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Penelope Saunders

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Traffic Violations

Determining the Meaning of Violence in Sexual Trafficking Versus Sex Work

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This contribution will consider the current linkages among migration, sex work, trafficking in persons, and violence. Efforts to end trafficking in persons are perhaps the most important contribution to antiviolenace program design in the global arena over the past decade. Significant funding and technical assistance are flowing to organizations to prevent and alleviate the effects of trafficking, and new legislative regimes have been established within countries and globally (e.g., the 2002 UN Crimes Commission's Protocol on Trafficking in Persons). To explore how trafficking and international sex trade issues converge, the author draws on participant observation in international debates such as Beijing Plus Five and the Crimes Commission from 2000 to 2001, on interviews with key figures in the antitrafficking world and with sex-worker rights advocates, and on program documentation.

Keywords: *trafficking; White slavery; prostitution; sex work; health; safety*

There's a special evil in the abuse and exploitation of the most innocent and vulnerable. The victims of sex trade see little of life before they see the very worst of life, an underground of brutality and lonely fear. Those who create these victims and profit from their suffering must be severely punished. Those who patronize this industry debase themselves and deepen the misery of others.

—George W. Bush, September 23, 2003

Why is prostitution considered a special evil by some political leaders? If we take President Bush's comments at face value, it is because in the global economy women and children are subject to the worst forms of violence and, indeed, prostitution is a kind of misery itself. Yet other forces are at work to bring the issue to the international stage at this particular time and in this archaic fashion.¹ Extracting the meaning of such concerns about trafficking requires that we delve into historical depictions of so-called White slavery and contemporary constructions of prostitution, work, and the vulnerable

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sexual self. The broad scope of this discussion is necessary to contextualize further discussion of violence and to dispel misapprehensions about the nature of prostitution. All my colleagues in this volume seek to examine violence occurring in and around sex work, although they do not equate sex work and violence. This contribution to the collection will probe one of the most enduring linkages between sexual exchange and violence, the relationship of prostitution to trafficking in women and children, to apply this same standard to risks confronting migrant sex workers.

In the following sections, I will explore how trafficking, prostitution, and violence are frequently and erroneously conflated. This confusion has its roots in historical White slavery narratives and has been propagated by abolitionist activists to become a recurrent narrative in contemporary trafficking discourse. Participant observation at the United Nations Crime Commission in Vienna during the creation of the newest international instrument to combat trafficking reveals the potency of abolitionist strategies of this kind in the international arena. It will be argued that despite concerted efforts by sex workers and their allies from the world of feminism and human rights, it has not yet been possible to create a discourse of trafficking that fully breaks with its problematic past. To break out of this impasse, I suggest that sex worker rights advocates proactively build a new discourse about sex work and violence, situating trafficking as an occupational hazard for migrant sex workers. In this way, migrant sex workers' experiences will not be determined solely by the issue of trafficking but also by the issues of health and human rights.

Controlling Prostitutes, White Slavery, and the 1949 Convention

Gail Pheterson (1990) has made the salient observation that "the category 'prostitute' is based more upon symbolic and legal representations of the bad woman or whore than upon a set of characteristics within a population of persons" (p. 398). The term *prostitution* itself carries profound symbolic weight and has been invoked as a metaphor for societal breakdown, disease, challenges to patriarchal family life and the nation-state, colonialism, and ongoing inequalities between the North and the South (Gilfoyle, 1999). Thus, much of the material published about sex workers over the last 150 years and resultant public policy has more to do with other social anxieties than with the human beings who engage in commercial sex.²

