



## Working Group on Sex Work and Human Rights

### Why This Kit is Necessary

- Sex workers have lived on the margins of society through most of human history. Stereotypes, derogatory names, stigma and general indifference to their humanity prevail worldwide.
- While the exchange of sex for money is a common practice around the world, sex workers are often treated as less than human, both in cultural attitudes and public policy. While the human rights of sex workers are routinely abused in countries around the globe, this information kit focuses on three areas: “demand” for sex work, confusing sex work and trafficking as being the same, and the U.S. administration’s anti-prostitution pledge.
- The materials in this kit seek to replace those attitudes with realism, compassion and sensible policy alternatives. We will try to counter the prejudice, stereotypes and general misinformation that stand in place of accuracy about the circumstances of sex work and the people engaged in it. The rights to life, safety, free speech, political action and access to information and to basic health and education services are as important to sex workers as to anyone else. No one should lose these human rights because of the work they do.

### *Countering Prejudice With Reality*

- The factors that lead people into sex work are obscured by prejudice, moral indignation and general misinformation. Poverty, gender inequality, inadequate education and lack of economically viable job options contribute to the reasons many people enter into sex work, but these conditions are rarely mentioned in the public policy debate on sex work. Instead, arguments that perpetuate harmful myths about the character, motives, needs and morals of sex workers continue to influence policy decisions, to the detriment of sex workers and all of society.
- Sex work is universal and any successful effort to curb the spread of HIV/AIDS must incorporate sex workers. But bias against sex workers often means that instead of being engaged as part of the solution to the HIV/AIDS pandemic, sex workers are treated as part of the problem. They are then punished rather than enlisted to help in HIV/AIDS prevention and treatment programs.
- For example, the U.S. requirement tied to its HIV-prevention and anti-trafficking funding that health care and social service providers denounce prostitution has been used to deny sex workers around the world the health services they need to survive, the safe-sex education that could protect them and their communities from HIV/AIDS and other sexually transmitted infections, and the programs such as education and job training that could give them more control over their lives.
- The “anti-prostitution pledge” unfairly vilifies sex workers and also forces organizations that treat vulnerable people to take sides – either to condemn the people who need their help or risk losing the funds that make their crucial work possible.
- Similarly, the conflation of sex work (a commercial exchange of sexual services) with human trafficking (coercion into forced labor of all kinds) harms both the sex workers caught in the confusion and the fight against trafficking.
- We oppose human trafficking in any form. We support confronting the force, deception and coercion inherent in all human trafficking. But policies aimed at assisting trafficked persons must be properly targeted to help them, not to harm sex workers through arrest, harassment, and deportation.

- We remind readers of this kit that sex workers are people with the human rights due to all individuals. Our materials seek to correct false ideas about sex work and sex workers, and to offer alternative policies and approaches to those that currently endanger sex workers' safety and health and contribute to their marginalization.

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## Working Group on Sex Work and Human Rights

### Who are Sex Workers?

#### ***Sex Workers are Human Beings Whose Human Rights Must Be Respected***

- Sex workers are individuals whose reasons for engaging in sex work – and leaving it – are personal, economic and social – as complex as anyone’s reasons for involvement in any type of work.
- Sex workers come from an array of backgrounds and life circumstances. Many sex workers do openly choose sex work from a variety of options available to them. Others live in situations that do not allow for such choice and these are the people most affected by harmful policies.
- Millions of people generate income from sexual transactions around the world, including the United States. It is impossible to count them precisely, given the social stigma and criminal sanctions against sex work.
- Stigma and invisibility often lead to human rights violations. Studies of sex workers worldwide show they suffer high rates of violence, often at the hands of authorities, who not only fail to protect sex workers’ human rights, but in many instances also are the abusers.
- The risk for sexually transmitted infections and HIV/AIDS can be high in sex work, but it does not need to be. Sex workers who have the knowledge and necessary tools are able to protect themselves and their clients. When they have the power to negotiate, sex workers are leaders in practicing safer-sex methods.
- In most countries, the majority of sex workers are female, and the majority of their clients are male. But people of all genders are involved in sex work and are vulnerable to police abuse.

