



Statement on Trafficking in Persons for the 51st Session of the Commission for the Status of Women on the “elimination of all forms of discrimination and violence against the girl child.”

The Sex Workers Project of the Urban Justice Center and the global Network of Sex Work Projects welcome this year’s theme on an under-examined key topic of human rights: The violations experienced by the girl child. Girl children worldwide face copious challenges preventing them from achieving their full human rights, including unequal treatment and increased violence in many settings, at home, schools, places of employment, and health care institutions.

One issue that affects the girl child, as well as boys and adults, is the problem of trafficking in persons. The Sex Workers Project at the Urban Justice Center and the global Network of Sex Work Projects oppose human trafficking in any form and champion confronting the force, deception and coercion inherent in all forms of human trafficking.

In furtherance of this, we wish to underline a fundamental principle that the trafficking of the girl child is not exclusive to force into sexual services, but also includes trafficking into domestic, factory, and agricultural services.

As advocates who work directly with trafficked persons, we are concerned by the conflation between human trafficking and prostitution, in both dialogue and policy. Trafficking and prostitution are not identical and cannot be conflated. Conflation encourages harmful policies in the fight against trafficking, because efforts are no longer targeted and thus ineffective. Conflation also directly violates the human rights of sex workers who are wrongly affected by the implementation of these ineffective anti-trafficking policies.

In order to empower all women and girls to achieve their fundamental human rights, it is critical to endorse policies that differentiate between human trafficking and prostitution. This allows for the respect, protection, and fulfillment of the rights of all persons who are trafficked and/or engage in sexual services.

- In order to combat human trafficking, we need to highlight that the majority of human trafficking situations do not lead into prostitution, but includes many other types of labor, including factory, domestic and agricultural work.
- Confusing sex workers with trafficked persons erases the voices of persons engaged in sexual services, worsens their working conditions, adds to their general stigmatization and warps discussions on effective methods for ending human trafficking.

In addition, we are concerned by the recent attention on curbing the “demand” for prostitution in order to “solve” the problem of women and girls trafficked into sexual services.

- “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 global north for exploitable labor and services. However, this narrow focus of the term in the context of sex work represents a dangerous move towards policies which, under the guise of protecting sex workers, is another way of undermining sex workers’ autonomy and causing more harm to them.
- Policies criminalizing the purchase of sexual services have been enacted in Sweden, and are pursued by other nations. Based on research and our experience working with sex workers and persons trafficked into sex work, it is clear that such policies do nothing to protect persons trafficked into sex work, while simultaneously violating the rights of sex workers.

- Focusing on “demand” is clearly counter-productive: Criminalizing and stigmatizing transactional sex drives the practice into the shadows where violence, extortion and coercion are more likely to thrive, making persons more vulnerable to trafficking; discourages sex workers, their clients, and brothel managers from responding to groups offering information or services on preventing the spread of HIV/AIDS; and ultimately does not address the basic human needs for education, equal opportunity and a realistic array of economic options which empower women and girls to make informed choices about their employment.¹ In fact, the cause of most violence directed at persons engaged in sexual services are not from their clients or pimps but from law enforcement officers, who routinely harass, denigrate and rape sex workers rather than protecting their human rights.²

Finally, “rescue” missions for the alleged purpose of saving persons who are trafficked do more harm than good.

- Safe, appropriate, and targeted law enforcement interventions are important when children are involved, but “rescuing” people who do not wish to leave can endanger their physical safety and economic survival.
- Most “rescues” are large-scale police raids that sweep up everyone present for arrest, interrogation, detention and deportation, ignoring the difference between those who are there under coercion or are under-age, and those who are not. As a result, trafficked persons are afraid to come forward for fear of such arrests, or of triggering an over-reaching raid.

Policies aimed at assisting trafficked persons must be properly targeted so as to effectively help them while simultaneously avoiding harm to sex workers.

- Sex workers generally need what all people need to build better lives for themselves and their families: Access to education, language and literacy programs; programs that help them build businesses and manage their money; and peer support to end their isolation.
- Addressing the root causes of human trafficking—poverty or the right to earn a living wage as well as fighting gender and racial discrimination—will further empower every person to make informed choices.

We recommend a realistic and effective policy model on human trafficking and prostitution, which would include:

- Training people who work in all industries where trafficking occurs to identify and aid trafficked persons;
- Enforcement of laws against assault, extortion and other human rights abuses committed against trafficked persons and sex workers;
- Access to comprehensive health care, education, and opportunities to seek a living wage in adulthood for all girl children;
- Removal of harsh immigration policies that exacerbate the vulnerabilities of those who are susceptible to being trafficked;
- Reform the criminal justice response to prostitution, as harsh systems increase vulnerability for trafficking and other abuses;
- Training in business and money management;
- Reductions in social stigmas that often prohibit sex workers from moving into other forms of labor if they want to do so; and
- Education and empowerment for sex workers on ways to prevent the spread of HIV.

¹ As documented in Report by a Working Group on the Legal Regulation of the Purchase of Sexual Services, Norwegian Ministry of Justice and Police Affairs, *Purchasing Sexual Services in Sweden and the Netherlands: Legal Regulation and Experiences* 1-59 (Oct. 8, 2004), available at: <http://odin.dep.no/jd/english/012101-990578/dok-bn.html>; Don Kulick, *Four Hundred Thousand Swedish Perverts*, *GLQ*, 11:2, 205-235 (2005); Elizabeth Bernstein, *The Meaning of the Purchase*, *ETHNOGRAPHY* 2(3), 389-420 (2001).

² Bridget Anderson and Julia O’Connell Davidson, “Is Trafficking in Human Beings Demand-Driven?,” International Organization for Migration, December 2003.