



**Global Network of Sex Work Projects**  
Promoting Health and Human Rights

COMMUNITY  
**guide**

The Impact of  
Anti-trafficking  
Legislation and  
Initiatives on  
Sex Workers





## Introduction

Trafficking in persons has generated increasing attention recently, largely because of the development of international frameworks, pressure from fundamental feminist and abolitionist groups, and as a reaction to increased migration for labour.

International policies on trafficking frequently contain vague or ambiguous language. Fundamental feminist and abolitionist groups have taken advantage of this; they have pushed for policies that conflate sex work and trafficking in a way that promotes violation and reckless disregard of sex workers' human rights.

Working conditions in all industries (including the sex industry) are diverse. Criminalisation, discrimination, marginalisation, and a lack of labour protections and opportunities for safe migration promote exploitation. The conflation of sex work and trafficking leads to harmful legislation that prevents sex workers from accessing material resources, organising for better work conditions, and asserting their labour rights.

## International Policies on Trafficking

Early international policies on trafficking focused on prostitution and attempted to stifle the migration of women. They equated sex work and trafficking, focused on criminalising all third parties, and assumed that adult women could not consent to engage in sex work.

By the 1970s, moralist policy lost acceptance. Recent policies have distinguished between trafficking and sex work. They have expanded the concept of trafficking to encompass all genders and a variety of industry settings. However, international policy continues to be influenced by discourse that conflates sex work with trafficking.

Many international organisations have opposed the conflation of sex work and trafficking, including the Global Commission on HIV and the Law, Amnesty International, and the Global Alliance Against Traffic in Women, because it:

- Undermines efforts to address trafficking in the sex industry;
- Diverts resources and attention from other industries where trafficking occurs;
- Increases sex workers' vulnerability to violence;
- Undermines efforts to engage with sex workers regarding HIV and STIs.

## The Protocol

The 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children (The Protocol) is the foundation of modern anti-trafficking legislation and policies; it breaks from earlier anti-trafficking policy that views sex work through a moral lens and conflates all facilitation of sex work with trafficking.

However, The Protocol's ambiguous language, gender focus, and criminal framework for addressing trafficking have allowed for anti-trafficking legislation and initiatives that continue to conflate sex work and trafficking, directly harming sex workers.

## US Trafficking in Persons Report

Since 2001, The United States' *Trafficking in Persons (TIP) Report*, has been central to promoting punitive anti-trafficking legislation and initiatives that conflate sex work and trafficking. The TIP report gives countries a 'tier ranking' based on standards set by The US government. Countries that do not meet these standards are subject to punitive sanctions.

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## Conflation of Sex Work and Trafficking within Regional and National Anti-Trafficking Legislation

Anti-trafficking measures that conflate sex work and trafficking have increased at regional and national levels.

### Increased Criminalisation of Sex Workers' Clients

'End Demand' legislation has been portrayed as a method to increase gender equality and combat trafficking through eradicating sex work. However, because of this legislation, sex workers are more vulnerable to violence, discrimination and exploitation.

### Increased Criminalisation of Third Parties

Third party criminalisation increases sex workers' isolation and vulnerability to exploitation. It impedes recognition of sex workers' right to organise and their protection under labour laws. Broad trafficking legislation often criminalises sex workers' family members and sex workers who work together, as well as banks, landlords, drivers, and websites that do business with sex workers.

### Increased Regulation

Anti-trafficking discourse has been used to promote increased state control of the sex industry and sex workers. Increased regulation marginalises sex workers. Registered sex workers are vulnerable to outing and discrimination. Sex workers who cannot (or choose not to) work in increasingly restrictive legal frameworks are further criminalised and isolated.

### Rescue Raids and Forced 'Rehabilitation'

Raids on sex workers' workplaces subject both sex workers and victims of trafficking to outing, police violence and harassment, arbitrary detention, and deportation. Forced rehabilitation outside of sex work has long been recognised as a human rights violation.

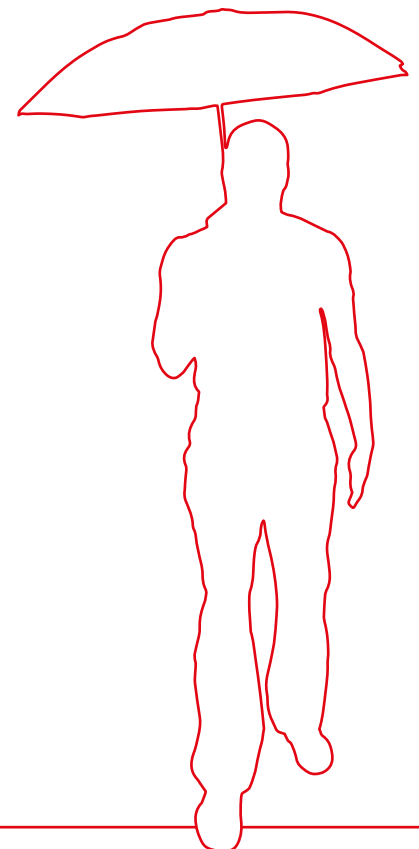
### Exclusion of Sex Workers from Services

Anti-trafficking organisations receive most available funding to address trafficking and exploitation in the sex industry. Even though these organisations portray all sex workers as victims of trafficking, they often exclude sex workers from receiving services.

