



”SEX WORK IS REAL WORK”

# Sex Work versus ‘Sex Trafficking’ and understanding the difference

## Definitions

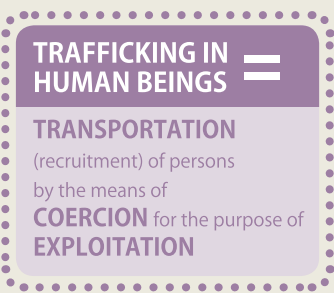
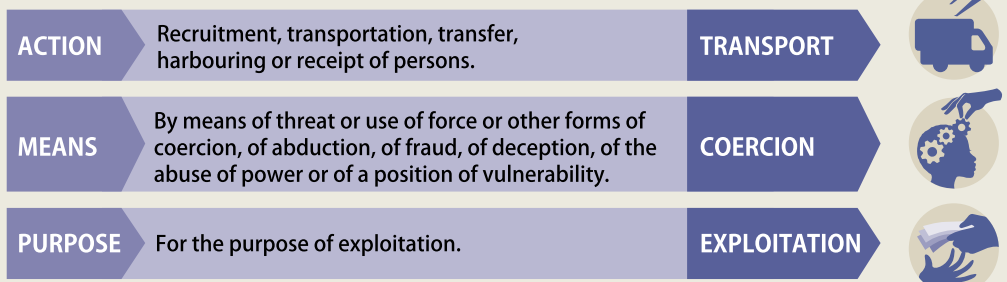
“The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation” (United Nations “Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children”)

### TRAFFICKING

### SEX WORK

- Sex work is a commercial transaction between consenting adults.
- Sex workers include “female, male and transgender adults and young people (aged 18- 24) who receive money or goods in exchange for sexual services, either regularly or occasionally” - United Nations and World Health Organisation.

**TRAFFICKING HAS 3 DISTINCT COMPONENTS – ALL OF WHICH NEED TO BE PRESENT BEFORE A CRIME CAN BE CLASSIFIED AS “TRAFFICKING”.**



## The difference between sex work and trafficking



- There is a common misconception that all sex workers are victims of trafficking or exploitation. Worldwide, sex workers and sex workers’ rights advocates challenge this misconception.
- Sex workers’ rights advocates contend that as consenting adults, sex workers choose to sell sexual services. It is the conditions resulting from stigma and criminalisation of sex work – not the work itself – that can be exploitative and unhealthy. The risks faced by sex workers are created by punitive laws, policies and practices and by the unequal power relationship between ill-intentioned clients, law enforcement or third parties (such as brothel-keepers, managers or anyone else who facilitates sex work) on one side, and sex workers on the other.
- The dangerous conflation of sex work and trafficking was pushed by early anti-trafficking laws. The preamble of the UN 1949 ‘Convention on Suppression of all Forms of Trafficking in Persons the Exploitation of the Prostitution of Others’ noted that “prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual” and contained offensive provisions on sex work. A number of countries did not ratify the Convention because of this.
- More recently, the ‘Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children’ (or UN Trafficking Protocol) superseded the Convention, and was adopted by the United Nations General Assembly in 2000. It has been ratified by more than 170 countries. The UN Trafficking Protocol provides a succinct definition of trafficking and does not confuse sex work and trafficking.
- Understanding the difference between sex work and trafficking is an essential step for effective anti-trafficking campaigns that both address trafficking and respect sex workers’ rights.

## The dangers of conflating sex work and trafficking

- Poorly designed anti-trafficking interventions inaccurately portray sex workers as inevitable victims and add to the stigma attached to sex work.
- It misses actual trafficking victims who urgently require assistance while resources are focused on “rescuing” sex workers who do not seek interventions or rescue.
- It increases sex worker and sex worker client vulnerability to violence and abuse.
- It increases sex worker distrust of authorities, driving them away from services and support.
- It discourages sex workers and clients from seeking access to justice and reporting abuse in the sex industry or incidences of trafficking because of fears of arrest, persecution or “rescue”.
- An overemphasis on trafficking for the purposes of sexual exploitation means less attention is paid to other sectors where trafficking is prevalent – such as the labour or domestic work sector.

"The conflation of trafficking and sex work provides both the anti-prostitution and anti-immigration lobbies with the necessary ammunition to carry out their respective agendas. Anti-prostitution groups utilise anti-trafficking rhetoric to end prostitution. The anti-immigration lobby uses the 'sex work as violence' and anti-trafficking discourse to step up immigration restrictions. They emphasise sex workers' vulnerability during migration to justify placing restrictions on their mobility" - *Global Network of Sex Work Projects*

## CASE STUDY A prime example: Confusing migrant sex work and trafficking

Migrant sex workers are routinely viewed as victims of trafficking, and anti-trafficking interventions such as 'Raid and Rescue' operations target locations where migrant sex workers work. 'Raid and Rescue operations' are often associated with far-reaching human rights violations, lead to the deportation of migrant sex workers, and drive sex workers away from accessing social services.

