demand by criminalizing the buying of sex results in more dangerous working conditions for sex workers.^{17 18}

Pushing sex work underground has many implications for the safety, security and sexual health of sex workers and their clients. When demand is criminalized, clients are less comfortable sharing their personal information. Consequently, sex workers find it more difficult to verify client identity, which is a key element of safety and security on the job.¹⁹ Research also shows that when sex work is driven underground, sex workers are more likely to accept violent or dangerous clients. Sex workers and clients have fewer incentives to engage in safer sex practices like condom use, as condoms are often used as evidence by police. Sex workers also face increased police harassment. Sex workers and clients alike are less willing to report violent clients or employers to the police, especially if they are undocumented workers. This creates an enabling environment for violence against sex workers to persist.²⁰

While well-intentioned, the “end demand” model fails to protect the rights of sex workers. It invalidates sex work as

¹⁶ Report of the Prostitution Law Review Committee on the Operation of the Prostitution Reform Act. *New Zealand Ministry of Justice*. 2003. Web. January 15, 2013.

¹⁷ A report by the Swedish Ministry of Justice and the Police in 2004, five years after Sweden introduced a law that criminalizes clients who purchase sexual services, indicated the following negative consequences for sex workers: fewer clients, a larger proportion of whom are dangerous; less time to assess clients; decreased prices for sexual services; more clients willing to pay for unprotected sex; and sex workers' feeling an increased risk of encountering violence while working. The “most vulnerable women,” including sex workers who work on the street, have psychiatric problems, are homeless or are immigrants were most affected by these effects. Canadian HIV/AIDS Legal Network. *Decriminalizing sex work(ers): law reform to protect health and human rights*. Canadian HIV/AIDS Legal Network, . Web. 2 July 2013.

¹⁸ Thomas, Nikki. *5 Reasons Criminalizing Sex Worker Clients Doesn't Work*. Web. 2 July 2013.

¹⁹ Thomas, Nikki. *5 Reasons Criminalizing Sex Worker Clients Doesn't Work*. Available online at: http://www.huffingtonpost.ca/nikki-thomas/criminalizing-clients-doesnt-work_b_3432643.html

²⁰ Kulick, Don. *Talk delivered at Beijing Plus Ten meetings on the “Swedish model”*. Web. 2 July 2013.

work, and it exacerbates rather than addresses the violence and health risks that sex workers face in the workplace. It characterizes all sex workers and victims and doesn't recognize the ability of adult sex workers to make choices about their bodies and their work.

13. I'M A FEMINIST. WHY SHOULD I CONDONE SEX WORK?

Within feminist movements and feminist theory, there are a wide variety of views toward sex work. Some feminists do not condone sex work, believing that sex work is inherently exploitative and promotes violence against women. They argue that sex work exists within the framework of unequal power relations between men and women and, therefore, serves only to oppress women. This model often conflates sex work and trafficking (see question 5). Many feminists who support this perspective advocate for stricter laws against sex work and, whether they intend to or not, promote a perspective that all sex workers are victims in need of rescue. They see the existence of sex work as undermining the “respectability” of all women.

Yet other feminists reject the notion that sex work is inherently oppressive to women. They recognize the complexities of how people secure their livelihoods and see sex work as one of the options that people employ. They claim that women are able to exercise power within transactions with clients, and at the same time, they recognize that unequal power relations are embedded in sex work. Accordingly, they support sex workers' efforts to increase their power individually (e.g. negotiating higher prices or safer sex) and collectively (e.g. organizing to form a union). These feminists point out that, in many parts of the world, sex work is a viable and sometimes preferable option for women with limited access to employment and education. They fight for sex workers' and all women's rights to employment that includes regular pay and working hours, equal pay for equal work, safe work environments, freedom to organize, access to child care, and freedom from sexual harassment, discrimination and violence in the workplace.

Some feminists also point to the stigma around sex work as an example of societies' unwillingness to recognize women's sexual and reproductive rights, including the right to choose one's sexual partners, to choose whether to have sex at all, and to enjoy sexuality and pleasure. Similar to their positions against bans on interracial or same-sex marriage, these feminists believe that the state should not interfere with consensual sex between adults. Further, many involved in sex work argue that the image of sex worker as helpless victim serves only to enhance stigma, ignores the realities that sex workers face, and is ultimately disempowering.

