

Defining sex work as work for human rights and harm reduction

Linda Cusick

Any attempt to reduce harm must start with an attempt to identify the relevant harms. In the drugs field, harm reduction has sometimes been described quite narrowly as clinical interventions such as needle exchanges. More broadly, harm reduction has informed policy campaigns where harm is seen as a consequence of drug legislation. It has also been appropriated as a philosophy for reducing negative effects of drug use on communities.

Some sex workers feel uncomfortable about harm reduction, particularly this concept of harm to communities. They feel that harm reduction suggests that they, the sex workers are the harm to be reduced.

As an academic with a lot of experience in working with sex worker's campaign groups, I want to try to unite the harm reductionists at the conference, sex workers and our allies in human rights by identifying from the academic literature many of the harms that are related to sex work - as human rights violations.

Personal and structural factors 'causing' sex work

- Pathology – especially mental health
- Low self-esteem
- Childhood neglect or abuse
- Family (especially maternal) inadequacy
- Youth deviance – especially promiscuity (in girls)
- Poverty and desire to escape it
- Political instability/ war
- Inequality – especially gender
- Lack of education, training or skills for alternative occupations

This list of sex work related harms is one I assembled from the literature.

My presentation is not concerned with proposing ways to reduce harms that are associated with a broad range of social problems and need solutions at a social structural level.

Instead, I want to move on from a debate that opened amongst delegates at this conference in Belfast in 2005. There, we looked at where the harms in sex work arise...*(next slide)*

Harms arising from sex work

Where do these harms arise?

Sex?

STIs

Money?

Mutually reinforcing

- Drug use
- Money for lifestyle/
status/ goods

The exchange of sex and money?

- ?
- In itself, there is nothing about exchanging sex and money that introduces harm.

The conditions of sex work?

- Predation & victimisation
- Violence & child abuse
- Trafficking & slavery
- Stigma & discrimination
- State sanctions & penalties
- STIs
- Exposure to the mutually reinforcing harms of addiction and dependency
- Public nuisance

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1. Harm reduction has so far focused on:

- Preventing and treating STIs
- Disentangling sex work from those mutually reinforcing harms (problematic drug use, money habits)
- Reducing public nuisance

Harm reductionists in some situations are also tackling some of the personal and structural factors underlying involvement in sex work to maximise sex worker choice. So for example we are seeing harm reduction philosophies underlying some education programmes including skills training for other jobs.

The conditions of sex work?

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- State sanctions & penalties
- STIs
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- Public nuisance

3. Get used to this list of items in pink – I'll be referring to these again.

Real harm in sex work

- Predation & victimisation
- Violence & child abuse
- Trafficking & slavery
- Stigma & discrimination
- State sanctions & penalties

- These harms concentrated in street sex work
- Violation of rights underlie each of these harms

most harms associated with or arising from sex work depend on sex work taking place in conditions of vulnerability – each of these harms are mainly associated with low status, vulnerable sex work

When sex markets are directly compared, the harms introduced by sex work are overwhelmingly concentrated in street sex markets and where sex workers' pre-existing vulnerabilities can be most exploited

All of these harms are derived from the conditions of sex work so we can conclude that the ways in which sex work is organised determines whether it introduces harm, increases the vulnerability of sex workers or allows sex workers to benefit from sex work.

Predation & victimisation because of rights violations

- Predation & victimisation is possible because there is little to prevent pimps and abusers from exploiting vulnerable sex workers.
- This is a consequence of the violation of sex worker's right to organise for self protection and work as other businesses with state protection against bullying and sexual slavery.

sex markets **have** become entangled with the mutually reinforcing aspects of organised crime and problematic drug use.

The sex markets with least labour protection are wide open to the drug suppliers, child abusers and those who control migrant and other vulnerable sex workers.

Predation and victimisation such as abusive pimping were found in studies of sex markets where sex workers were fearful of authority, isolated and personally vulnerable ([Norton-Hawk, 2004](#) and [Williamson and Cluse-Tolar, 2002](#)). Children, drug users and migrant sex workers who cannot access indoor sex markets, who do not have the resources or confidence to work as entrepreneurs and who do not know enough about their options are the key targets for sex market predators ([Nixon, Tutty, Downe, Gorkoff, & Ursel, 2002](#); [Outshoorn, 2001](#)). Paedophiles, pimps, drug dealers and other individuals, often posing as 'boyfriends' ([Swann, 1999](#)) control and abuse sex workers in sex markets that are not controlled by a gate keeping colleague. By way of contrast, sex markets run from premises controlled by gatekeepers at least comply with enough local legal and social requirements to remain in business: effectively a guarantee of at least some minimum standards ([Whittaker & Hart, 1996](#)).

Violence & child abuse because of rights violations



- Violence & child abuse occur where sex work is displaced to hidden and dangerous areas
- Violence encouraged by images of sex workers as 'dirty others' in law and media
- Child abuse possible because whole industry is hidden and witnesses (clients, property owners, sex workers) unwilling to report it for fear of exposing themselves
- Police corruption and brutality
- Condoms confiscated or used as 'evidence'

Violence and child abuse were found in many sectors of sex work ([Raphael & Shapiro, 2004](#)) but the youngest, the most serious assaults and the greatest number of murders were concentrated in sex markets where sex workers worked alone and where they lack status ([Church et al., 2001](#) and [Pyett and Warr, 1999](#)).

