

Be an ALLY

Sex Work is one of the most contested of spaces for Feminists.

1. Sex work and trafficking are the same.

“Sex work and sex trafficking are not the same. The difference is that the former is consensual [with agreement] whereas the latter coercive [by force]. Any point of view that says "voluntary prostitution" is a contradiction in terms, erases the dignity and autonomy of the sex worker in myriad ways. It turns self-directed actors into victims in need of rescue.” UNDP Global Commission on HIV and the Law

2. Sex Workers are victims; brothels must be criminalized.

Adult workers who consent to provide sexual services are not victims. No, brothels should not be criminalized as sex work needs third parties in order to be carried out safely. Criminalizing brothels will encourage criminal elements to push workers to the margins/underground and impact their ability to access law enforcement, health services etc. Sex workers are entitled to the same legal protections as other citizens.

3. Sex Work is not a dignified choice, but it is work.

The ‘First Pan-India Survey of sex workers’, conducted by Pune University economists Rohini Sahni and V Kalyan Shankar found that nearly 70% of the 3000 female sex workers surveyed joined the profession voluntarily, and were not forced or sold. Also, sex work is just one among several labour options available to women from poor backgrounds — a majority of them join the trade at a much older age compared to other informal markets such as domestic work or hawking. 65% of sex workers come from poor families and 60% from rural areas and shift from other labour markets to sex work because it greatly enhances their income. Sex work can provide a decent living compared to other informal labour options. Sex workers can use their earnings to support their families and create other financial assets.

The argument that sex work is not a dignified choice because it can be a result of poverty, debt, and force of circumstances is an argument that flies in the face of the fact that almost all work in the informal labour force is a result of these factors. The perceived immorality of providing sexual services for compensation seems to strip sex workers of dignity.

4. The agent, brothel, sex worker and client must be decriminalized if sex workers are to be safe.

Yes, decriminalizing sex work, the brothel, the agent, and the client can help make sex work safer: Legal protection: Decriminalization can protect sex workers' legal rights and ability to access justice and health care. Safety: Decriminalization can help protect sex workers from violence by allowing them to report abuse to the police without fear of prosecution. Human rights: Decriminalization can help recognize sex workers as human rights holders and help destigmatize sex work. Labor protections: Decriminalization can allow sex work to be governed by labour laws and protections similar to other jobs. Equal protection: Decriminalization can help ensure that sex workers are treated equally under the law, based on age and consent

5. Sex Workers must be rescued to ensure their safety.

Raid and rescue are the most commonly used strategy to address trafficking in women and girls. However, the experiences of sex workers picked up during these operations reveal that this strategy rarely addresses the issue of trafficking, instead results in large-scale human rights violations, and in fact increases vulnerabilities such as falling into debt bondage and other exploitative practices. Fees to lawyers, surety for bail, bribes to officials and mounting daily expenses in the absence of income due to incarceration, force women released from correction homes to incur huge debts. Ironically, getting trapped in a cycle of debt bondage is a consequence of a raid and rescue strategy which is purportedly designed to help these women. In the raid, rescue and rehabilitation scheme, even adult women who want to remain in sex work are picked up and detained, which explains the high rate of returnees to sex work.

6. Sex Workers sell their bodies due to lack of choice

SWASA respects sex workers' decision to engage in sex work. As feminists, we reject statements according to which sex workers “sell their bodies” or “sell themselves”: to suggest that sex entails giving away or losing part of oneself which to us is profoundly anti-feminist. We believe that sex work is the provision of sexual services for compensation and sex workers are sexual service providers.

7. All sex workers are victims of trafficking.

Not all sex workers are victims of trafficking. When an adult person willingly of their own volition provide sexual services for compensation, with consent, they are practising sex work.

BUT

When a person [adult or minor] is forced to provide sexual services involving the use of force, fraud, deception, or other forms of coercion, through threat, abduction or other means of coercion they have been trafficked into sex work. Trafficking in persons is the act of recruiting, transporting, transferring, harbouring, or receiving people for the purpose of exploitation.