#### ***Policies on Sex Work are Outdated and Harmful***

- Sex workers’ voices are largely absent from discussions of the policies that affect them. Laws and regulations on sex workers’ health and safety are generally made without their input and often overlook or even deny their human rights.
- Efforts to abolish sex work almost always focus on the perceived moral failings of sex workers, or on notions of their victimization. These efforts overlook or dismiss the powerful economic and other factors that draw people into the field.
- “Rescuers” and politicians genuinely concerned for sex workers’ welfare tend to offer them limited alternatives: arrest, counseling, 12-step programs, moral exhortations and other “conversion” attempts. None of these meets sex workers’ needs.
- Sex workers generally need what all people need to build better lives for themselves and their families: access to education, language and literacy programs; programs that help them build businesses and manage their money; and peer support to end their isolation. Like all people, sex workers need to be able to make their own decisions about how to live their own lives.
- A realistic and effective policy model on sex work would include:
  - Enforcement of laws against assault, extortion and other human rights abuses committed against sex workers;
  - Access to health care, job training, education, and opportunities to make a living wage for those who need them;
  - Education on ways to prevent the spread of HIV/AIDS;

- Training to help sex workers identify and aid victims of human trafficking;
  - Training in business and money management; and
  - Reduction in social stigmas that often prohibit sex workers from moving into other forms of labor if they want to do so.
- We must change public policy to provide opportunities that give people some control over their own lives – education, job training and employment. Addressing poverty or the right to earn a living wage, as well as fighting gender and racial discrimination, can broaden every individual's options for a better life.



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### Sex Work: What's In a Name?

#### *It has nothing to do with being "politically correct"*

It is a truism that labels shape opinions. They can also block new opinions. If our goal is to foster understanding, compassion and policies based on human rights for a group of people who have long been ostracized, condemned, ridiculed, discriminated against and scorned – even by many who use the services of that group's members – we need to think about the names we call those people.

Are the labels dismissive? Do they dehumanize the people involved, allowing us to treat them as "other," as non-people, as objects without needs or human sentiment? Do they mask hypocrisy in our attitudes? Do they actually *perpetuate* discrimination? If so, a new name is needed.

The historic civil rights movements of our recent past have rejected countless offensive labels that come instantly to mind – those referring to people of color, women, religious minorities, the disabled, the aged, and virtually every ethnic and national group on earth. Replacing dehumanizing insults with simple descriptive and informative terms requires everyone to talk about those people as human beings.

Sex workers were the first to use the terms *sex work* and *sex worker*. The terms have been adopted by numerous international health, labor and human rights organizations, including the United Nations and its affiliated agencies.

The term *sex worker* is neutral, descriptive and informative without being judgmental. It recognizes sex work as a reality, whatever the speaker's opinion about the work itself. It does not distinguish by gender, race, ethnicity or creed. It allows the possibility of the worker's dignity and ability to make decisions. Most of all, it affirms the humanity of the person.

Such a simple change is far more than "politically correct" – it can reshape attitudes. Such a reshaping is critical if we are to arrive at policies and practices that are realistic, humane and genuinely helpful to society and to the people concerned.

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## **Working Group on Sex Work and Human Rights**

### **Sex Work and Human Rights**

In attempts to eradicate sex work, policymakers, law enforcement officials and others often overlook or even violate the basic human rights of sex workers.

- Sex workers are human beings like anyone else and are entitled to human rights under numerous internationally-agreed upon standards for treatment of all people, regardless of profession.
- It is ironic that sex workers' human rights are often jeopardized by the very policies intended to help them. However, policies based on the assumption that sex work is inherently dehumanizing can never recognize or improve the reality of sex workers' lives.
- The rights to life, safety, free speech, political action and access to information and to basic health and education services are as important to sex workers as to anyone else. No one should lose these human rights because of the work they do.
- Reducing stigma and discrimination against sex workers will make it easier for those who may wish to leave this work to do so. For example, many sex workers say that it is their criminal records that inhibit them from finding other work when they choose to do so.

### ***Health is a Human Right***

International agreements dating to the Universal Declaration of Human Rights hold that "the highest attainable physical and mental health standards" are a basic human right. It is important to note that sex workers need access to comprehensive health care, including reproductive care. This information kit addresses HIV/AIDS, as many harmful U.S. and international policies are focused on HIV/AIDS.