Trafficking & slavery because of rights violations

- A large proportion of those migrating for sex work know that this is the work available. What they do not expect are the conditions in which they find themselves after they arrive.
- Women who migrate frequently resort to the sex trade for a limited period, since it is highly lucrative, but they are not necessarily victims.
- Declarations that sex workers are victims denies their rights to migrate, settle and return.

as notes only

Trafficking, slavery and debt bondage were concentrated in large cities and exist in a system suspended between organised crime on the one hand and policing and immigration controls on the other ([Chapkis, 2003](#) and [Outshoorn, 2001](#)). Fearful of both criminal gangs and authority figures, these sex workers may be controlled, abused and passed around as chattels in a system that prevents them emerging as free citizens. Some trafficked and enslaved sex workers give accounts of being held prisoner while others describe moving around quite freely in their day to day routines but too fearful to attempt escape from the secretive and deprived conditions of their sex markets.

Stigma & discrimination because of rights violations

- Sex workers' do not enjoy just and favorable conditions of work, the right to organize, the right to adequate standard of living, and the right to be free from discrimination especially in terms of:
 - Access to medical, social and welfare services
 - Participation in political debates that concern them
 - Equal citizenship to earn money, pay tax, borrow money, rent and buy property, obtain insurance

State sanctions & penalties as rights violations

- Sex workers fear the police and resist reporting crimes against themselves and others. Their witness testimony is often discredited on grounds that they sell sex.
- Sex worker's private relationships are described as 'pimping'; they are not free to marry and often lose custody of children.

Muddles

- Sex workers portrayed as victims, regardless of what they say
- 'womenandchildren' infantilises women, leaving them with no right to sexual self-determination
- Sex work= 'fundamental violation of human rights', 'is violence', 'is sexual slavery'
- Criminalising clients to 'equalise stigma and penalties'

So, I am arguing that real harms arise from denial of human rights

But sex work is also affected by legislation and declarations that appear to deliberately conflate rights with imagined harm.

It is a mistake to suggest that the feminist goal of stigmatising men rather than women will somehow solve the age-old dilemma of how best to deal with prostitution. The stigmatisation of women does not evaporate in the wake of stigmatising men,

More muddles



- Commodification of sex is prevalent and used to sell everything from clothes to cars
- Most sexual relationships have a financial understanding
- Private life of the citizen is not the business of the state
- As citizens, sex workers are entitled to the same rights as others
 - but research evidence indicating that their exploitation, discrimination and abuse is a consequence of their rights being denied is accorded no greater importance than the view that sex work is violence.

Definition of sex work

- Sex work occurs where one party considers the experience as sex, another considers the experience as work and both recognise and agree to accommodate the other's perspective.

Sex work *is* work, so:

- Freedom to run a business and rent or buy property
- Employment legislation for health and safety
- Freedom to form trade unions
- A legitimate business sector without hiding places for children or vulnerable adults to be abused

Sex work is distinguished from forced prostitution and slavery, so:



- Right to control contracts in provision of services; no confusion with forced prostitution/ sex slavery
- Safe and dignified working conditions
- Equitable rights for migrants
- Assistance and protection for victims of trafficking

It would have been so much more difficult to abolish slavery if we confused it with work in the 19th Century. The same is true today.

Sex work is distinguished from violence, so:

- Legal protection against violence and removal of fear of reporting it
- No tolerance of the disproportionate level of murder committed against sex workers
- No tolerance of abuses committed by police
- Access to law as victims and as witnesses

Right now, sex workers are quite reasonably in many situations, afraid of the police.

If sex work is recognised as work we can look forwards to offering sex workers legal protection against violence and reducing their fear of reporting it to the police when they are attacked.

As for access to law as victims and as witnesses, if we can remember that sex workers are able to distinguish work from violence we should be able to respond to their complaints and testimony of violence – rather than trying to rescue them from their work on the basis that they don't know their own minds.

Sex workers have other roles, so:



- Freedom from arbitrary interference with one's private and family life
- Freedom to marry, have and retain custody of children
- Representation on governance issues e.g. zoning

Sex workers promote health, so:



- Access to medical, social and welfare services and the highest attainable standards of physical and mental health
- Sexual health tests on a voluntary and confidential basis with primary goal to promote health
- No confiscation of condoms as 'evidence'

Conclusion

- Reducing existing vulnerability and structural inequalities (poverty, war, gender inequality) – overly ambitious

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- Conventional harm reduction (education, training or skills for alternative occupations; STI prevention and treatment; disentanglement of mutually reinforcing harms (problem drug use, money habits); reduce public nuisance) – keep going!

Conclusion

- Reducing existing vulnerability and structural inequalities – overly ambitious
- Conventional harm reduction – keep going!
- Reducing harm via human rights (predation, victimisation, violence, child abuse, trafficking, slavery, stigma, sanctions and penalties) – these harms only occur where human rights are denied or where sex work is not recognised as work - experienced campaigners needed.