

Dear CEDAW,

STRASS (Syndicat du Travail Sexuel) is a trade union by and for sex workers in France. Only sex workers can be members of the trade union. We don’t accept as member people who have no experience of sex work, nor people who are in managerial positions as we believe it would create a conflict of interest given that we will always defend workers against employers and managers. We gather 540 sex workers members all over France and we meet thousands others of our colleagues every year on a daily basis on our workplaces, or through our weekly open union office meetings and through the online forums we created for escorts and camgirls. We receive no funding from our government or public authorities. We clearly oppose third parties as exploiters, even when sex work is not forced. We don’t work for the state nor the church but only rely our existence and legitimacy on the sex worker community itself as all of us are sex workers.

Our interest in fighting trafficking comes from the fact that we want to get rid of forced labour and exploitation in the sex industries. Some of our members were victims of human trafficking and we believe our knowledge of the sex industries can help to fight these crimes. We have all experienced exploitation to a certain degree and are the very first people who suffer from the abuses, violence and exploitation that exist within our industries. Unfortunately, our observations are never taken into account because we are discriminated against as sex workers, and called a “pimp lobby” by the Christian organisations & bourgeois feminists who pretend to “rescue” us and confiscate our voice for their own political interest and careers in the NGO world and within institutions.

France context is currently very harsh for sex workers and victims of trafficking as we are suffering from what is called a “Nordic model” that criminalises our livelihood. The criminalisation of our clients has led to increased poverty, more violence, and more HIV/STI infections. Some sex workers can no longer pay their rent and end up being homeless. One of our members has committed suicide because she could no longer pay her fines since the soliciting laws have been replaced by municipal bylaws against “prostitution” still considered a “public nuisance”.

A study led by independent researchers (CNRS & université Aix-Marseille) published in April 2018 confirmed what sex workers have denounced in terms of the deterioration of our living conditions. <https://www.medecinsdumonde.org/sites/default/files/Rapport-prostitution-BD.PDF> About 80% of the 600 sex workers interviewed said they have lost incomes, 42,3% said they are more exposed to violence and 38,3% said they have difficulties to impose condom use. By comparison, in 2016, the Haute Autorité en Santé published a report saying that 95% of sex workers used condoms systematically with clients for penetration. <https://www.has-sante.fr/portail/upload/docs/application/pdf/2016-04/rapport_etat_de_sante_des_personnes_en_situation_de_prostitution_et_des_travailleurs_du_sexe_vf.pdf> Since the law, many of our members have been raped, some have become HIV positive, and Vanesa Campos was murdered last August.

For us, it is a clear consequence of the law because many sex workers have to work in more remote areas and we have lost our bargaining power so the clients who remain take advantage of the situation. For some clients who have to pay a fine, it is all sex workers who are suffering and losing our means of survival. So the law is against us more than against our clients, and the law defenders admit that the aim is not to improve our working conditions but to make us “exit prostitution”, which means in fact, even by deteriorating them.

Contrary to the lies heard, Vanesa Campos was not murdered by a client, but because she defended her client. Indeed, many attackers take advantage of the new criminalisation to assault both sex workers and clients who are not going to report the crimes. Vanesa had to work in the place in the Bois de Boulogne where nobody worked before due to the lack of public light during the night. But when the police arrest clients in the most visible areas, people have to move away, otherwise we can’t work while still having to pay our expenses. The gun used to kill her belonged to a police officer who was robbed while visiting sex workers. Because he was afraid to talk publicly about being a client, he lied about the theft of his arm and it was found only after the crime.

There are no less sex workers in France since this client’s criminalisation, but we note an increase in the number of trafficking victims. The specialised anti-trafficking office from the police (OCRTEH) has announced an increase in human trafficking cases they follow from about 40 every year before the law (in 2016) to 87 cases in 2017. The same increase is noted regarding the exploitation of minors whether victims of trafficking or not.

We believe the fight against human trafficking is currently not efficient for several reasons.

