



# 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.