



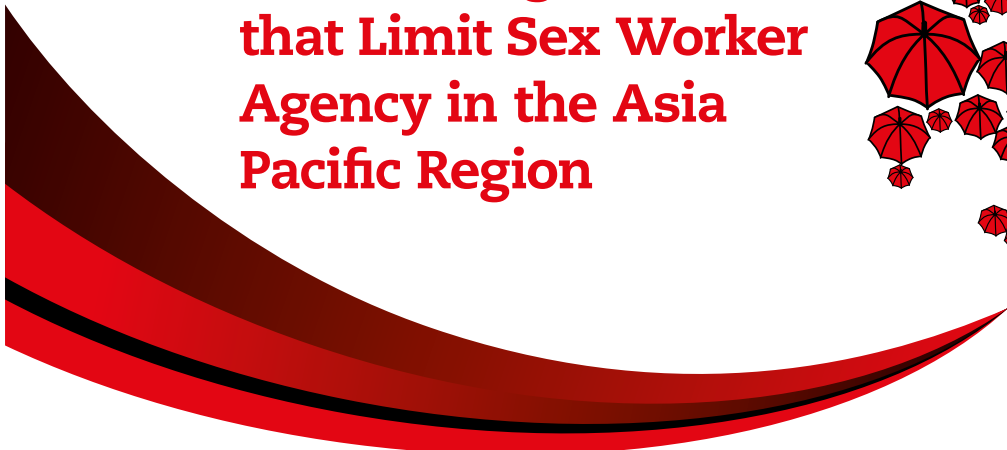
Global Network of Sex Work Projects
Promoting Health and Human Rights

BRIEFING PAPER:

**Sex Workers Demonstrate
Economic and Social
Empowerment**



**Overcoming Practices
that Limit Sex Worker
Agency in the Asia
Pacific Region**



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Overcoming Practices that Limit Sex Worker Agency in the Asia Pacific Region



Background

This paper aims to frame sex work in terms of labour migration, economics and empowering labour environments, rather than in terms of power, disease and immorality. It discusses policies and programmes affecting sex workers that limit their economic empowerment.

In Southeast Asia, APNSW observed that sex workers frequently move to faraway lands to find more lucrative work and economic enhancement, but are greatly constrained by anti-trafficking policies framed by a belief that no woman will move willingly to work in sex work. Anti-trafficking laws are often used to limit free movement of women in sex work by raiding and ‘rescuing’ them. Though this is ostensibly done to help them escape traffickers, it is mainly used to ‘correct’ their behaviour.

Laura Agustín (2005) argues that the understanding of rescuing women emerged from the social movement, which regarded the ‘prostitute’ as a ‘pathetic victim’.

The Fallacy of Rehabilitation

“DMSC’s position is that those who need rehabilitation should be given that but those who don’t want it should be given dignity. The problem with many rehabilitation NGOs is that they approach sex work as a moral problem and they seem to think that somebody who has been doing sex work should be happy to escape and do almost anything else to make a living. That is simply not true.”

BHARATI DE, SECRETARY, DMSC (NOVEMBER 2013)

This is a key point which emerged from the economic empowerment research – that the main reason people are doing sex work is because they need more income than the amount they can receive from minimum wages in a factory or housemaid setting (typically US\$2 to \$7 per day in the region) – precisely the kind of employment that rescue and rehabilitation programmes try to funnel them into. The people working in garment factories, to take a key example, tend to be young unmarried women living with their parents, whose income contributes to the household income. They are not heads of households, and are often retrenched if they get married or pregnant.

Cambodia is quite an extreme example, as the sex industry in Phnom Penh has effectively been trashed and traduced by local and US policy combined with extreme religious and anti-sex work fundamentalist feminist anti-trafficking groups, such that the income is rarely adequate to support anyone with dependants. However the 'alternative' of the garment industry also has such low wages that people have recently been protesting on the street, as reported in the *Sydney Morning Herald* on 5 January 2014: 'Police Shoot Garment Workers Dead in Violent Protest': the workers are asking for an increase in the minimum wage from US\$80 to US\$95 next April, with a five-year plan to increase it to US\$160. Cambodia is the only country we visited in the region where sex workers may also earn less than \$3 per day at present.