8. Children of sex workers must be rescued from the brothels.

The children of female sex workers are forced to resort to falsehoods when dealing with the rest of society, in the process denying the history of their own lives. Society says that these children should be kept away from their mothers, thus resulting in them feeling abandoned and rejected. The biggest problem the children face is their inability to openly assert their identity. The inability to openly say, “This is my mother”; the inability to take their mothers to the doctor when they fell ill because the doctor would ask innumerable questions; the inability to take their mothers to their school day functions; the inability to take their friends home with them. Alongside, the agony of an unacknowledged father is an ever-present issue. Children need help and support to fight back the trauma of stigma and discrimination. Removing them from their mothers and families is not the solution.

9. Legalisation is the best solution for sex workers.

Not necessarily. SWASA demands decriminalization. Understanding that decriminalization is only possible when some form of sex work is criminalized. First, a quick distinction between ‘decriminalization’ and ‘legalization’. *Decriminalization* is the repeal or amendment of laws or

statutes which make certain acts criminal, so that those acts are no longer crimes or offenses. *Legalization* is the regulation and control by the state ushering a zone specific 'licence raj' with mandatory health check-ups, criminalizing defaulters. It could also mean criminalizing of some aspects of sex work e.g. clients.

10. Full decriminalization will encourage exploitation of sex workers.

It is a known fact that a criminalized environment results in unsafe working conditions for sex workers including exploitative practices by third parties and lack of access to nondiscriminatory health services. Decriminalisation will help sex workers organise and address all forms of exploitation, including abusive, sub-standard or unfair working conditions instituted both within and outside the sex trade.

11. Sex Work is violence against all women

SWASA does not believe that sex work is violence against all women. In fact, this argument has effectively allowed feminists to ignore the violence that takes place within sex work. The criminalization of various aspects of sex work exacerbates the incidence of violence by police personnel and clients by giving the police broad powers to arrest and detain sex workers, promoting impunity, pushing sex work underground, reducing sex workers' ability to negotiate safe work practices and increasing stigma and discrimination. The argument perpetuates a culture of impunity in which perpetrators of violence are not held accountable, and which undermines sex workers' access to justice and creates an environment in which violence against sex workers is normalized and justified.

12. Sex workers are part of the self-employed informal work force.

Sex workers' workplaces and working arrangements are diverse. They can be self-employed or employed and engage in sex work part-time or full-time. Sex work can be formal in that some sex workers are engaged in an employer-employee relationship with an establishment. However, where criminalization excludes sex work from national labour laws, sex workers have no option but to accept what are often exploitative working conditions. Additionally, criminalization of third parties makes the establishment of formal workplaces, including establishing any contracts or workplace regulations, illegal. However, much of the sex industry is informal, with sex workers operating independently, individually or collectively with other sex workers. Within the informal sector, there are also a variety of working arrangements and business models. Like many other informal sector workers, these sex workers are often excluded from social protections and work under more precarious conditions.

https://www.nswp.org/sites/default/files/policy_brief_sex_work_as_work_nswp_-_2017.pdf

13. Sex workers are sexual service providers.

Sex workers are adults who receive money or goods in exchange for consensual sexual services or erotic performances, either regularly or occasionally. Sex Workers from SWASA reject the construct that sex workers sell sex or their bodies. Sex work is the provision of sexual services. A masseuse/masseur provides massage services. Sex workers provide sexual services.

14. Adult sex workers have a right to practice sex work

Adult men, women and transgender persons in sex work have the right to earn through providing sexual services, live with dignity, and remain free from violence, exploitation, stigma and discrimination. It is time we **rethink sex work from a labour perspective**, where we recognize the work and guarantee the workers basic labour rights.

15. Minors in sex work are prostitution offenders

SWASA rejects the notion of children in sex work. We believe that only adults can consent to provide sexual services. Children providing sexual services are victims of child sexual abuse and human trafficking.