1. Victims of trafficking are threatened if they don’t bring money rapidly and the criminalisation of clients has led to a decrease of incomes so the victims are more in danger and dependent on exploiters than ever. It takes more time to pay back the “debt” and be free from exploitation when clients are criminalised and that’s one of the main reasons sex workers who are victims of trafficking oppose the criminalisation of clients.
2. The cycle to become a “madam” has accelerated since the criminalisation of clients. In the Nigerian community, women want to become madams younger because when sex work is less profitable they tend to think new younger women will manage to earn better money (including more underage). Instead of breaking this cycle that used to be about women solidarity within a migrant community, the conditions of migration fit more and more the definition of human trafficking. This trend has increased both because of the worsened conditions of migration and now because of the criminalisation of clients.
3. Clients who were often those who helped the most the victims of trafficking, especially those who fall in love, are presently criminalised and take a legal risk if they report anything to the authorities. Many are afraid and the victims can no longer obtain their support as they used to.
4. Migrant sex workers are more and more dependent on third parties to organise the meetings with clients when they don’t speak French so they are more at risk of forced labour. With the criminalisation of clients, the police presence makes clients not wanting to talk publicly to a migrant woman in public. Even a male sex worker was arrested once because he was thought to be a client. So many migrant women now pay intermediaries to write an advert and answer the phone for them when they used to find clients with few words and body language. While sex workers could work independently, many have now to work for someone. This is also true for many French sex workers who moved to the border and now work for bosses in Spain puticlubs, German Eros centers, Swiss salons or Belgian carrés de vitrine and brothels.
5. Victims of trafficking are not only sex workers. The exploiters force migrants to pay back a “debt” but it doesn’t have to be necessarily through sex work. Even victims of trafficking can decide it’s easier for them to do sex work than working in other sectors. The problem for them is not the nature of the work but the fact to be forced, threatened, deceived, etc. Many victims of trafficking continue to do sex work once they escaped an exploiter because their economic options are limited. It is the case of some of our members who make a clear difference between sex work when they were forced and now that they work for themselves.
6. There is no confidence in the police or the authorities because there is no guarantee of real protection contrary to what is promised by the Palermo protocol in terms of housing and residency status. The figures don’t match between the number of victims officially identified and the number of people receiving refugee status or other protections which means that most of the victims are only used the time of the trial to testify and then are let down or in worst cases are deported back to countries where they suffer a lot of abuse. Don’t forget that migrant sex workers bring more money to global south (&eastern) countries than all humanitarian programmes combined. It is not the same thing to go back to your country as a successful woman who helped the whole community and people will remain silent about your sex work, while on the contrary when women have “failed” their migration they are often stigmatised and discriminated against as sex workers. They may even be victims of violence or killed.
7. The lack of confidence in authorities’ make many victims of trafficking refuse to testify and it is less information to identify and combat the crime. It takes more time and resources and more people become victims.
8. Police resources are wasted arresting the wrong people in the sex industry, whether the clients, sex workers or third parties who don’t force sex workers. Not only it doesn’t do anything against human trafficking but it prevents people within the industry, who are more likely to have the information and knowledge, to report anything. The police ends up fighting against sex work and migration instead of fighting against human trafficking and forced labour.
9. Sex work criminalisation prevents sex workers from benefiting basic labour rights and protections and creates a working environment that enables the worse exploitation, including sometimes forced labour. This is particularly the case for undocumented migrant sex workers who face a double criminalisation and have all the reasons to distrust the police and authorities.
10. The anti-migration political approach led by European countries makes it impossible to arrive alive in Europe without paying people so it leads to more risk and exposure to human trafficking.

All these bad practices come from a wrong analysis driven by ideology rather than by scientific evidence, facts, and sex workers’ lived experiences. Historically, the will to fight “white slavery” was a will to fight against sex work itself. For many activists and organisations in the anti-trafficking movement, it is still the same nowadays. They misuse the important fight against human trafficking, forced labour, and exploitation, to justify a crusade against sex work, even if it means more abuse to sex workers’ human rights, including those of migrant sex workers and victims of trafficking themselves.

From the start, the logic is wrong. It is not the demand for sexual services that creates human trafficking. This demand has always existed and exists in all economic sectors. Human trafficking exists in other industries such as the textile or agriculture industries but we never hear anti-trafficking campaigners asking for the criminalisation of the demand for food or clothes, even if some may think that food and clothes should be free for all humans.

We believe it is rather the conditions of migration nowadays that create an environment of vulnerability and exposure to exploitation, forced labour and human trafficking for (undocumented) migrants and workers. Human trafficking has nothing specific to the sex industry but is rather strong in industries where many undocumented migrants work. It is rather the absence of labour rights and protection, and the lack of documentation, that can explain the reasons why human trafficking may flourish in these economic sectors.