Regardless of one's opinion on the intersection of gender, power and oppression in sex work, AJWS firmly believes that fighting for the human rights of sex workers is an inherently feminist thing to do. Supporting the rights of sex workers—the vast majority of whom are women or trans*—means advocating for sex workers' freedom from violence and police brutality. It means supporting women's access to health care and safe working conditions. It means recognizing sex workers' voices and supporting everyone's right to a safe, healthy and dignified life. Feminism demands the equal rights of women and an end to sexist oppression. Supporting the rights of sex workers is a natural extension of that value.

14. WHAT'S THE HISTORY OF SEX WORKER RIGHTS ORGANIZING?

Sex worker organizing has a long and vibrant history. Although most of what has been researched and written about it chronicles the sex worker rights movement in North America and Europe, the movement blossomed around the world in the latter part of the 20th century and continues to grow exponentially today. While AJWS is a relatively recent supporter of the sex worker rights movement (we began funding sex worker-led organizations in 2005), we are still among a very small number of donors.

Here is a brief timeline of the movement and AJWS's role in supporting sex worker rights organizing:

- **The inception of sex worker organizing in the United States and Europe began in the 1970s, and sex workers began to organize and mobilize globally in the early 1980s.** According to Netherlands-based funder Mama Cash, that's when German, Italian, Canadian, Australian, Austrian, Ecuadorian, Thai and Swedish sex workers

began to form their own networks. During the 80s, **EMPOWER** (Education Means Protection of Women Engaged in Recreation), an AJWS grantee based in Thailand, began to advocate for the legalization of sex work.²¹ (AJWS has funded EMPOWER since 2005.)

- **In 1985, the First World Whores' Congress was held in Amsterdam, which convened leadership from sex workers' movements from around the world.** Delegates to the congress established the International Committee for Prostitutes' Rights (ICPR) and wrote the World Charter for Prostitutes' Rights, a declaration delineating the basic human rights of sex workers including speech, travel, immigration, work, marriage and motherhood, as well as issues relating to public opinion, movement building, access to services and working conditions for sex workers.²² This was a definitive moment in the international sex worker rights movement, as the charter linked "strategies for change to the greater human rights movement."²³
- **In 1986, more sex workers continued to organize, developing trade organizations and networks, particularly in Latin America and the Caribbean.** Sex worker organizations were formed in Uruguay, Ecuador, Chile, Argentina, Peru and the Dominican Republic. That same year, the ICPR held the Second World Whores' Congress.²⁴ The momentum from the 1980s opened the space for the sex worker rights movement to expand and grow in decades to come.
- **In the 1990s, sex work became linked to the spread of HIV and AIDS and, as a result, labeled a public health issue.** Although it is problematic to view sex workers simply through this lens, the institution of international AIDS conferences during this time created new opportunities for organizing and opened the doors for more funding for sex worker organizations.²⁵
- **National sex workers rights movements across the developing world were also gaining momentum in the '90s.** In 1990, the organization **Flor de Piedra** (which in 2006 would become the first sex worker-led grantee to

²¹ "Out From Under: Sexworkers United for Rights and Respect." *Mama Cash*. Web. 10 September 2012.

²² "World Charter for Prostitutes' Rights." *Walnet*. 1985. Web. 10 September 2012.

²³ Saunders, Penelope. "Fifteen Years after the World Charter for Prostitutes' Rights." *Carnegie Council*. August 2000. Web. 12 September 2012; Pheterson, Gail and St. James, Margo. "Sex Workers Make History: 1985 & 1986—The World Whores' Congress." *Walnet*. Web. 14 September 2012.

²⁴ "Out From Under: Sexworkers United for Rights and Respect." *Mama Cash*. Web. 10 September 2012.

²⁵ Kempadoo, Kamala. "Globalizing Sex Workers' Rights." *Canadian Woman Studies/Les Cahiers de la Femme* 22,3,4 (2003): 143-150.