Kay Thi Win's statement in the Myanmar context has been frequently quoted: "We live in daily fear of being 'rescued'. The violence happens when feminist rescue organisations work with the police, who break into our workplaces and beat us, rape us and kidnap our children in order to save us. What

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KAY THI WIN, MYANMAR

we need is for the mainstream women's movement to not just silently support our struggle but to speak up and speak out against [those] who have turned the important movement against real trafficking into a violent war against sex workers."

What 'real trafficking' is, is a moot point. Current sex workers in the region sometimes recount stories of being unsure or unclear what they were getting into as teens, and having suffered until, usually, a client took them away from their first experience. Whether forced sexual labour should be considered as sex work is another question. How widespread it is, is also unclear due to the level of hysteria surrounding the topic. Where clearer heads prevail, such as at Durbar, the sex workers themselves are alert to the possibilities of unwilling recruits and debt bondage, and help those people to find the best solution.

AFESIP Survivors: Somaly Mam's Charity Rejects a Rights-Based Approach

Given the effects of PEPFAR's anti-prostitution pledge over the last ten years and international 'shaming' of Cambodia in the US Trafficking in Persons (TIP) Report, plus the evidence from our economic empowerment study that sex workers actually make very little in Cambodia these days, the arguments for the existence of large-scale trafficking seem very weak. There is also a continuous conflation with selling children and forms of rape, which have nothing to do with sex work as a negotiated transaction between consenting partners.

AFESIP survivors told APNSW that AFESIP takes in sex workers without identification, generally recruiting 18–25-year-olds for training in sewing, printing and making bracelets. According to the survivors, they can work three days a week in sex work. Trans workers have to 'stop' being trans, for example stop cross-dressing in public, to access AFESIP's services.

- ▶ 'Sokthoeu', in her twenties, was arrested by police and given to AFESIP for three to six months' skill building. They gave her some training in beauty treatments and hairdressing, then they gave two months' rent on a sewing shop. She then transferred the shop to someone else and ran away with her friend, also in the AFESIP programme. They were happy to have had the support for a short time.

- ▶ ‘Serey’ is a trans worker aged over 50. She works in the Cambodian People Living With HIV/AIDS Network (CPN+) as a board member. Transgender women make \$4 per day as opposed to non-trans women making \$5 per day and the pollution was affecting her health, so she ran away from AFESIP.
- ▶ ‘Rith’, in her early twenties, was offered support by AFESIP outreach workers to become a garment worker or work in a beauty salon. After three visits she said yes, but the reality was different again. This programme is for those aged under 26 years; there were 24 in her part of the project who passed the ‘trial’, which is said to test their support. They were given goods from the market to sell at no profit on the street at night. If they came back faithfully with the right money, they were given \$20. If they passed the trial by doing this for many nights before they were allowed to make their own profit, working for a French company.

We met two other AFESIP survivors. One failed the exam, while the other tried opening a shop but found there was too much competition:

- ▶ ‘Kim’ from Tuol Kork (formerly one of Phnom Penh’s most well-known red-light districts), is aged 31 with a 13-year-old child. She was arrested by the Social Affairs office one day and Somaly Mam came to talk to her about voluntary training for six months. She passed the three-month exam but failed the next one, and after six months her family was sick and asked her to leave and come home. AFESIP gave her \$150 and during her stay the board and lodging was free. However, it was just not suitable for her to leave her child with no caretaker.
- ▶ ‘Srey’, from Tuol Kork, completed the programme and tried to open her own shop with her weaving skills, but it was unsuccessful so she had to abandon it and return to sex work.

These sex workers have fallen through the cracks of the rehabilitation programmes set up by AFESIP. In situations of extreme poverty and when sex work is also not generating enough income, sex workers will choose additional ways to generate income. However, it is clear that such an income is not an alternative to sex work and therefore is not a ‘rehabilitation’ measure.