For that reason, we shouldn’t make a difference between trafficking for the purpose of forced labour in general and trafficking for the purpose of forced labour in sex work in particular, by calling it “sexual exploitation”, as if all sex work could be defined as something specific, with solutions completely different to those used in the labour movement to fight and reduce such crimes and abuses. “Exploitation” is not defined like forced labour and “sexual exploitation” often tends to equate all sex work in many countries. Sex workers all over the world demand the decriminalisation of their work and access to the same labour rights as other workers. This is the best way to combat human trafficking and exploitation.

Sex work is too often conflated with trafficking. It is a way to justify the criminalisation of sex work by associating it with a crime without real evidence. Indeed, while prohibitionists claim that 90% of sex workers (or more) are victims of trafficking, all the available evidence suggest that only a minority of sex workers are actually victims of forced labour and trafficking. <https://inhesj.fr/sites/default/files/fichiers_site/ondrp/grand_angle/ga_43.pdf> <http://www.lames.cnrs.fr/IMG/pdf/RESUME_ETUDE_PENALISATION-2.pdf>

Not all sex workers in France are Nigerian women. Not all migrant sex workers are victims of trafficking. The majority of French sex workers presently work through Internet adverts (about 2 thirds of sex workers according to anti sex work organisation Mouvement du Nid) and are not identified by the police so the number of foreign sex workers are overestimated given that the figures rely on police activities that target migrants and outdoor sex work specifically.

France Constitutional Council recently decided that sex workers’ fundamental rights could be limited in the name of fighting trafficking based on false figures associating sex work with trafficking. The conflation therefore has detrimental consequences on sex workers whose individual human rights can be denied for the purpose of “public order” and “human dignity”, and despite lack of any proven efficiency in fighting human trafficking. The same decision was made some years ago about the criminalisation of soliciting and is not specific to the criminalisation of clients.

Migration is also too often conflated with trafficking, and increasingly even in other industries than sex work. It is a way to criminalise migration or solidarity towards migrants. Most of the policies end up having for aim to prevent borders’ crossings instead of protecting people from abuse. Women’s right to migrate is increasingly denied with difficulties to obtain visas, especially for those coming from poorer countries. Most European countries use trafficking as an excuse to adopt anti migrants legislation.

France has a problem of conflating pimping and trafficking which are two different offenses, with complete different definitions. GRETA reports that:

“The continued absence of national statistics on the number of identified victims of human trafficking makes it difficult to have an overview of the situation and identify trends. The only available statistics are provided by the Central Office for the Suppression of Trafficking in Human Beings (Office central de répression de la traite des êtres humains - OCRTEH) and concern victims of pimping and sexual exploitation, without distinguishing victims of trafficking or covering other types of exploitation.” <https://rm.coe.int/greta-2017-17-fgr-fra-en/16807454bf>

Pimping laws can criminalise sex workers and victims of trafficking themselves for sharing a flat, a premise where they work, and aims to prevent sex work organising instead of forced sex work. The number of trafficking victims may be overestimated given the figures include victims of pimping, which doesn’t necessarily mean being forced to sex work, but includes for instance the fact to rent an apartment for sex work or having an employer.

In its report GRETA also raises concerns about the possible negative impact of clients’ criminalisation in the identification of trafficking victims. France government was supposed to publish an evaluation report of the law in April 2018 but so far the report has not been done and it will probably never will be. The same evaluation report was promised by Sarkozy regarding the “passive” soliciting law and it never happened. Prohibitionist groups and some politicians say it is too soon to evaluate the positive impact of the law which we understand by the fact that almost three years after its vote no positive impact has been noticed yet.

The last conflation we note is of women and victimhood. Women sex workers are considered as victims by essence. Many theories circulate about our supposed trauma, child abuse, life expectancy, age of “entry in prostitution”, and so on. All these claims are never supported with evidence. The aim is not to support women but to deny our capacity to take decisions as adults and so to take decisions on our behalf and against our will. Female sex workers are portrayed as too damaged or manipulated by pimps as an excuse to not listen to us. There is a constant suspicion that we lie to protect our “pimps” because we suffer from a Stockholm syndrome, or by accusing us of being pimps ourselves. The reason we don’t want to talk to the police or prohibitionist groups is rather that we don’t trust them and we know that their aim is to convince us to stop sex work without giving us real means to find another job for those of us who would like to do so. They pretend that our consent is not valid and that it shouldn’t be recognised.