Staff from Crested Crane Lighters give away free condoms during sex worker outreach in the slums of Kampala, Uganda. Photo by Evan Abramson.

be supported by AJWS in the Americas) was founded in El Salvador to defend and promote the human rights of sex workers in San Salvador, where they often confront gender-based violence and police brutality. National organizations were also emerging in the region at this time in Venezuela, Brazil, Chile, Mexico, Colombia and Suriname. In 1994, the **Asia-Pacific Network of Sex Workers (APNSW)** (which AJWS began funding in 2005) was founded as a federation of organizations in the Asia and Pacific region working to reduce sex workers' vulnerability to human rights abuses, HIV and social marginalization. In 1996, **Movimiento de Mujeres Unidas (MODEMU)** (supported by AJWS since 2011) began organizing in the Dominican Republic and Haiti to promote the human rights of sex workers through advocacy and health education. The first sex worker group in Nicaragua was formed a year later, opening the door for future Nicaraguan groups like AJWS grantee Las Golondrinas (founded in 2004 and supported by AJWS since 2011).

- **2008 was a turning point for the emerging sex worker rights movements in East Africa and Southern Africa.** In East Africa, feminist organization Akina Mama wa Afrika held the first regional convening of sex worker rights activists in Kenya. Organized as a human rights training, the forum created space for sex workers from Uganda, Kenya and Tanzania to build solidarity and strategize collectively about their rights agendas. In Southern Africa, Open Society Foundations and Sex Worker Education and Advocacy Taskforce (SWEAT), a pioneering NGO that defends the rights of sex workers in South Africa, carried out participatory research entitled “Rights not Rescue” in Botswana, Namibia and South Africa. The research process supported emerging sex worker rights activists to raise their voices and clarify their demands.
- **In 2009, AJWS began supporting the first sex worker rights organization to emerge in Uganda.** Since then, the Ugandan movement has grown significantly. Today, AJWS funds a diverse cross-section of the movement, including groups led by female sex workers, transgender sex workers and refugee sex workers. AJWS's partner **UHAI: The East Africa Sexual Health and Rights Initiative (UHAI-EASHRI)** is a local activist-led fund that provides critical support to the sex worker rights movement in the region.
- **In July 2012, over 1,000 sex workers from 42 countries—many of them AJWS grantees—came together in Kolkata, India, for a Sex Workers Freedom Festival, which was organized as an alternative to the International AIDS Conference (IAC) in Washington, D.C., from which most sex workers were excluded.** Sex workers were prevented from attending the conference in Washington due to a discriminatory U.S. immigration law that prohibits anyone who has “engaged in prostitution within 10 years” from entering the country,²⁶ and the festival served as a powerful protest. In addition to supporting AJWS grantees' participation in the festival, AJWS signed on to an amicus brief drafted by U.S.-based sex workers and their allies calling for a change in U.S. policies related to sex workers, including the repeal of the anti-prostitution pledge that organizations must sign to receive U.S. funding for AIDS or trafficking work.
- **On April 20, 2012 the Red Umbrella Fund (RUF) launched as the first-ever international grantmaking collective directed by and for sex workers.** The establishment of this fund represented a significant accomplishment for the movement and arguably represents increasing cross-regional collaboration within the international sex worker rights movement. Formed in response to the dearth of funding for sex worker rights, RUF is a project of the Collaboration to Advance the Human Rights of Sex Workers, a group of donors and sex workers who have been in dialogue since 2008. AJWS has participated in the Collaboration to Advance the Human Rights of Sex Workers since its inception and has been a member of the steering committee since 2011. The Collaboration is committed to the principle of “nothing about us, without us” and, as such, the Red Umbrella Fund places sex workers at the “heart of the design, implementation and evaluation of programs.” The fund's decision-making bodies are composed of a team of sex worker activists representing regional organizations, networks and movements, and donors. Many of AJWS's grantees participated in the establishment of the Red Umbrella Fund and will continue to be key leaders as the fund distributes grants globally.

²⁶ *Immigration and Nationality Act*. Act 212 General classes of aliens ineligible to receive visas and ineligible for admission; waivers of inadmissibility. Web. 2 Jan. 2013.

14. WHAT HAS AJWS DONE IN SUPPORT OF SEX WORKER RIGHTS? WHAT ARE WE DOING NOW?

Since 2005, AJWS has made grants and sent volunteers to organizations promoting the human rights of sex workers. We provided our first grant to a sex worker-led organization in the aftermath of the 2004 Indian Ocean Tsunami to support emergency assistance and relief to sex workers and their families. Since then, we have provided over \$2 million to 23 sex worker-led organizations and about \$1.5 million to allied organizations to promote the rights of sex workers in Asia, Africa and the Americas.