Clearly if organisations do have something to offer in terms of extra skills and income security that still allows sex work, some sex workers were interested in trying that. It is interesting to note that during this documentation, we didn’t meet anyone who had been successful enough with another occupation

to give up sex work. AFESIP calls it ‘economic empowerment’ when it helps sex workers sell Tiger Balm in the daytime for a small profit.

A rights-based approach to sex work would help sex workers define the additional income measures and replace the programme with sex worker-friendly services. Putting sex workers in a ‘trial’ (as was the perception of the workers discussed in this documentation) is a test conducted due to lack of trust. This in itself defeats the purpose of a programme that is intended to benefit sex workers.

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Urban Light – American Christians in Thailand

In Thailand there is a loose network of groups such as Urban Light, Garden of Hope, Love 146 and Tapestry. They have religious identities and work in the name of Christ. According to EMPOWER in Chiang Mai, these groups are quite annoying to English speakers because of their extreme views and slogans like ‘Boys cannot be baht’ (sic).

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Dow, coordinator of Urban Light, shares her perspective.

On Urban Light

Urban Light started in 2009, and has been running for three and a half years. The founder is Alezandra, who used to work with Latino women in Washington DC. One day Alezandra met a Latino woman who was “trafficked by her ‘pimp’”. Alezandra went to the police and reported the situation, but was simply told “If you think DC is bad, you should see Thailand”. Before she came to Thailand, she didn’t know there were male sex workers, and when she was taken on a tour of the red-light district of Chiang Mai she was so shocked to see male sex workers that she put off the rest of her holiday in Thailand and decided that she needed to stay in Chiang Mai to help the boys.

She had no start-up money, so she sold her wedding ring to fund meeting boys in coffee shops to teach them English and ‘build relationships’ with them. She got her husband’s name tattooed around her finger, while he went back to America. He supports her by paying for her plane tickets back to America, where she periodically fundraises by holding gala dinners and raising money from churches to support the housing and outreach programme of Urban Light. She also got money from an Australian organisation called EN Trust¹.

In Chiang Mai Dow had said that Alezandra was very emotional and crying for the Thai boys, which made Dow feel embarrassed as a Thai person, to see the foreigner (*farang*) crying and trying to help by selling her ring, while Dow was doing nothing. This led Dow to work for Urban Light.

Had boys in the community begun to talk organically about the issues on which Urban Light works with them?

The boys didn’t have an opportunity to stop working in the sex industry without Urban Light’s help, as Urban Light has set up a rehab programme, with partners including 7-11, Pizza Hut, a car cleaning business, and at Riverside restaurant (an expensive eatery on the Mae Ping River) in the kitchen.

1 EN Trust Foundation, n.d.

Urban Light's aim, projects and location

Urban Light's aim is to provide services and advocacy for trafficked boys. The organisation has seven functions: free lunch; workshops (about issues including sniffing glue); big brother project (for street boys aged 9–17 years, who may be prone to engaging in sex work and sniffing glue or taking drugs); English language lessons offered daily; employment and life skills education; health care (taking the boys to M Plus [a gay organisation] every six months for HIV tests); and a housing programme (funded by Love 146) where boys are given accommodation on the condition they don't work in the sex industry, have male friends stay the night, or use alcohol or drugs, and must attend a job (not sex work).

The contract is reviewed every three months and the boys are subject to random house inspections every month. If they are found to have violated their 'housing contract', they are given a verbal warning, then random house inspections (and work inspections, to ensure the boys aren't at bars) are stepped up. If they are found to be non-compliant a second time, they are issued a letter (Dow states that this is problematic as many hill-tribe men don't read or write Thai). If they are found to be non-compliant a third time, they are removed from the programme. According to Dow, there is a high drop-out rate, with boys returning to work as sex workers, having friends and relatives stay the night, and drinking alcohol.

There is a 'prevention project', in which an Akha tribe ex-sex worker staff member went back to his village to convince the village to stop sending its boys to Chiang Mai to hustle, and because the village head now understands how bad it is to send people from the village to work in Chiang Mai, they are happy to self-generate an income within the village by making trinkets. The Urban Light staff is also subject to skill-building efforts, through attending anti-trafficking workshops in Mae Sot. All programmes operate from the Urban Light office in Chiang Mai, near the night bazaar district and Loi Kroh street of bars.

