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Protecting the Rights of Sex Workers: Asking the Tough Questions

Wednesday, July 13, 2011, 9:00- 10:30 am

Session Organizer:

Heather Doyle, Open Society Foundations

Facilitator:

Françoise Girard, Director, Public Health Program, Open Society Foundations

Panelists:

Meena Saraswathi Seshu, General Secretary, SANGRAM (India)

Ruth Morgan Thomas, Global Coordinator, Global Network of Sex Work Projects

Deon Haywood, Executive Director, Women With A Vision

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Françoise Girard introduced the session by acknowledging that sex work is a divisive issue to discuss, on both sides of the debate. The objective of the panel was to explore the realities of sex workers' lives and facilitate dialogue amongst activists and donors concerning effective grantmaking approaches and strategies.

Deon Haywood, Executive Director, Women With A Vision

Deon opened by sharing a recent policy victory in Louisiana. Until recently, a statute existed that criminalized solicitation, including oral and anal sex, as a "crime against nature" and held that those charged have to register as a sex offender. This aspect of the law was rarely enforced but after Katrina Deon's organization saw a rise in the number of enforced registrations. Any woman registered as a sex offender must follow all federal guidelines and post the label "sex offender" on their state ID for ten years. It also costs \$500 to register on the state sex registry website, and to fail to do so within the time required costs an additional \$2,000 in court fees. These requirements make it very difficult for the woman to find employment and housing.

To challenge this statute, Women With A Vision partnered with Loyola University's law clinic and the Center for Constitutional Rights and asked women affected to share their stories. In February 2011 the partnership filed a lawsuit against the state of Louisiana, and on the 28th of June the governor signed a bill making it a misdemeanor to be arrested for prostitution and no longer a "crime against nature". However, the bill is not retroactive, so women who were previously charged with crimes against nature still retain the sex offender requirements. Furthermore, Louisiana still has the highest incarceration rate in the United States.

Q: Are you in favor of de-criminalizing sex work?

A: I am in favor, but I realize that it takes time. Many sex workers do have a choice, and I have met so many women whose reason for being involved in sex work is to support their children.

Q: Is that really a choice?

A: It is not true that the government will feed everyone that needs help. There are many reasons why people are involved in sex work. Public money could be spent on something other than criminalizing the decision of two consenting adults.

Q: What does police abuse mean in your context?

A: There were six prostitution stings in the past two weeks. This is being done before the new bill starts, since the law is not retroactive. We need to have an independent police monitoring body to address abuse of power by police.

Ruth Morgan Thomas, Global Coordinator, Global Network of Sex Work Projects

Ruth worked as sex worker for 8 years.

Q: Many would say that sex work is not a free choice, and that it is always done in circumstances for survival.

A: I made a free choice; as free a choice as any of us make about supporting ourselves. I have always had to feed my daughter, before I was a sex worker, and after. We all start with the premise that having sex with multiple partners is something that people would never want to do and that's not true. People are proud that they can feed their children and ensure they receive an education.

Q: Aren't there troubling relationships in this world? For example: between pimps and sex workers. If we decriminalize sex work, wouldn't that reinforce these exploitative relationships?

A: Many forms of labor have exploitation. We put laws in place to regulate it. With mining and exploitation, the response wasn't to stop mining. They put in place health and safety laws and guidelines. Exploitation comes when you criminalize an industry. In New Zealand they decriminalized sex work. An evaluation five years later showed no evidence of an increase of trafficking, the number of children in the industry, or migration of people to New Zealand for sex work. Sex workers are now more prepared to report crimes of violence and have greater access to services.

Q: Should we decriminalize sex workers and criminalize buyers? Will this strategy end demand for sex work, as presumed by the Swedish model?

A: This is not the way forward. This model assumes that all sex workers are victims and need to be protected by the state. In 1999 Sweden passed a law decriminalizing sex work and criminalizing buyers as part of a campaign to end violence against women. One consequence was that sex workers could no longer work independently. Sex workers were approached by organized crime networks to make connections to the buyers who were afraid to seek out sex workers themselves. There was an increase in violent clients since the individuals that had no problem breaking the law in this regard were often also more violent. The law has not significantly reduced the purchasing of sex. Prostitution still exists. We've made sex workers more vulnerable. Many sex workers have started to bring clients to their homes because they could no longer work publicly, and this is very dangerous. Sex workers were being evicted from their homes for crimes of immoral conduct, making it very difficult to find new housing.

Furthermore, if two sex workers were working together for safety, they would be charged with pimping each other.

Meena Saraswathi Seshu, General Secretary, SANGRAM (India)

Q: Meena, you work with sex workers in poor rural communities in India. Isn't buying and selling of sex evidence of patriarchy and exploitation?

A: I started out thinking like that. But when I started working with sex workers I found that the women were very strong. Sex workers were using condoms in a country where family planning is a challenge. Is it really true that women are not able to negotiate safety? This didn't fit with my image of the "poor woman with no voice." The police have tremendous power; they force women to sleep with them or else be arrested. Women got together and decided to stop giving bribes and free sex. There is power in organizing. It is poor women sex workers who have fought back against exploitation by police and bad brothel owners.

Q: We have heard of recent brothel raids by Nicholas Kristof with International Justice Mission in Calcutta with the objective to rescue 10 year old girls. Whats wrong with that?