AJWS continues to be one of a few donors to provide long-term, general support funding to sex worker rights organizations. Our flexible funding allows groups to develop long-term strategies, respond quickly to opportunities and emergencies and build sustainable organizations. We also fund capacity-building activities for nascent sex worker

Through our grantmaking, advocacy and communications efforts, AJWS promotes the positions on sex work developed by the Red Umbrella Fund:

- We recognize sex work as work;
- We speak out against criminalization and other legal oppressions of sex workers;
- We provide a nuanced critique of the anti-trafficking paradigm;
- We advocate for universal access to health services;
- We speak out about violence against sex workers, especially from state officers;
- We oppose human rights abuses: coercive programming, mandatory testing and forced rehabilitation;
- We challenge stigma and discrimination against sex workers, their partners, their families, and others involved in sex work; and
- We advocate for economic empowerment and social inclusion of sex workers as sex workers.



groups by providing support for leadership and organizational development. With AJWS funding, grantees build alliances with peers, opinion leaders and mainstream human rights organizations to increase participation of sex workers in decision-making and promote the inclusion of sex workers' sexual and reproductive health and rights in public agendas. Our grantees spearhead documentation, awareness-raising and advocacy initiatives at the local, national and international level to prevent violence, discrimination and stigmatization against sex workers.

AJWS collaborates with and advocates among peer donors in support of sex worker rights. In 2008, we joined the Collaboration to Advance the Human Rights of Sex Workers. This group has been responsible for developing the Red Umbrella Fund, the first-ever international grantmaking collective directed by and for sex workers.

We undertake advocacy domestically to promote U.S. policies that uphold the rights of sex workers internationally. For example, a lawsuit challenging the constitutionality of the anti-prostitution pledge was filed in 2005 and is ongoing. In 2006, AJWS—along with other leading humanitarian, public health, and human rights organizations—signed an amicus brief highlighting how the pledge was impeding NGO efforts to combat HIV and AIDS. In 2009, AJWS and other U.S.-based allies submitted comments on the case criticizing the regulation as a complicated funding barrier that many NGOs in the developing world could not or feared to navigate.²⁷ In 2013, the U.S. Supreme Court heard oral statements on the case, after lower courts had already rejected the constitutionality of the anti-prostitution pledge.

In coming years, AJWS will continue to promote the rights of sex workers through our international grantmaking and domestic

advocacy. As a result of the work of our partners, we hope that the laws, policies and government programs that affect sex workers' lives will increasingly recognize their human rights. We hope and expect that sex workers will have improved access to health services and experience less violence. Through our capacity building and networking support, we aim to bolster our partners' efforts to build strong, vibrant networks, coalitions and movements led by sex workers that collaborate and partner with mainstream human rights movements.

²⁷ "AMICUS BRIEF ON BEHALF OF AIDS ACTION AND 25 OTHER PUBLIC HEALTH ORGANIZATIONS AND PUBLIC HEALTH EXPERTS IN SUPPORT OF PLAINTIFFS-APPELLEES," 2009. Web. January 10, 2013.

DOS AND DON'TS

Do say sex worker. Don't say prostitute. The word prostitute is rife with negative connotations. Make the shift to language that recognizes sex work as work. To say “sex worker” is to clearly place sex work within a greater framework of labor rights and human rights.

Do always distinguish between adult sex workers and children who are being sexually exploited. Consensual sex between adults should never be conflated with sexual exploitation of children who are forced to work in the sex industry.

Don't refer to all sex workers as women. Sex workers are a diverse population and identify as such. Sex workers can be women, men, trans* or intersex.

Don't call sex workers victims. Using the word “victim” suggests that sex workers have no agency. It is important to acknowledge the complexity of the sex industry and sex work; sex workers have a range of reasons for doing sex work.

Don't assume all sex workers are HIV positive. While sex workers are one of the most at-risk populations for HIV, they should never be referred to or treated as so-called disease vectors. It is imperative that sex workers' voices be included—and listened to—in any local or global discussion about HIV vulnerability and transmission. They are too-often excluded from the conversation, and their input is critical in ending the pandemic.

Don't assume sex workers have pimps. As AJWS grantee EMPOWER so succinctly says, “When we work independently we do not need pimps but friends and co-workers.”²⁸

Do say “client;” don't say “John.” John was used in certain countries during the Vietnam War (Thailand, for example) as a reference to American soldiers shortly after the release of the song, “A Dear John Letter.” Many sex workers prefer to use the term “client” or “customer” instead of the more dated “John.”²⁹

Don't assume that sex workers are bad parents. The flexibility of sex work can make it possible for parents to provide for their children and be present in their lives in a way that people working in other occupations in the developing world cannot.