Urban Light's perspective on homosexuality

Urban Light's boys don't identify as gay; they are just male sex workers for the money. If someone identifies as gay, he is sent to M Plus, rather than encouraged to engage with Urban Light. Dow said that they receive funding from Christian organisations, but don't promote Christianity.

Urban Light's work

The organisation has four staff and one maid, one office-based volunteer and four outreach volunteers. In order to be an outreach volunteer, one must have volunteered with Urban Light for three months minimum and be able to speak Thai. Usually one staff member and one volunteer undertake outreach. Volunteers cannot undertake outreach alone, and if someone requests to join Urban Light on outreach, they are judged on a case-by-case basis. If someone is allowed to join outreach, they are not allowed to converse or speak to the boys.

Dow shared an interesting story about Urban Light having a poor relationship with the local police. Apparently a year or so ago, the police were looking for a male sex worker who was known for using/ selling Yaa Baa (smokeable amphetamine pills), and 10–15 police raided Urban Light looking for the boy. They found him onsite and he was arrested. Now Urban Light has an agreement with local police, whereby they will call Urban Light, who will close the centre and tell the boys to leave, so the police can arrest the male sex worker in the Soi, off premises. The Urban Light staff don't warn the boy that the police are coming to arrest him, nor do they provide legal advocacy; however, they visit arrested service users in prison once a month.

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During the interview, Dow also made the observation that the male sex work area I took her to in Bangkok (Soi Twilight) didn't have as many young boys, and the clients were all much younger than in Chiang Mai. I explained to her that in Soi Twilight, all sex workers must show their ID to the venue owner upon being hired, and the police regularly check the ages of the staff, so it's not in the venue owner's interest to hire underage boys. If a sex worker under the age of 18 is found working on the premises this could result in the venue owner being charged or prosecuted or the venue being closed down².

The Rahab Ministries

The Rahab Ministries, whose office is beneath SWING's in Patpong, are also linked to the Love 146 group that EMPOWER classifies as 'nuts'. Its office is empty and barren in contrast to the bustle going on at SWING upstairs, with a row of hairdressing chairs sitting empty: they offered us a pamphlet but were unwilling to talk. They offer a haircut and lunch. According to the pamphlet, their work in a Northern Thai village has just ended.

Sex workers are referred to as 'them' and 'prostitutes'; staff and visitors can now pay a bar fine to talk more intimately with the sex workers as 'outreach' appears to have failed by all accounts. The pamphlet states: "Success is not counted in the numbers who leave the bars or even numbers coming to Christ, but in lives touched by Jesus through us".

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To summarise, after six months of peripheral observation of 'raid-and-rescue' groups in Thailand and Cambodia, it was not clear that they have much impact at all and we would have to agree with EMPOWER's summary: that sex worker advocacy groups are better off engaging with other elements of Thai society where there is a possibility to change attitudes and laws.

Meanwhile, in the SWING office we met an English-speaking Thai man from Perth who was on a mission to 'rescue' boys, take them back to Laos and buy them coffee farms, on the basis that they were too young and innocent.

² Meanwhile we also met an American volunteer English teacher at SWING who had previously worked with Urban Light in Chiang Mai. It seems to be a frequent occurrence that such recruits leave in disappointment, either because of the rescue model itself, or because they were not finding unhappy children in slavery or moving into the loving arms of Christ.

Malaysia: Rehabilitation of trans³ sex workers

The legal situation in Southeast Asia for sex workers is well summarised in *Sex Work and the Law in Asia and the Pacific*⁴. A patchwork of laws applies, complicated by the addition of Sharia law in some Muslim countries and areas (e.g. Brunei, Malaysia, Aceh).

Advocating directly for law reform and the model of decriminalisation⁵ is a goal for most sex worker groups, but in practice is fraught with difficulty. Regardless of the actual laws in place that directly relate to sex work, police are likely to have a level of autonomy and a number of other laws that they can use at their own discretion, including local by-laws, laws used against street people and drug users.