During the 19th century, authorities in many parts of the world regulated and controlled prostitution primarily to prevent disease and reduce social disorder (Corbin, 1990; Eskridge & Hunter, 1997). The existence of prostitution was deemed socially necessary to satisfy men's presumed unquenchable sex-

ual urges. Medical officials in Lima, Peru, for example wrote, "Prostitution . . . is the security valve for the honor of families and it is as necessary as garbage dumps, drains, and sewer systems" (Barrios et al., 1892, quoted in Nencel, 2001, p. 15). Prostitutes were subject to invasive health surveillance, quarantine, and incarceration to prevent them from transmitting disease to their clients and to nonprostitute women (clients' wives). Efforts were made to isolate prostitution to red light zones or to registered, state-controlled brothels removed from normal community life (Findlay, 1997; Kempadoo, 1999). Thus, the category of prostitute was consolidated as a separate, bounded group of women who were socially necessary if dangerous and polluting. Even though prostitution was considered a form of contagion, the risk to nonprostitute women could be allayed by measures that physically and ideologically separated good and bad women.

New fears about White slavery surfaced in the late 19th century and challenged this model of control by posing more direct and sinister threats to innocent nonprostitute women. Numerous commentators note that White slavery, the seduction, abduction, and entrapment of women into prostitution, was for the most part the retelling of a cultural myth based on fears of the immigrant outsider rather than on any verifiable upsurge in abuse (Doezema, 2000; Grittner, 1990; Rosen, 1982; Saunders & Soderlund, 2003; Walkowitz, 1992). In Europe, the first and perhaps most significant exposé of White slavery was "The Maiden Tribute of Modern Babylon," published in 1885 in England's *Pall Mall Gazette* by editor William T. Stead. Stead scandalized Britain with his assertion that virgins were being bought and sold by wealthy aristocrats. Stead's series represents all the elements implicit in the Euro-American White slavery narrative. Victims were young, virginal, White, and female. These innocents were lured or forced into the organized underworld of prostitution by procurers to serve the sexual lusts of debauched males. In this case, the villains were feckless aristocrats, but similar scandals fingered Jews, Black men, and immigrants (see Grittner, 1990). No respectable woman could be presumed safe from organized networks of White slave traders poised to drag her down into the shame of prostitution. Sensationalist press coverage in Europe and the United States fueled public pressure for a series of international conferences on White slavery and for an international treaty, the International Convention for the Suppression of White Slave Traffic of 1910, designed to curb the global trade in women (Farrier, 1997; Walkowitz, 1992).

Even though the specter of White slavery had, as a by-product, elicited new sympathy for the plight of prostitute victims, the myriad of local, national, and international legal remedies punished sex workers rather than alleviated abuse (Doezema, 2000). The Mann Act (1910) in the United States

introduced federal criminal penalties for transporting women and girls interstate "for the purpose of prostitution and debauchery" (Eskridge & Hunter, 1997, pp. 156-160). Its enforcement against sex workers was unmistakable. In 1914, more than 70% of convictions under the Mann Act were concerned with the voluntary movement of women for prostitution and other immoral purposes. Remedies proposed in the League of Nations included bans on women traveling alone, special passport requirements, and raising the age of consent to 21 and forced repatriation of prostitutes (Scully, 2001). These repressive measures were adopted in Europe and America as well as in Asia and Latin America, where national legislation was enacted along these lines restricting women's rights and policing sex workers within new abolitionist regimes (Blackhouse, 1996; Guy, 1988).

Public furor over trafficking in women diminished as high profile cases of White slavery were debunked and as World War I displaced such social anxieties.³ In the postwar period, migration dwindled, further reducing uneasiness about outsiders, and the racially charged term *White slavery* was dropped from the parlance of the League of Nations (Scully, 2001). Several attempts were made to update earlier international declarations before World War II. However, it was not until 1949 that international policy makers, now under the auspices of the newly formed UN, returned to the task of bringing together disparate treaties in the new human rights system. The resulting UN Convention for the Suppression of the Traffic in Persons and Exploitation of Prostitution of Others (1949 Convention) is an abolitionist statement declaring prostitution "incompatible with the dignity and worth of the human person." The convention advocates the criminalization of anyone facilitating prostitution even with the consent of parties involved (Wijers & Lap-Chew, 1997, p. 21). A direct descendent of previous legislative approaches, it equates trafficking with prostitution and presumes that all victims of trafficking or prostitution are either women or children. Even though the 1949 Convention looms large in subsequent debates, it has not been ratified by sufficient UN member states to bring it into force.