GLOSSARY

Bodily autonomy: The idea that people have the right to control their bodies as they choose.

Child prostitution: The use of a child in sexual activities for remuneration or any other form of payment.³⁰

Criminalization: Criminalization includes any legal statute that makes consensual adult sex work illegal, including both criminal law and administrative statutes. Even in countries that have no criminal law against sex work, sex workers are frequently arrested or harassed by law enforcement officials under “disorderly conduct” or other public order statutes.

Decriminalization: Decriminalization is the removal of all criminal prohibitions on consensual adult sex work, the treatment of sex work as work, and the governing of sex work by the laws that affect employment and labor.

Gender identity: A person's internal, deeply felt sense of being male, female, or something other than male or female.

²⁸ Empower. *Bad Girls Dictionary*. Nothaburi: Thailand, 2007. Print.

²⁹ Empower, 41.

³⁰ “Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.” *UN General Assembly*. May 2000. Web. 2. Jan 2013.

Legalization: Legalization of sex work means that the government has special regulations for the sex industry and often declares some kinds of sex work to be illegal and other kinds to be legal under strict conditions. In some countries, this has resulted in increased state control over the bodies and choices of sex workers.

Most-at-risk populations (MARPs): People who have a higher-than-average risk of acquiring or transmitting STIs because of particular practices or behaviors, including but not limited to: unprotected sex, having multiple sexual partners or sharing needles for drug injection. Depending on the social, political and cultural context, MARPs can include the following populations and their partners: sex workers and their clients; intravenous drug users; men who have sex with men; and mobile populations such as military personnel and long-distance truckers.

Raid, rescue and rehabilitation: Raid, rescue and rehabilitation operations are a key aspect of many government and NGO anti-trafficking programs. This method is a process by which brothels are raided, usually by the police, and occupants are removed by force and then placed in rehabilitation facilities. The “raid and rescue” is the initial stage of this process and is often violent for those accused of being traffickers and sex workers alike. These tactics often violate due process rights and, in some cases, detain people for periods of days, weeks or months with no recourse to leave or seek legal assistance. In the next phase, sex workers are taken to centers for rehabilitation and are eventually released. Raid, rescue and rehabilitation programs have come under scrutiny by public health and sex worker groups concerned for the health and safety of the individuals removed from brothels. In many countries, rescue raids conducted by police officers exposed sex workers to violence and otherwise threatened their safety.³¹ Raid and rescue also significantly increases risk of deportation for undocumented sex workers.

Sexual orientation: An individual’s romantic or sexual attraction, whether to individuals of a different sex (heterosexual), same sex (homosexual), both sexes (bisexual), to individuals who do not identify as one of the binary genders of male and female (queer), or to no one (asexual).

Sexual rights: Based on evolving international human rights standards, sexual rights encompass the rights of all people to autonomy in the exercise of sexuality and reproductive health without fear of persecution, discrimination, violence or social or state interference. Sexual rights include, but are not limited to: the right to bodily integrity and freedom from all forms of discrimination, coercion, ill treatment or torture; the right to comprehensive sexuality education; the right to choose one’s sexual partner; the right to the highest attainable standard of physical and mental health (including access to sexual and reproductive health care services); and the right to pursue a satisfying, safe and pleasurable sexual life.

Human trafficking: The illegal trade of people for the purposes of forced labor, including commercial sexual exploitation.

Transgender/trans*: Transgender is an umbrella term used for people whose gender identity or expression differs from the gender assigned to them at birth. Transgender people may or may not choose to alter their bodies hormonally or surgically. Transgender is not about sexual orientation; transgender people may identify as heterosexual, lesbian, gay, bisexual, queer or other.

Some global activists use “trans*” instead of “transgender,” with the asterisk denoting a placeholder for the diversity of gender identities, many of which are specific to local cultures. The Global Action for Trans Equality defines trans* as “those people who transgress (binary) (western) gender norms, many of whom face human rights issues as a result... This includes, among many others, transsexual and transgender people, transvestites, travesti, cross dressers, no gender and genderqueer people.”

³¹ “Violence against sex workers and HIV prevention.” *The World Health Organization and Global Coalition on Women and AIDS*. 2005. Web. January 5, 2013.



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