- Studies show that the most vulnerable sex workers are at high risk for suffering sexually transmitted infections, including HIV/AIDS.<sup>1</sup> Because they are often treated as social outcasts or criminals, sex workers can be difficult to reach with information and tools for protecting themselves and others.
- Creating opportunities for sex workers to take the lead in protecting themselves and others is a necessary and urgent need – not a side issue – if we are to have any hope of curbing the spread of HIV/AIDS. When sex workers have the power to negotiate, they help reduce the transmission of HIV/AIDS.
- Sex workers cannot be expected to seek or accept help from agencies required to condemn and reject them as a condition of funding.

### ***Human Rights Laws Must Be Enforced***

- Safe and appropriate law enforcement interventions are critically important.
  - Society must demand zero tolerance of abuse by authorities against sex workers' human rights and insist instead that authorities protect those rights.
  - Society must also insist that policies aimed at helping sex workers or trafficked persons do not have the opposite effect of harming them.
- Every person deserves the right to live a life free from violence.
- In many places, sex workers are routinely insulted, harassed and assaulted by police who know there is little or no chance anyone will condemn them for it.

- These assaults contribute to sex workers' physical vulnerability and poor health and cynicism toward legal authorities and social service providers.
- Sex workers are often targeted by criminals who prey on their reluctance to report attacks to the police out of fear of suffering further injury or insult.
- Whatever their legal status, sex workers deserve as much safety against physical and sexual assault as any other persons, but these rights are often ignored.
- Human trafficking – for forced domestic work, farm work, sex work or any other purpose – is an unacceptable human rights abuse. It can only be stopped by addressing the economic and other realities that encourage migration, and by halting the official corruption that allows traffickers to move their people across borders and sell their services without repercussions.

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<sup>1</sup> UNAIDS, "Female Sex Worker HIV Prevention Projects: Lessons Learnt from Papua New Guinea, India, and Bangladesh," (Geneva: 2000), [http://data.unaids.org/Publications/IRC-pub05/JC438-FemSexWork\\_en.pdf](http://data.unaids.org/Publications/IRC-pub05/JC438-FemSexWork_en.pdf).



## Working Group on Sex Work and Human Rights

### Human Trafficking and Sex Work

#### *Trafficking and Sex Work are Different Things*

Trafficking in human beings is a worldwide problem. It involves tricking or coercing individuals into sweatshops, household labor, restaurant work, farming, drug smuggling and/or brothels.

- Any form of trafficking in persons is a gross violation of human rights and must be fought.
- Trafficking often – but not always – involves transporting people from one country to another, increasing the victims' vulnerability and isolation.
- Current anti-trafficking policies of the Bush administration and other social conservatives focus almost exclusively on trafficking into sex work, as if that were the only kind of human traffic.

"To integrate human rights ... is the only way ... to ensure that well-intentioned anti-trafficking initiatives do not compound discrimination against female migrants or further endanger the precariously held rights of individuals working in prostitution."

*Mary Robinson, former UN High Commissioner for Human Rights (1997–2002)*

**The key element of trafficking in persons is the existence of some coercive measure that creates a climate of fear.**

- These measures include threats of harm to the trafficked person or their loved one, taking travel documents, debt bondage, withholding wages, or physical or sexual assault.
- In contrast, sex workers engage in a commercial exchange of sexual services or performances (i.e. dancing) for money.
- "Demand" for sex work is not a predominant driving factor for trafficking, which is driven by poverty, race and gender inequities. The term "demand" also refers to the legitimate concerns raised by migrants and labor rights advocates who address the issues relating to the need in the Western Hemisphere for exploitable labor and services. However, this narrow focus on demand in the context of sex work represents a dangerous move toward policies which, under the guise of protecting sex workers, is another way of undermining sex workers' independence and causing more harm to them.
- Confusing sex workers with trafficked persons erases the voices of sex workers, worsens their working conditions, adds to their general stigmatization and impedes discussions on ways to end human trafficking.