Trafficking in Persons

In contemporary literature, trafficking has been variously described as rape for profit, as modern slavery in the global economy, and as hype (Bayles, 2002; Human Rights Watch, 1995; Murray, 1998). No consensus exists in regard to the extent of trafficking, sexual or otherwise, its definition, its remedies, and even its existence. Prostitution remains at the center of such controversy. Should trafficking be synonymous with prostitution? Should prostitution be codified as a human rights abuse? Should prostitution exemplify

violence against women, of which trafficking is a most egregious, transnational form? To begin to understand why trafficking provokes these questions, we need to analyze to what degree its history, as described above, is implicated in new discussions in the field of human rights, especially in regard to women's rights.

Observers of today's trafficking debates have delineated three strands of thought among advocates in the nongovernmental sector (Murray, 1998; Pickup, 1998). Abolitionists, lead by the Coalition Against Trafficking in Women (CATW), equate prostitution with both trafficking and violence against women. Nonabolitionist groups, supporting a position originally promulgated by the Global Alliance Against Trafficking in Women (GAATW), subscribe to a broad definition of trafficking that includes other forms of forced labor along with coerced prostitution. These groups oppose abuses of sex workers under the rubric of forced prostitution while in general supporting sex work as a form of labor. Both abolitionists and those subscribing to a broad definition of trafficking describe themselves as feminist. A third response to the trafficking debate comes from sex workers themselves, specifically from organizations such as the Network of Sex Work Projects (NSWP) that challenge the very utility of trafficking in describing the conditions of migrating sex workers. They may also dispute the free versus forced distinction employed by nonabolitionist supporters (i.e., Doezema, 1998). The sex worker rights stance on trafficking is, of all three viewpoints, most ready to engage with the historical antecedents to trafficking. For example, the NSWP critiqued the UN Crimes Commission deliberations to develop a new international instrument on trafficking, saying, "Historically, anti-trafficking measures have been more concerned with protecting 'innocent' women from becoming prostitutes than with ensuring the human rights of those in the sex industry" (Network of Sex Work Projects, 1999, p. 1).

This most recent attempt to define trafficking in the international arena, leading to a new protocol on trafficking in persons, the Optional Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000), is highly instructive in understanding contemporary trafficking debates. The protocol was not conceived of as a human rights document to protect the rights of trafficked persons per se but as means of fighting criminal activity.⁴ A number of human rights nongovernment organizations (NGOs) from Europe, Latin America, and Asia formed a lobbying group, the Human Rights Caucus, to promote human rights standards in the trafficking protocol and to ensure that it adequately addressed risks facing migrants.⁵ In 1998, an early draft of the protocol, developed from proposals by the Argentinean delegation, posited unambiguous antiprostitution measures as strategies to end the trafficking of women and girls. The Human Rights Caucus

opposed this measure and instead lobbied delegates to define trafficking persons by three internationally recognized and legally translatable elements (forced labor, slavery, and servitude) rather than by reference to the kind of work migrants might perform. In effect, this required delegates to broaden the scope of the discussion from prostitution to include protection of basic labor rights and prevention of human rights abuses in any industry including, for example, agriculture, domestic work, and garment production.