Trans sex workers are especially likely to face police harassment across the region, but especially in Malaysia where there are 're-education programmes' designed to enforce hetero- and gender-normative behaviour and dress codes.

'NISHA' FROM KUALA LUMPUR SAID:

"My mother was a single mum supporting two kids and at fifteen I was working independently. I worked in the front office of a hotel for three years after school, saving for a breast operation in Johor Baru. At the age of 21, I was arrested with two friends as we walked on the street. The religious department van pulled up next to me and asked for my ID card, which states that I am Muslim. Then I was sent to the Sharia court under section 28: a male impersonating a woman. I thought, this must be a joke, surely nothing will happen – but all three of us had our heads shaved and we were sentenced to three months in prison. The male prison. Until that point I had never had sex, so you can imagine what a traumatic experience that was."

The idea of 'rehabilitation' is more recent, and the Ministry of Health uses 30 percent of its LGBT HIV prevention money for this programme. It is supported by doctors and by the Malaysian AIDS Council (MAC), so they use our community funds for rehabilitation, called the Mukhayam programme. The funding is intended to bridge the gap between trans people and the community, but the programme was limited to the MAC and was not of any benefit to the trans community.

Visibility is the main issue for the trans community. The rehabilitation camps were set up to put the trans community through military-style training and force them to present as 'men'. Nisha was part of a delegation from Pink Triangle (Malaysia's long-standing HIV, gay and trans support group) to debate and advocate against such rehabilitation programmes. Nisha said, "After many meetings, where we argued that they should not be setting up programmes without transgender representation and an agreement not to use any media, it looks like they have quietly dropped this programme."

The fine for cross-dressing or sex work is approximately 1000 ringgit (US\$300). In case of a repeat 'offence' the fines are increased to US\$900. The law prescribes caning or beating in the event that the individual is (perceived as) a man who has sex with other men.

3 The term 'trans' is used here to apply to all those who do not identify with the gender identities they were assigned at birth, and/or those who blur gender expectations and assumptions. This includes, but is not limited to, people who are transsexual, genderqueer, non-binary, Two-Spirit, gender fluid, and genderless.

4 UNDP, 2012.

5 See Scarlet Alliance and the Australian Federation of AIDS Organisations, 2000.

Conclusion



In the six months of this research project, it proved hard to identify ‘bad practice’ in the environment of misinformation that now engulfs the region, spawned by ten years of US influence via the PEPFAR anti-prostitution pledge, Trafficking in Persons (TIP) reports etc, which determines to a large degree where funding goes. The ideology behind this has become confused to such an extent that ‘trafficking’ and sex work are seen as one and the same in the eyes of non-sex workers.

There has been a concerted period of raids and rescues, and changing attitudes against sex workers, but at the heart of this environment are marginalised people trying to make a living and support their dependants. ‘Rescues’ amount to abuse of the human right to earn a living, but appear to have tailed off. Perhaps the general failure of large-scale efforts to find a large scale of *genuinely* entrapped ‘sex slaves’ is why the war has largely gone back to the towers of academia, and our findings were quite mundane compared with other reports:

- ▶ Sex workers are often prepared to try other employment options until realising that the income is inadequate;
- ▶ Apparently well-meaning people imposing their Western-religious worldview onto Southeast Asia appear surprised and disappointed when their efforts are not embraced and rewarded;
- ▶ Increasing numbers of reports from journalists and sex worker advocates have exposed fraud and misinformation from raid-and-rescue groups;
- ▶ We see consistent harassment and exploitation of sex workers, especially street-based workers and trans workers, by underpaid security forces.

Where there are unwilling sex workers or an appropriate definition of ‘minors’, once again Durbar in Kolkata has shown that a sex worker-led solution is the most effective, having set up a successful Self-Regulatory Board (SRB)⁶.

Our challenge as sex worker advocates is to realise that even in cases where better legal and human rights structures are in place, sex workers still face stigma and discrimination. Practices that limit sex worker agency, as illustrated in this briefing paper further limits sex workers’ ability to become more socially and economically empowered. It is imperative that good practice as documented in the regional report (accompanying this briefing paper) becomes the norm rather than the exception.

⁶ Jana, S., et al., 2013.

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