

Morality in new policies addressing trafficking and sex work
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Abstract

The United States is the largest donor in the world (even at one of the lowest percentages of giving based on GNP), and this is continued with recent funding for both anti-trafficking initiatives domestically and abroad as well as the U.S. Global AIDS Fund. The Bush administration has included little noticed but very politically effective constraints on this funding so that none of this money will go to projects that do not explicitly condemn "prostitution and sex trafficking." These restrictions will defund projects recognized as Best Practices by the U.S. government. It is unfortunate that the U.S. is sacrificing efficacy for morality in the new funding.

Introduction

The recent trend toward globalization has increased interest in legislating trafficking in persons. Trafficking in persons is modern slavery. Although the term "trafficking in persons" refers to men, women and children, and covers both internal and cross-border trafficking for migration and labor, what captures the minds and imaginations of the media, the general public and policy makers remains the specter of women and children trafficked for purposes of sexual slavery. This is reflected in the definitions of traffic in persons and sex trafficking in the United States Victims of Trafficking and Violence Protection Act. Section 103 (8) defines severe forms of trafficking in persons as

(A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or

(B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

Section 103 (9) defines sex trafficking as "the recruitment, harboring, transportation, provisions, or obtaining of a person for a commercial sex act." Section 103 (3) says "The term 'commercial sex act' means any sex act on account of which anything of value is given to or received by any person."

The focus on sex and sexuality gives a distorted image of both trafficking and sex work. Questions of agency in transnational movement are obscured by sensational stories of white slavery. Yet evidence has shown that people trafficked are not necessarily or even usually involuntary or duped participants, but exploited laborers. Trafficked persons work in many industries including agriculture, construction, factories and domestic service. Sex work is not per se trafficking, but abuses in the sex industry can be addressed as trafficking. A more nuanced understanding distinguishes trafficking from sex work. This problematic conflation arises in recent morally-based restrictions on monies earmarked for overseas anti-trafficking and HIV/AIDS programs.

New USAID funding policy

Earlier this year, a cable signed by Colin Powell was circulated to USAID field officers. This cable stipulated that organizations amend their websites to promote abstinence over condom use in the struggle against HIV and AIDS. This gained widespread notice; however, a less noted stipulation of this cable was that

Organizations advocating prostitution as an employment choice or which advocate or support the legalization of prostitution are not appropriate partners for usaid anti-trafficking grants and contracts, or sub-grants and sub-contracts

A note within the text of the cable refers to USAID trafficking policy, which was released after this cable, and which used the exact same language. The cable goes on to state

Careful review of all programs and publications should ensure that usaid is not perceived as using u.s. taxpayer funds to support activities that contradict our laws or policies, including trafficking of women and girls, legalization of drugs, injecting drug use, and abortion.

There is an underlying equation of trafficking with sex work and especially prostitution in this message and in the minds of many. This conflation is promoted by some anti-trafficking activists and organizations who have worked very hard to promote their ideas to Congress in speaking engagements and in print. It is ironic that these activists are usually strong radical feminists, because these efforts, just like the cable above, reflect a general protectionist stance taken toward women and neglects the fact that trafficking occurs in many industries, including construction, sweatshops, food service and domestic labor. It remains deeply upsetting to see feminists promote policy that purports to protect women but is in fact detrimental to women.

Funding restrictions for the U.S. Global AIDS Fund

Trafficking in persons is an enormous issue but it affects far fewer people than HIV and AIDS. The U.S. is to be applauded for the creation of the Global AIDS Fund and for targeting areas most affected by HIV and AIDS. However, the funding constraints will sabotage the potential progress that could be made.

This amendment

(f) Limitation. -- No funds made available to carry out this Act, or any amendment made to this Act, may be used to provide assistance to any group or organization that does not have a policy explicitly opposing prostitution and sex trafficking.

was incorporated into the text of the Act, as well as stipulations that fully one-third of the funding provided, \$5 billion, be used for abstinence only programs, with a non-discrimination clause to enable organizations that oppose condom use and condom distribution to receive these funds. This marks a willingness to sacrifice lives to moralizing about sexual activity, as indicated by the emphasis on abstinence and denial of funding to sex work projects. The Uganda ABC model which is supposed to be the paradigm for the U.S. Global AIDS Fund does not focus on abstinence maintains a realistic view of human behavior and so encourages condom use and harm reduction.