This definition of trafficking was included in the drafting process, and the protocol's purview was changed to include men, women, and children, thus challenging the framework linking femininity, trafficking, and prostitution. Did this mean that international opinion quietly supported the idea that prostitution is a form of labor that should be protected like other sectors from new risks in transnational economies? To the contrary, my personal observation during lobbying was that delegates simply shared a pragmatic interest in finishing the protocol and other documents under consideration by the Crimes Commission at that time. Most delegates I approached, especially more experienced diplomats, were attracted to the idea that a protracted debate over the legitimacy of prostitution could be avoided. Eighteen months into the drafting process, this equilibrium ended when, in June 2000, a new group of NGO lobbyists, the International Human Rights Network, entered the process.⁶ This group opposed the suggestions of Human Rights Caucus and renewed debate about prostitution as the most fundamental part of trafficking. This network's lobbying extended into the October meetings and demanded the inclusion of prostitution as a form of trafficking, the removal of any notion of consent from the document, and the expansion of a notion of force to include the concept of inducement. Much to the dismay of lobbyists who had worked for many months to build support for a new vision of trafficking that broke with its outmoded abolitionist past, the tide turned very quickly. Debate among delegations turned to questions of sexual morality. Some countries such as the Philippines influenced proceeding with sweeping statements about prostitution, victimhood, femininity, and moral danger.

The resulting protocol was an unusual mix of compromises. It defines trafficking in ways that include forced labor, slavery, and servitude as per the Human Right Caucus's lobbying, but it does not incorporate human rights as mandatory provisions (Jordan, 2002). It includes language linking trafficking to "the exploitation of the prostitution of others and other forms of sexual exploitation," reminiscent of older abolitionist definitions from the 1949 Convention. It is, therefore, possible for abolitionist groups such as the CATW to proclaim victory in Vienna (CATW, 2000). Alternatively, close reading of the *Travaux Préparatoire* indicates that the protocol is intentionally ambiguous in relation to national laws on prostitution and key terms such

as sexual exploitation (Jordan, 2002). To add to the indeterminacy of the outcome, Radhika Coomaraswamy, the UN Special Rapporteur on Violence Against Women, has proclaimed the protocol definition as a breakthrough and as a step away from older definitions contained in the 1949 Convention because it does not automatically conflate prostitution with trafficking and includes force and deception in the definition of trafficking.

Meaning of Violence

The chain of events described above has played out numerous times in other international meetings such as the Fourth International Conference on Women in 1995 and the Beijing Plus Five follow-up meetings in 2000 (Doezema, 1998; Meillón, 2001). Despite these heated debates in the UN system, central questions about prostitution and trafficking have not yet been put to rest. Individuals and organizations not intimately associated with the issues are often perplexed about why common ground cannot be found between the two sides of the trafficking debate. Many NGO service providers conflate prostitution and trafficking without fully understanding why this might raise the ire of sex workers and their nonabolitionist allies. To understand why this conflation occurs almost naturally, we need to trace the importance of violence in feminist theory and practice.

Abolitionists ascribe a special importance to prostitution as part of a critique of violence against women.⁷ Radical feminist reworking of Marxist theories of alienation highlights the importance of the alienation of sexuality in women's subordination. Catherine MacKinnon (1989) expresses this theory most succinctly: "Sexuality is to Feminism what work is to Marxism: that which is most one's own, yet most taken away" (p. 3). Prostitution, in the theories of radical abolitionist feminists, provides the clearest example of institutionalized and informal male sexual violation of women.⁸ The prostituted woman, according to these authors, is the most injured woman under patriarchal capitalism and is also symbolic of the extreme violations faced by all women.

Since the 1980s, members of CATW have worked to fix these theories in policy by establishing prostitution as a human rights violation, particularly as a form of violence against women. One strategy to garner support has been to show that the struggle to define prostitution as violence is analogous to widely supported campaigns for the recognition of other forms of violence against women (i.e., Overall, 1992). For example, in a recent report on trafficking, a member of the coalition commented,

The reported results of violence against women in prostitution are particularly significant because they indicate high levels of violation, harm and trauma, and the fact that prostitution—although not often recognized—is a form of violence against women. The ambivalence, on the part of many researchers, NGOs and governments, to view prostitution as violence against women parallels an earlier disregard and neglect of the harm done to battered women on the part of those who believed that if women made the “choice” to stay in abusive relationships that “it couldn’t be that bad.” (Raymond, 2002, p. 60)

The implication that prostitution should be recognized as similar to abusive relationships may, at first glance, be persuasive. This emotionally satisfying resonance with the hard-won endeavors of second-wave feminists evaporates when the analogy is considered more carefully. The quote posits that prostitution is inherently abusive. The flaw in this reasoning becomes apparent when the correct logic pairs are compared: Prostitution is inherently abusive, just as marriage is inherently abusive.