"Anti-trafficking policies have negatively impacted sex workers; they have been used to detect undocumented immigrants and to deport women. Migrant sex workers are counted in statistics as women at risk but all that is done with these women is to deport them." *Colectivo Hetaira, Spain*

## Sex work, exploitation and migration/mobility model

**Blue:** If sex work intersects with mobility, it generally refers to migrant sex work or mobile sex workers.

*E.g. a sex worker who leaves her home town to work elsewhere and sends remittances for her children's school fees.*

**Red:** If sex work overlaps with violence or exploitation, it would refer to sexual or labour exploitation in the context of sex work.

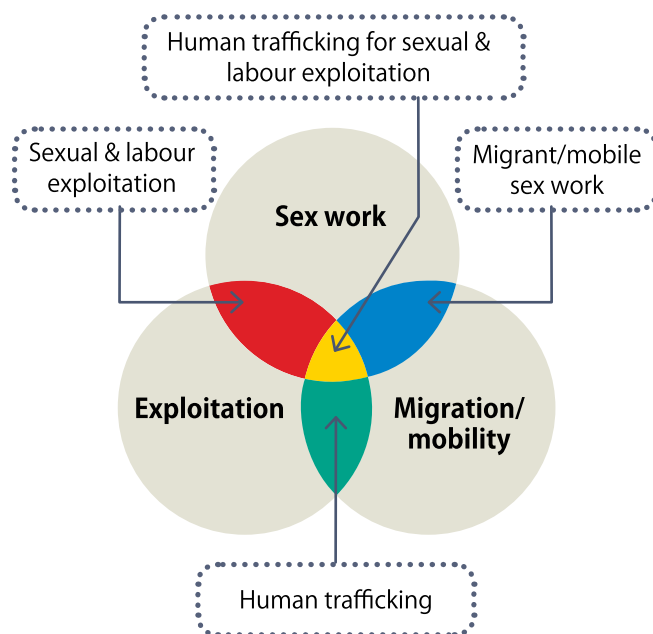
*E.g. a brothel-owner forces sex workers to work long hours or doesn't allow them to refuse clients.*

**Green:** If mobility overlaps with exploitation or violence and all three elements of the UN Trafficking Protocol are present (transportation, coercion and exploitation), this would constitute human trafficking.


*E.g. a construction worker is recruited to work on a building site in another country and promised a range of benefits. When he arrives on site, his employers confiscate his passport and he is forced to work before his passport is returned.*

**Yellow:** Only if the exchange of sexual services, exploitation and mobility intersect, is human trafficking for the purposes of sexual exploitation present.

*E.g. a woman is promised a job as a waitress in a resort hotel in another country. Her contact helps her to travel there. When she arrives, her travel documents are confiscated, and she is forced to have sex with hotel patrons.*



*This model developed by Yingwana, Walker & Etchart clearly defines and distinguishes sex work, exploitation and migration, with the conceptualisation of appropriate and rights-based anti-trafficking programmes.*



Sex workers' rights advocates support evidence-based anti-trafficking programmes that respect human rights, and that emphasise accountability and transparency.

### CASE STUDY

For example, the self-regulatory Board developed and implemented by the Durbar Mahala Samanwaya Committee in India works closely with the sex worker community. It has built on relationships with health services, with rigorous protection and confidentiality mechanisms, as well as case management and case follow-up. They have helped three times more trafficked women and girls than other agencies.

**References:** African Centre for Migration & Society (2010) "Human Trafficking & Migration". Migration Issue Brief 4; Global Alliance Against Traffic in Women (GAATW) (2018) "Sex Workers Organising for Change: Self-representation, community mobilisation, and working conditions"; Global Network of Sex Work Projects (2019) "Briefing Note: Sex Work is not Sexual Exploitation"; Global Network of Sex Work Projects (2019) Community Guide: The Impact of Anti-trafficking Legislation and Initiatives on Sex Workers; International Committee on the Rights of Sex Workers in Europe (2019) "Trafficking 101 - A Community Resource for Sex Workers' Rights Activists"; Steen et al (2014) "Trafficking, sex work, and HIV: Efforts to resolve conflicts." *The Lancet*, 385(9963), 94-96; Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime Adopted and opened for signature, ratification and accession by General Assembly resolution 55/25 of 15 November 2000; Yingwana, N, R Walker, and A Etchart, "Sex Work, Migration, and Human Trafficking in South Africa: From polarised arguments to potential partnerships", *Anti-Trafficking Review*, issue 12, 2019, pp. 74-90.