Feminist activism addressing these issues

I do not want to analyze the strange bedfellows phenomenon that arises with single-issue politics, that of radical feminists allied with the religious right, in promoting these policies. This has been discussed elsewhere. (Chancer 1998, Ditmore 2002, Ditmore forthcoming, Ditmore and Wijers 2003) Fewer strange bedfellows were found in the alliance activists, community-based organizations and non-governmental organizations addressing traffic in persons, sex workers rights, reproductive rights, HIV and AIDS in a failed bid to change the bill. Arguments against these funding restrictions were made, but Republicans were able to push the legislation through with limitations at 2:30 am, without allowing new amendments and citing the late hour, despite there being no impending deadline and despite Democrats' articulating that they wanted to change the bill.

Activists and community-based organizations addressing trafficking and sex work, among many other issues including family planning and drug use, will be severely restricted by these fiscal limitations. Those who promoted these restriction - policymakers and lobbyists - will not. These restrictions are a manifestation of a too-simple analysis that neglected to question "what kind of help would be truly helpful?" It is imperative to consider who will be hurt and who will benefit from these restrictions. Without becoming mired in the new incarnation of the so-called sex wars discussing whether prostitution is in itself trafficking, it is important to recognize that it is easy to declare that one is "against traffic in women" but immensely more difficult to determine what would be helpful to those deemed in need of help. Historical examples of poor anti-trafficking policy include women in the U.S. prosecuted for conspiracy under the White Slave Traffic Act of 1910, for the action of buying their own train tickets to cross state lines to visit their fiances! (Langum 1994, Grittner 1990) Other efforts to demonstrate the severity of the problem have attempted to buy women, not only including a scandal of Victorian London but also a 1998 anti-trafficking film, "*Bought and Sold*."

Other highly questionable anti-trafficking efforts are illustrated in reports from India that women "rescued" from brothels *against their will* end up in greater poverty because they lose all their property in this so-called rescue and incur debts when they use up resources from "rescue" organizations and try to return to work in the brothels. Reports from the Shan Women's Action Network decry anti-trafficking efforts in Thailand that detain and interrogate "rescued" women before turning them over to police who arrest them! These efforts do nothing for sex workers in abusive conditions who do not want to leave the sex industry but who want to better their conditions. Cambodian sex workers use the slogan "Don't talk to me about sewing machines, talk to me about workers' rights!"

Effective and documented successful efforts may be undermined depending upon the definitions of the terms above. Projects involving sex workers are the most successful at combating abuses within the sex industry around the world. One example of a project that may suffer under these new policies is the Durbar Mahila Samanwaya Committee of

Kolkata, more widely known as the Sonagachi Project, cited as a "best practices" organization by USAID. The Sonagachi Project is one of many projects that exemplify pragmatic and effective approaches to reducing not only transmission of HIV but also abuses such as trafficking within sex work. The prevalence of HIV among sex workers is far lower in Kolkata than elsewhere in India. Their anti-trafficking initiative relies on the participation of red light district residents, especially sex workers, to prevent trafficking into the red light districts. As of June 15, 2001, 43 trafficked persons had been assisted by the Sonagachi Project, 35 of whom were minors (Durbar 2001). The adverse ramifications of excluding exemplary projects such as the Sonagachi Project from USAID contracts would be enormous.

Another Asian project enables sex workers to get high school equivalency diplomas which are important for those who want to leave the sex industry. This project could be affected by recent funding changes. The people who are hurt under these policies are not policy makers, lobbyists or activists: they are poor women far from the people who make these decisions, women whose voices and needs were not considered when these decisions were made.

Conclusions

Trafficking is a complex issue but simpler analysis is tempting. While simplifying issues may help some people understand them, this is to the detriment of complex problems - an overly simplistic solution is not a solution but a seed for new problems. The anti-prostitution stance also represents a too-simple and inefficient analysis that claims moral high ground while eclipsing the plight of many trafficked people in other industries and trafficked men. This is too great a sacrifice. Yet there are reasons for optimism. Trafficking has been established as a crime that extends beyond the realm of prostitution. This is enabled by the move to actual conditions and crimes against persons, even as sexuality and morality are present in the law, if not the funding policy. The U.S. is increasing funding for AIDS-related initiatives at an unprecedented rate. While U.S. foreign policy has taken a dangerous turn, this is part of a larger continuum of issues. Recent trends against women's autonomy in the same arena, particularly addressing reproductive rights, have led to a growing base of supporters who are working together on a variety of issues to promote more enlightened policy for the future.

Without people versed in both the issues as they play out on the ground and the legal instruments and ramifications, policy will be crafted errantly. The current administration neglected even the recommendations of its own agencies that did not conform to its current moral agenda based on an over simplification of trafficking and sex work without regard to the consequences of these actions. Current policies neglect the real needs of the people purported to be assisted in these programs. Considering the disregard for the people purportedly helped by USAID and Global AIDS Fund monies, it is crucial to ask what is the real motivation behind the decisions to sacrifice the very people intended to benefit from these funding efforts to a fundamentally *immoral* moral agenda.

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