Another abolitionist strategy is to prove that prostitution is not a victimless crime by painting a graphic picture of the abuses suffered by sex workers. According to Raymond (2002), “Trafficked and prostituted women in the sex industry suffer the same kinds of violence and sexual exploitation as women who have been battered, raped and sexually assaulted” (p. 61). The use of testimonials in this work is similar to reporting by human rights organizations. Documentation of a multitude of almost identical experiences builds a case that incidents or violence are not isolated. Rather, they are indicative of systems of abuse (i.e., Hughes, 1999; *Protection Project*, 1999; Raymond, 2002). Cheng (2002) provides uncommon insight into the production of these texts through her observations of interviews carried out by CATW to collect instances of violence against women. One woman, a Filipina entertainer working in Korea, recalled during an interview with an NGO representative being raped by a relative as a child and was told that her story would be included in a publication. Significantly, other experiences shared by sex workers that did not fit into the mold of relentless sexual exploitation were filtered out during the interviewing process.⁹ Of course selection of the best materials to build a convincing case against human rights violation is something that all NGOs, not just abolitionists, do. Yet reports of extreme violence, including sexual violation, as the norm among sex workers are too readily accepted as irrefutable. This can be explained by examining the centrality of sexual violence and the vulnerable sexual self to the notion of women’s human rights.¹⁰

Official acceptance of women’s rights as human rights in the UN system in 1993 was the result of months of preparatory meetings and years of activist strategizing. The plan for action proposed by Charlotte Bunch, an influential

U.S. feminist human rights advocate, in the *Human Rights Quarterly* in 1990 exemplifies how feminists have argued for inclusion in the UN system. She describes human rights as “one of the few moral visions ascribed to internationally” and makes the case that “the degradation and violation of women” should be viewed as human rights abuses (Bunch, 1990, pp. 486-487). The idea of women’s rights as human rights was therefore strategically similar to other successful NGO campaigns such as those designed by Amnesty International. This idea functioned to create a gendered human rights subject through her association with horrendous abuse and torture. Women’s testimonials used to bolster this case describe individual personal experiences of rape, incest, domestic violence, female genital mutilation, and abuse due to sexual orientation (Reilly, 1994). The material presents women’s sexual experience as a site of heightened vulnerability and as a method by which human rights violators perpetrate most harm toward women. Importantly, this construction of gender is close to Kathleen Barry’s thesis that sexuality is the tool with which women as a class are oppressed by men (Barry, 1979).

Abolitionist representation of the horror of prostitution and the absolute violation of victims of prostitution therefore resonate with contemporary, widely accepted forms of women’s human rights activism. It is also the means by which much older representations of victimhood from the epoch of White slavery have currency today. Most liberals and feminists would likely be skeptical of why President George W. Bush would invoke trafficking of women and girls into prostitution as a special evil, but on some level they agree with his assessment of the harm. Sex in all these formulations has a fixed meaning even though, ironically, not all parties agree on what that meaning is. For Bush, monogamous heterosex in the context of marriage is the only legitimate form of sexual activity. Anything outside of that degrades men and harms women and children. For abolitionist feminists, sex is the means by which men subordinate women. This explains why such feminists vigorously clarify that male heterosex is violence and its ultimate expression is prostitution:

When women are subjected to this same kind of violence and sexual exploitation in prostitution, it is viewed as “sex,” and often tolerated as part of the “job.” The findings of this study reveal that violence is endemic to the “sex” of prostitution and traps women in the system of prostitution. (Raymond, 2002, p. 60)

Although many other feminists and women’s rights advocates do not wholeheartedly subscribe to this view, they do agree that sexual violence is the worst form of violence against women. For many, it defines the validity of women’s rights as human rights.