A: The problem is to assume that a white man can come into a former British colony, where people are scared of white men, and that these outsiders can swoop in and take the girls away. And then do what with them? It is time to tell the world that we have a voice and we can't be written about in this way. We need to look at strategies that make sense to both of us. For generations police have raided and left. We still have these problems. We are talking about the rights of people; we don't condone slavery or child sex exploitation.

It is a problem to think that sex work is bad and that it is not work. If we can remove these ideas, the chances increase that we can have safe sex work environments. I am however scared of using the word "choice" – this is a mirage. These women are using the best possible options available to them.

Q: Shouldn't we then take girls out of these situations by all means possible and provide them with alternatives?

A: I do not understand this notion of "rehabilitation" – rehabilitation from what? When a person is above the age of eighteen they should be able to do what they want. Raids are essentially rescuing girls from a bad situation and putting them into a worse situation. These people "save" them and leave. What then happens to these girls? Homes cannot keep them after they turn eighteen. So what do they do then? Girls are so deeply traumatized by this system. We have a saying: "God save us from our saviors."

Deon: There are not many safe houses in Louisiana, no one funds safe places for girls involved in sex work. Girls are detained, including those who are necessarily selling sex but have multiple sex partners and are having trouble at home.

Question and Answer:

Q: Social justice funders don't fund social services. This raises some questions about the social service funding necessary for social change work to happen.

Deon: The state does not provide necessary services. No one is thinking about transgender youth, and there are no homes for them. For one: they are not supposed to be transgender. We should open ourselves up to investing in whatever can make change.

Meena: This is a challenge – do you do services or campaigns? Somehow we are not respectful of the communities we are working with. We need to ask these communities what they want. The needs are not the same across different contexts. We have to support services and larger systemic change. It is critical that sex workers determine the services, and not the donors. There is an untrue assumption that sex workers are stupid, not socially responsible, and incapable.

Q: I have a question about choice. Many sex workers experienced sexual abuse as children, Where is the line when someone has been exploited for years and then turns eighteen and continues sex work?

Meena: We need to keep arguing for safe spaces for all women. The immediate reaction to rescue a girl from a particular brothel does not help girls more broadly. Many are ending up in brothels because their families are not able to take care of them, and therefore we need to do community-based rights work. We can't just help one girl; we must make it so that no girls end up there. There are solutions that are difficult today but that benefit all in the long term.

Ruth: I try not to use the word “choice.” There is an assumption that people in the sex industry are prepared to be abusers. If we see sex work as work we can engage with the people who run the businesses. For some people who experienced sexual abuse, sex work is a safer place. That says a terrible thing about society, not about sex work. Some women are empowered by the nurturing community of sex workers they are working with. This is about people using agency. Everyone I work with wants to find alternatives for people forced into sex work.

Cora Weiss: *Nicholas Kristof made considerable amt of money writing about women as victims. I propose that this panel composes a letter to the editor to express your views about the way he depicts women. If it is under 100 words I will help you get it in.*

Q I have trouble unpacking how to deal with trafficking and sex work and women and girls. Can you share your thoughts and advice to the donor community?

Ruth: People first need to understand what trafficking actually is. Don't make the assumption that because someone is a migrant, he/she is a victim of trafficking. Many migrants migrate for economic opportunity, and this is true with sex work as well. One of the biggest challenges is the U.S. government pushing anti-prostitution/anti-trafficking legislation. Some of the most effective anti-trafficking programs are run by sex worker organizations. In Europe, there is a helpline set up by victims of trafficking in Turkey, and more than 70% of calls came in from clients. There are many partners in the battle against trafficking. We can't assume that all men want to buy sex from a woman being coerced or forced to do so. We must accept the premise that some people can choose sex work!

Meena: In the sex work business, no one benefits from being forced. How can we strengthen people to fight back against this practice? There is the assumption that women are entering into sex work by force, while in actuality they may enter knowingly but then be exploited once there. Anti-trafficking and anti-sex work are two different things!

Comment: *It is only with sex workers that “choice” becomes a static word used across contexts and time. In every other situation choice is dynamic. It is about agency and leadership. The heart of every solution is the leadership of sex workers themselves.*

Valentine: *How is sex work different in Nevada?*

Deon: There are brothels all over the U.S. that want rights for people involved in sex work, but also worry about the government involvement legalization would bring. The women I work with would likely not be accepted into a brothel; they don't fit the dominant idea of a brothel-based sex worker. Unfortunately, the decisions regarding legalization and regulation are usually not made by the people involved.

Ruth: Not all sex workers wish to work in brothels because they prefer the independence of the street, or they might prefer to pay a manager because they feel safer. I have a problem with us deciding what's best for others. We should decriminalize all laws regarding sex workers, managers, and clients. We need to accept that sex work is work and that individuals have the right to free choice in employment, and have the workers decide what is best for themselves.

Q: *What do you wish funders would do this year?*

Meena: Stop funding raids and rescues; it is impacting the dignity of the communities we are working with. We don't need it.

Ruth: Fund sex worker organizations so that communities can mobilize and come together. We know ourselves what we need.

Deon: Give organizations like mine the opportunity to do what these women have done globally. Invest at home. Open yourselves up to new way of supporting change. Look at what is happening in the United States. The issues are the same but we are not supported here. Make sure that you connect this work to other issues.