### Discriminatory Immigration Laws and Restrictions

Anti-trafficking measures often target and punish migrant sex workers, rather than protect their labour and human rights. Migrant sex workers face increased immigration regulation and raids of their workplaces.

**...sex workers are more vulnerable to violence, discrimination and exploitation.**





## Dangerous Working Conditions and Increased Violence Against Sex Workers

Sex workers' working conditions have deteriorated and violence against sex workers has increased, because of the policies and initiatives outlined in this brief.

### Impact of Anti-trafficking Legislation and Initiatives on Sex Worker Organising

Harmful anti-trafficking measures have: impeded sex workers' right to communicate and organise; further excluded sex worker-led organisations from women's rights and anti-trafficking movement spaces; and impeded sex worker led organisations' access to funding.

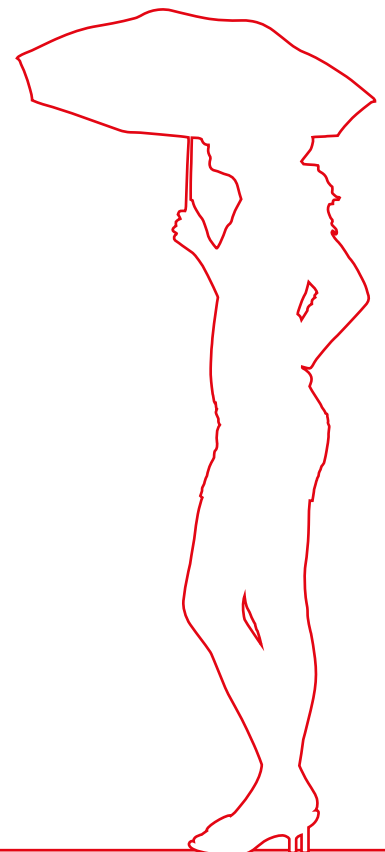
### Sex Worker Responses to Harmful Anti-Trafficking Legislation and Initiatives

Sex worker-led organisations have responded in different ways to the threat of anti-trafficking measures to their work. They also address exploitation and labour rights abuses within the sex industry.

## Recommendations

- 1 Immediately end rescue raids and forced 'rehabilitation' programmes.
- 2 End prohibition of sex work advertising.
- 3 Take a worker-centred and human rights-based approach to preventing trafficking and exploitation in the sex industry.
- 4 Recognise trafficking and sex work, and trafficking and migration as distinct phenomena.
- 5 Decriminalise all aspects of sex work.
- 6 Meaningfully involve sex workers, including migrant and mobile sex workers, in the development of anti-trafficking policy, legislation, and initiatives.
- 7 Fund sex worker-led organisations to develop and expand their work to address trafficking and exploitation in sex work.
- 8 Increase sex workers' access to safe, legal, and equitable channels for work-related migration.
- 9 Promote non-discriminatory access for sex workers to credit, loans, savings, and other financial and employment opportunities.
- 10 Develop an alternative to the US TIP report for evaluating government action against trafficking.

**Sex workers' working conditions have deteriorated and violence against sex workers has increased...**



The Global Network of Sex Work Projects uses a methodology that ensures the grassroots voices of sex workers and sex worker-led organisations are heard. The Community Guides are the result of desk research and a global e-consultation, and aim to provide simple summaries of NSWSP's Policy Briefs, further detail and references can be found in the accompanying Policy Briefs.

The term 'sex workers' reflects the immense diversity within the sex worker community including but not limited to: female, male and transgender sex workers; lesbian, gay and bi-sexual sex workers; male sex workers who identify as heterosexual; sex workers living with HIV and other diseases; sex workers who use drugs; young adult sex workers (between the ages of 18 and 29 years old); documented and undocumented migrant sex workers, as well as and displaced persons and refugees; sex workers living in both urban and rural areas; disabled sex workers; and sex workers who have been detained or incarcerated.



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NSWP is an alliance partner of Bridging the Gaps – health and rights for key populations. This unique programme addresses the common challenges faced by sex workers, people who use drugs and lesbian, gay, bisexual and transgender people in terms of human rights violations and accessing much-needed HIV and health services. Go to: [www.hivgaps.org](http://www.hivgaps.org) for more information.