Breaking With the Past? The Sidelineing of Sex Worker Rights

Nonabolitionist groups such as GAATW have made concerted efforts to break with the formulation that equates prostitution, trafficking, and violence against women. GAATW has explicitly distanced itself from the principles of the 1949 Convention, has worked as part of the Human Rights Caucus during the Trafficking Protocol drafting, and has openly supported labor rights for sex workers (Global Alliance Against Trafficking in Women, 2000). To a certain extent, the broader definition of trafficking has had an effect. Elements of forced labor, slavery, and servitude are considered part of new national legislative approaches to trafficking. The UN High Commissioner on Human Rights (2002), conscious of the problems wrought by campaigns against White slavery, has warned against the imposition of antitrafficking strategies that undermine women's mobility.

Yet these changes are partial, ambiguous, and frequently ineffective. Harmful abolitionist solutions to the problem of trafficking, such as dramatic rescues of women from brothels, and the rehabilitation of sex workers into other "better" forms of employment such as sewing continue to make for persuasive documentary representation and NGO training material.¹¹ Instruction from the UN High Commissioner on Human Rights (2002) to employ rescue strategies sparingly did not prevent the ill-advised involuntary rescue of 28 women from a brothel in Thailand in May 2003 (EMPOWER, 2003).¹² Nations such as Canada and South Korea that once provided limited legitimate access to employment for migrant sex workers via entertainers' visas have curbed or ended such programs under pressure to conform with abolitionist antitrafficking sentiments (Macklin, in press). Even though operational definitions of trafficking in U.S. legislation (e.g., the Trafficking Victims Protection Act, 2000) do not equate prostitution and trafficking, foreign policy does just that.¹³ Funding restrictions on antitrafficking programs within the United States Agency for International Development now prohibit agencies who "advocate prostitution as an employment choice or which advocate the legalization of prostitution" from receiving funds (United States Agency for International Development, 2002, p. 7). Increasingly, the NGOs supported to do antitrafficking work are those working with an abolitionist perspective.

It may seem surprising that groups with a sex worker rights perspective have not found a way to dominate the field of antitrafficking service provision more effectively given their success in the realm of public health, notably the realm of HIV and AIDS. This situation is even more difficult to understand if we consider that research consistently validates the need for a different vision of the problems confronting migrating sex workers. The con-

tributors to Kempadoo's (1999) edited collection skillfully demonstrate that sexual and migratory strategies are both a reflection of the injustice of global inequalities, gender, and racism *and* conscious choices for autonomy by persons of any gender. Migrating sex workers may have limited options in the global economy, but newer scholarship contests the notion that engagement in prostitution is a desperate act to which women are driven as their last option. Brennan (2002, p. 155) relays that women's engagement in sex work in Sosúa in the Dominican Republic is an "advancement strategy" rather than simply a "survival strategy." Women consciously seek liaisons with men who they believe can provide them with that most valued resource in the global economy, one that is so easily denied to women of color: unimpeded mobility. For these women, visas that enable them to enter desirable destination countries open long-term possibilities for changing their lives and those of their children. Sex work can be conceptualized as a stepping stone or a form of advancement in other ways. When asked if she thought dancers would transfer to another job if they had the opportunity, a Filipina exotic dancer and sex worker in Thailand commented,

Why should she go back to the hard life? She's already been there, that's why she's in the bar. Why be a martyr? Working in a bar is OK if you work hard. It makes you smarter. If a woman has low education, like grade 3 or 4, then if she works in a bar she becomes smarter. She gets to meet professional men, go to expensive restaurants, more than even a teacher can. She has more chance to experience and learn. (Virgie, quoted in Law, 2000, p. 68)

This woman's assessment of the hard life is not a romantic vision of sex work as an ideal profession. Rather, it illustrates effectively how women strategically engage in labor that provides them access to opportunities.