#### *Trafficking numbers are unreliable*

- In a July 2006 study, the U.S. Government Accountability Office (GAO) found that estimates of the number of people trafficked into any kind of work, including sex work, were questionable: "The accuracy of the estimates is in doubt because of methodological weaknesses, gaps in data, and numerical discrepancies. For example, the U.S. government's estimate was developed by one person who did not document all his work..."<sup>1</sup>
- The questionable numbers also are hard to compare. While the U.S. government estimated that 68 percent of cross-border trafficking in 2003 involved commercial sex, the International Labour Organization estimated that 43 percent of cross-border and internal

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trafficking from 1995 to 2004 involved commercial sex. Girls, children and trafficking were defined differently in each case.<sup>2</sup>

- Some policymakers and advocates have been misled by these unreliable estimates into the belief that human trafficking and sex work are inextricably linked and that all sex work is coerced. The reality is very different. In fact, the GAO report states that the U.S. State Department has claimed that legalized or tolerated prostitution nearly always increases trafficking, “but does not cite any supporting evidence.”<sup>3</sup>

### ***Current Policies are Ineffective***

- The U.S. government’s five-year-old anti-trafficking program is in many ways merely a global campaign against sex work, and is not working to halt trafficking.
- The GAO report states that “more than five years after the passage of the landmark anti-trafficking law [Trafficking Victims Protection Act of 2000], the U.S. government has not developed a coordinated strategy to combat trafficking in persons abroad...or evaluated its programs to determine whether projects are achieving the desired outcomes.”<sup>4</sup>

### ***“Rescue” Missions Are Not the Answer***

- “Rescue” missions do more harm than good. They are an emotional and “quick-fix” attempt to deal with a complex problem.
- Most “rescues” are large-scale police raids that sweep up everyone present for arrest, interrogation and detention, ignoring the difference between those who are there under coercion or are under-age, and those who are not.
- Safe, appropriate and targeted law enforcement interventions are important – when children are involved or where there is evidence of duress. Such interventions should target only identified individuals – not result in automatic deportation if they are immigrants.
- As a result, trafficked people may be afraid to come forward against their oppressors for fear of triggering an over-reaching raid. “Rescuing” people who do not wish to leave sex work can endanger their physical safety and economic survival.
- In the Philippines, children who are forcibly relocated from brothels to group homes often return to sex work as soon as they are old enough, because they have no alternative means of livelihood. Solutions to trafficking are complex. Pulling people out of brothels neither “saves” nor “rescues” them. Civil society needs to address the factors that allow people to be lured into trafficking situations.
- In a recent study, only four of 21 immigrant sex workers interviewed said they had been trafficked against their will. Solutions must be targeted to help trafficked persons rather than focusing on over-reaching raids that often harm everyone in their path.<sup>5</sup>
- Organized groups of sex workers in countries such as India have educated and empowered sex workers to identify trafficked persons in brothels and help to liberate them. This approach works better in ending trafficking than “rescue” raids.<sup>6</sup>

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1 United States Government Accountability Office, “Human Trafficking: Better Data, Strategy, and Reporting Needed to Enhance U.S. Antitrafficking Efforts Abroad,” (Washington, D.C.: 2006) p. 2.

2 Ibid, p. 12

3 Ibid, p. 25.

4 Ibid, p. 3.

5 Sex Workers Project at the Urban Justice Center, “Behind Closed Doors: An Analysis for Indoor Sex Work in New York City,” (New York, NY: 2005) pp. 51, 54.

6 Ditmore, Melissa. “In Calcutta, Sex Workers are Organizing”. In *Affective Turn*, Patricia Clough and Jean Halley, eds. Chapel Hill, NC: Duke University Press, 2007.



## Working Group on Sex Work and Human Rights

### Taking the Pledge

#### *Facts about the Anti-Prostitution Pledge*

Among the Bush administration's restrictions on U.S. humanitarian and development assistance is one that requires all organizations receiving U.S. assistance for programs combating HIV/AIDS to formally pledge their opposition to prostitution and trafficking into sex work. Another restriction bars the use of federal monies toward activities that "promote or support the legalization or practice of prostitution."

Similar restrictions also affect U.S. funding (both domestic and international) of anti-trafficking programs.

Introduced in 2003 by conservative anti-choice legislator Rep. Chris Smith (R-NJ), the pledge originally applied only to organizations based outside the United States. Since early 2005, however, domestic groups working internationally which receive HIV/AIDS funds have also been required to certify that they have a policy opposing prostitution and trafficking into sex work.

These policies run contrary to best practices in public health and are undermining efforts to stem the spread of HIV and human trafficking. The restrictions preclude recipients of U.S. funds from using proven effective practices to prevent the spread of HIV among marginalized populations, and undermine efforts to promote the fundamental human rights of all persons.