We denounce the denial of our voice and consent in a context of progress for other women in the recognition of sexual violence as a widespread reality. For sex workers, it is always a challenge to report rape and sexual violence because our consent is considered as not valid. There is always the suspicion that we lie because we want men’s money or that we don’t have the power to refuse a client so that rape is supposed to define our profession.

We believe that these discourses in the name of feminism are actually antifeminist. Women were accused of not being able to vote because they were manipulated by priests or husbands. Women couldn’t use their own money. Women were accused of being responsible for the violence they suffer because of their lifestyle, sexual conduct or way of dressing. All this sexism is a reality for female sex workers who are still suffering this kind of discriminations and discourses, especially when we refuse to stop sex work.

Migrant women and working class women may take decisions that bourgeois women don’t understand because their sexual economic exchanges are legitimate in the sexual economy of patriarchy contrary to ours. Migrant women and working class women may opt for sex work as the best of their economic options, being well aware of inequalities and lack of opportunities without being traitors, accomplices or idiots. We may for example prefer doing sex work rather than cleaning the houses of bourgeois women and find it less degrading. Domestic workers are increasingly recognised as real workers with real labour rights despite the existence of human trafficking in their industry or the dislike some people may feel about having to do this kind of job. The same should be true about us.

The exiting programme that is “offered” to us is an income of 330 euros a month. Bourgeois feminists say that being recognised as a victim offers us this new “right” but do they have any idea of how to live with 330 euros a month? Is it not contempt toward sex workers to think that we deserve less than the national minimum social income RSA that is 550 euros a month for normal citizens?

Victims of trafficking shouldn’t be divided between the “good victims” who understand that sex work is “bad for them” and deserve to have full protections, and those who are “bad victims” because they continue sex work even after getting rid of their exploiters, because they consider that they cannot live correctly with the so called “help” that is offered.

Sex workers’ human rights are sacrificed in the name of fighting trafficking. We are divided between the poor victims and the bad selfish privileged with for same result to confiscate our voice, as the victims are supposed to need saviours to speak for them and that those who refuse the victim status are supposed to be an unrepresentative minority, especially when we show ability to produce political analysis of what our oppression is.

In reality, there are not two camps. We all experience different forms of oppressions at different degrees and levels. Our interests are not in contradiction as we can be victims at one moment of our life and gain more power after, or the opposite. But when we are victims, we are victims of abuse, of something. We are not victims by essence as if it defines our whole identity. Even when we are victims of exploitation, forced labour or trafficking, we still can take decisions, bad or good, but our capacity shouldn’t be denied. The best solutions to fight trafficking will come from us more than from the police or the politicians who have different purposes than protecting us. The fight against trafficking shouldn’t serve a hidden agenda to criminalise sex work. Some say that it is impossible to know when a sex worker is not forced but it would be possible if people just believed us when we say if we are or not.

If some women think that being a victim is empowering, we tend to disagree. In practice, the victim status that is “offered” to us is more an excuse to deny us our rights. As sex workers, our labour and human rights are denied. We may lose the custody of our children, we cannot rent easily as our landlords are considered as pimps. Our right to family and privacy may be denied especially if our partners earn less money than us, which happens often as we are the only profession where women earn more than men. We face many discriminations.

Prohibitionist organisations say that being recognised as a victim opens us a right to help in an “exit programme”, that wouldn’t exist otherwise. These programmes however have nothing new as they have existed for centuries organised by the church to “reform & rehabilitate fallen women”. We regret that quitting sex work is the only right we have while we are refused rights as sex workers which is our current reality. We also challenge the idea that we couldn’t benefit from rights to training, counselling and career advice to change profession for the people who cannot stand doing sex work. All workers should have these rights including sex workers and there shouldn’t need to define sex work as violence or conflate it with trafficking to obtain that.

We urge CEDAW to listen to sex workers and stop considering our profession as a problem. The problem is criminalisation, discrimination, stigmatisation, the lack of rights and protections. Sex work criminalisation worsens the problem of trafficking and all our experience in France shows that clients’ criminalisation has been even worse than soliciting criminalisation, as we prefer having to lose one night in police station custody rather than losing our incomes and not being able to pay the rent.

We recommend sex work full decriminalisation, unionisation and labour rights, as well as the regularisation of all undocumented migrants. Politicians need to abolish borders. They won’t abolish sex work by forcing us into more poverty and by criminalising our work.

Sincerely,

STRASS team