The organizations with the most effective HIV-prevention programs build their efforts on a sophisticated understanding of the social and personal dynamics faced by marginalized populations, and start by building trust and credibility among these populations. They recognize that it is necessary to provide social, legal and health services to men and women in sex work without judging them.

Basically, these restrictions require groups to express the government's viewpoint on a controversial subject in order to remain eligible for grants. It even restricts the way organizations use their own private funds. The language is so confusing that organizations are unsure how to comply with it and government officials are unsure how to enforce it.

#### *The Anti-Prostitution Pledge is Counter-Productive*

- Sex workers are at high risk for contracting and transmitting HIV, so empowering them to lead HIV programs is essential to HIV-prevention efforts. But stigma, discrimination, and fear of fines and/or jail time make them reluctant to get involved with programs and prevent them from receiving information on how to protect themselves and others.
- The pledge does not address any of these issues, and sex workers cannot be expected to partner with groups that denounce them.
- The United States spends billions of dollars to support democratic principles and human rights, including freedom of speech, in developing countries. The anti-prostitution pledge undermines those principles.
- The pledge compels groups to discontinue effective and innovative programs and strategies to avoid being seen as "pro-prostitution" and losing critical funding.

## ***Sex Workers are Part of the Solution, Not Part of the Problem***

- Sex workers are often more knowledgeable about sexual health – and practice safe sex more often – than the general population. They often act as sexual health educators for their clients and should be mobilized, not demonized, in the struggle to control HIV/AIDS.
- An approach that recognizes sex workers' human rights, addresses their needs, promotes safer behavior and improves their access to health and social services can empower them to overcome stigma and discrimination so they can insist upon condom use by clients and also fight for safer working conditions. This approach will attract sex workers' support and achieve the goal of helping to curb the spread of HIV/AIDS.

### ***For More Information:***

***The Anti-Prostitution Loyalty Oath: Undermining HIV/AIDS Prevention and U.S. Foreign Policy***, Pathfinder International, [http://www.pathfind.org/site/PageServer?pagename=Priorities\\_Advocacy\\_Fact\\_Sheets\\_AntiProstitutionLoyaltyOath](http://www.pathfind.org/site/PageServer?pagename=Priorities_Advocacy_Fact_Sheets_AntiProstitutionLoyaltyOath)

***Implications of U.S. Policy Restrictions for Programs Aimed at Commercial Sex Workers and Victims of Trafficking Worldwide***, Center for Gender Health and Equity, <http://www.genderhealth.org/pubs/ProstitutionOathImplications.pdf>

***Taking the Pledge***, Network of Sex Work Projects, a 13-minute video in which sex workers and activists explain the negative impact of the Anti-Prostitution Pledge, <http://sexworkerspresent.blip.tv>



## Working Group on Sex Work and Human Rights

### Media Contacts

### Effects of the Anti-Prostitution Pledge

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## Working Group on Sex Work and Human Rights

### The Truth about Demand

Law enforcement and activists who denounce sex work have long focused on the "supply" side of the equation, prosecuting sex workers or their employers while ignoring the "johns," or clients. In the 1990s, attention of these activists shifted to the "demand" side, arguing that arresting clients who patronize sex workers will eradicate the industry. At the behest of the Bush administration, Congress passed the "Trafficking Victims Protection Reauthorization Act of 2005" with the goal of ending "demand" for commercial sex.

The law is designed to provide federal funds to state and local jurisdictions to "investigate and prosecute persons who purchase commercial sex acts." It also provides funding for "John Schools," or mandatory lecture courses, to "educate persons charged with, or convicted of, purchasing or attempting to purchase commercial sex acts."

This is a flawed approach.

### ***"Demand" for Sex Work is Not a Predominant Driving Factor for Trafficking, Which is Driven by Poverty, Race and Gender Inequities***

The term "demand" also refers to the legitimate concerns raised by migrants and labor rights advocates who address the issues relating to the need in the Western Hemisphere for exploitable labor and services.

However, this narrow focus of the term in the context of sex work represents a dangerous move towards policies which, under the guise of protecting sex workers, is another way of undermining sex workers' independence and causing more harm to them.

### ***Focusing on "Demand" is Counter-productive:***

- It is not the number of customers but economic trends and social conditions such as unemployment and a shortage of living wage opportunities that determine the number of sex workers at any given time.
- Addressing basic human needs for education, equal opportunity and a realistic array of economic options would help to ensure that no one who enters sex work does so because of trickery or coercion.
- The "demand" for sex, transactional or otherwise, is universal. Criminalizing certain types of demand will not make it go away.
- Criminalizing and stigmatizing sexual transactions drives the practice into the shadows where violence, extortion and coercion are more likely to thrive. In situations like these, people do not feel safe in seeking legal protection, out of fear of arrest, abuse or humiliation.
- Criminalization discourages sex workers, their clients, and brothel managers from responding to groups offering information or services on preventing the spread of HIV/AIDS.
- Social conservatives have hailed Sweden's 1998 Violence Against Women Act, criminalizing the patronage of sex workers, as model legislation. But several studies of the law's effects, including one by Swedish police, found it led to poor results: it pushed sex workers



underground where they are invisible to the law, subjected them to more violent situations and made them more susceptible to being sold on the black market.<sup>1</sup>

- Sex workers point not only to their clients as a source of violence against them also to law enforcement officers,<sup>2</sup> who routinely harass, denigrate and assault them rather than protecting their human rights. Therefore, giving law enforcement more power makes sex workers even more vulnerable.

### ***“John Schools” Don’t Work***

So-called “John Schools” are defended first as a way to reduce demand for transactional sex by shaming clients of sex workers through exposure to the public eye; and second as a way to inform the clients about the risks of commercial sex, including sexually transmitted infections, for both themselves and sex workers.

- An estimated 20 cities in 10 countries have established “John Schools” since the first one was set up in San Francisco, CA in 1995.
- Little scientific research has been done on the effectiveness of “John Schools.” The research that has been done shows they are not effective in reaching their goals.
  - A 2001 study in Canada found that a significant number of clients said they would continue to frequent sex workers even after attending “John School.”<sup>3</sup>
  - Another Canadian study found “little evidence that John-shaming measures have resulted in the diminution of street prostitution, but rather moved sex work from one area to another.”<sup>4</sup>

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1 As documented in “Purchasing Sexual Services in Sweden and the Netherlands, Legal Regulation and Experience,” a report by a Working Group on the legal regulation of the purchase of sexual services, published by the Norwegian Ministry of Justice and Police Affairs, October 8, 2004; Don Kulick, “Four Hundred Thousand Swedish Perverts”, GLQ, 11:2, pp 205-235. Duke University Press, 2005; Elizabeth Bernstein in “The Meaning of the Purchase,” Ethnography, 2(3) 389-420.

2 Bridget Anderson and Julia O’Connell Davidson, “Is Trafficking in Human Beings Demand-Driven?” International Organization for Migration, December 2003.

3 Benedict Fischer and Scot Wortley, et al, “The Socio-Legal Dynamics and Implications of ‘Diversion’: The case study of the Toronto ‘John School’ diversion program for prostitution offenders.” Criminal Justice, 2(4), 385-410. Sage Publications, 2002.

4 Report and Recommendations in Respect of Legislation, Policy and Practices Concerning Prostitution-Related Activities,” Canadian Department of Justice, December 1998.



## Working Group on Sex Work and Human Rights

### Sex Worker Myths vs Reality

Many myths surround sex work and the sex industry. However, most do not stand up to factual examination.

***Myth: There is no good reason for anyone to go into or remain in sex work.***

***Reality: For many people, sex work is their best or even their only opportunity to earn enough to support their families.*** Like all people, sex workers need empowerment through access to health care, job training, education, an end to discrimination, and opportunities to make a living wage in more than one way. They also face social stigma that can prohibit their movement into other forms of labor.

***Myth: Most sex workers are coerced or forced into doing it.***

***Reality: No evidence supports this claim.*** Millions of people are involved in sex work worldwide. In a July 2006 study, the U.S. Government Accountability Office (GAO) found that current estimates of the number of people trafficked into any kind of work, including sex work, were questionable: "The accuracy of the estimates is in doubt because of methodological weaknesses, gaps in data, and numerical discrepancies. For example, the U.S. government's estimate was developed by one person who did not document all his work..."<sup>1</sup> Sex workers are individuals whose reasons for engaging in sex work – and leaving it – are personal, economic and social – as complex as anyone's reasons for involvement in any type of work.

***Myth: Allowing sex work to happen without criminalizing it will encourage human trafficking and coercion into the sex industry.***

***Reality: Giving sex workers more rights would likely discourage trafficking into sex work.*** For example, in Thailand, many people support extending labor and social security rights to sex workers on grounds that such policies would promote health and safety protections, allow labor unionization to improve working conditions, and expose and reduce the number of both coerced and underage sex workers. In India, organized sex workers work to identify minors and trafficked persons in their brothels and seek help for them.<sup>2</sup>

***Myth: Demand for sex work drives human trafficking.***

***Reality: People are susceptible to the lies and tricks of human traffickers because they are seeking better lives,*** a way out of poverty, joblessness and discrimination. Although the numbers are questionable,<sup>3</sup> the International Labour Organization estimates that of the 2.45 million people trafficked internationally and internally between 1995 to 2004, the majority were coerced into involuntary servitude in farming, domestic house work, restaurant work, sweatshops etc. About 43 percent of cases involved forced commercial sex.<sup>4</sup> In fact, the GAO report states that the U.S. State Department has claimed that legalized or tolerated prostitution nearly always increases trafficking, "but does not cite any supporting evidence."<sup>5</sup>

**Myth: Focusing law enforcement efforts on the customers of sex workers will stop the commercial sex trade.**

**Reality: It is not the number of customers but economic trends and social conditions such as unemployment and a shortage of living wage opportunities that determine the number of sex workers at any given time.** Addressing basic human needs for education, equal opportunity and a realistic array of economic options would help to ensure that no one who enters sex work does so because of trickery or coercion. Studies of a 1998 law in Sweden that criminalizes customers found it pushed sex workers underground, where they are invisible to the law, subjected to more violent situations and more susceptible to being sold on the black market.<sup>6</sup>

**Myth: Sex workers are dangerous to the general population because most have diseases – they transmit HIV/AIDS and other sexually transmitted infections.**

**Reality: Sex workers are often more knowledgeable about sexual health – and practice safe sex more often – than the general population.** They often act as sexual health educators for their clients and should be mobilized, not demonized, in the struggle to control HIV/AIDS. Where sex workers are not treated as outsiders or criminals, they are able to pursue health care that does not stigmatize them or violate their human rights. When sex workers know their human rights will be enforced and respected, they can and do seek health care and promote condom use by clients, safer working conditions and protection against violence. Where they are stigmatized, denigrated, jailed and forced underground, they live in the shadows without health care or legal protection.

**Myth: Raids of brothels are the best way to help trafficked sex workers.**

**Reality: Raids of brothels typically lead to the arrest, detention, incarceration and deportation of people caught there.** In many places, those caught in a brothel raid are more likely to be abused by the authorities than helped.<sup>7</sup> Most “rescue” efforts assume that all sex workers are trafficked. Empowering sex workers to identify and assist people who have been coerced is the most effective way to combat trafficking into sex work. Solutions to trafficking are complex. Pulling people out of brothels neither “saves” nor “rescues” them. Civil society needs to address the factors that allow people to be lured into trafficking situations.

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1 United States Government Accountability Office, “Human Trafficking: Better Data, Strategy, and Reporting Needed to Enhance U.S. Antitrafficking Efforts Abroad,” (Washington, D.C.: 2006) p. 2.

2 Ditmore, Melissa. “In Calcutta, Sex Workers are Organizing”. In *Affective Turn*, Patricia Clough and Jean Halley, eds. Chapel Hill, NC: Duke University Press, 2007.

3 United States Government Accountability Office, “Human Trafficking: Better Data, Strategy, and Reporting Needed to Enhance U.S. Antitrafficking Efforts Abroad,” (Washington, D.C.: 2006) p. 12.

4 *Ibid.*, p. 12.

5 *Ibid.*, p. 25.

6 As documented in “Purchasing Sexual Services in Sweden and the Netherlands, Legal Regulation and Experience,” a report by a Working Group on the legal regulation of the purchase of sexual services, published by the Norwegian Ministry of Justice and Police Affairs, October 8, 2004; Don Kulick, “Four Hundred Thousand Swedish Perverts”, *GLQ*, 11:2, pp 205-235. Duke University Press, 2005; Elizabeth Bernstein in “The Meaning of the Purchase,” *Ethnography*, 2(3) 389-420.

7 Empower Chiang Mai, “US Sponsored Entrapment,” *Research for Sex Work* 8, (2005) 25-27.