As sex workers move within countries to zones where they can meet potential clients, or as they cross borders to improve their chances of advancement, they do experience violence. Sex workers are aware of the dangers of trafficking into forced prostitution and discuss the issue among themselves. Sex workers in the Dominican Republic, for example, theorize that abusers can be difficult to recognize because they may be with organized crime organizations or may be individual men looking to exploit them through domestic violence, prostitution, and other work situations via marriage (Cabezas, 1999). Human rights studies have revealed that sex workers are mistreated by traffickers and by immigration systems that stigmatize prostitutes, deport them when they seek assistance, sexually harass them with impunity, and leave them stateless (Human Rights Watch, 2000, pp. 117-124). This observation dovetails with sex workers' own reports of their most pressing issues in regard to abuse: confrontations with the police and other

state authorities such as immigration and public health workers who subject them to rape, beatings, harassment, arrest, and extortion (i.e., coerced bribes; Cabezas, 1999; Campbell, Perkins, & Mohammed, 1999).

Sex workers are aware that they are considered powerless by the police. As a Sosúa-based sex worker said, "The police have mistreated me. They have hit me, and one time they gave me a black eye. They hit me because I told them that there is no justice here" (Cabezas, 1999, p. 119). It should not be surprising that sex workers rarely seek formal channels to redress other forms of violence such as sexual assault, physical assault, and robbery perpetrated against them. Although the antitrafficking framework works to define some of these migrants as victims, it also works to heighten border and police controls, thus making migrant sex workers even more vulnerable to abuse.

Reclaiming the Agenda

Sex workers and their organizations have created programs to address the needs of migrant sex workers. Strategies include peer education, already utilized by health promotion programs for sex workers; documentation of violence perpetrated by the police and other state actors; and antidiscrimination campaigns.¹⁴ However, these programs, even when acknowledged as the best practice, do not have the same currency as antitrafficking programs that emphasize innocence and escape from systems of prostitution. Trafficking in women, when framed as the ultimate expression of violence against women and equated with prostitution, has been a very effective discursive tool against programs built from the perspective of sex workers rights.

Sex workers' primary tactics have been to reveal the racist and anti-sex worker history of such approaches to trafficking and to support lobbying efforts for different definitions of trafficking in human rights discourse. As illustrated by the process of the creating of the UN Trafficking Protocol, the latter does little more than maintain the status quo where neither side achieves full definitional dominance. One strategy for ending this stalemate could be for sex worker rights advocates to engage more concertedly with the issue of violence as a human right and as an occupational health and safety concern. This could include persuasive reporting on the forms of violence faced by sex workers, especially migrating sex workers, and clearer articulations of these concerns in feminist and human rights circles. Another component of this strategy includes the adoption of occupational health and safety guidelines for migrant sex workers that would function to acknowledge both the fact that potential risks do exist in sex work and to reinforce that sex work is labor with controllable risks like any other form of work. In a sense, this

work has already begun via the International Labor Organization's recent writings about sex workers as "female migrants [who] face additional risks of exploitation . . . in the informal sector" (International Labor Organization, 2002, p. 1). However, much more intensive work can be done by sex work projects to codify occupational health and safety measures and to think creatively about how informal sectors of the sex work might be best addressed.

Valuable though such efforts are, they do not go to the heart of problems implicit in the archaic and violated visions of femininity and sexuality recycled by abolitionist feminists. Abolitionist feminists tap into widely held beliefs about the harms women face due to their sexual vulnerability. This is the ideological element that connects conservative and abolitionist feminist agendas. Campaigns and policies based on the impulse to protect women from migration and sexual danger are frequently punitive, just as campaigns against White slavery punished bad women and demonized migrant men. Current abolitionist antitrafficking campaigns have provoked crackdowns on migrant sex workers via brothel raids, have curtailed the few legal avenues for sex worker migration, and have limited what programs can do and say when working with sex workers.

The most troubling aspect of this type of antitrafficking agenda is that on the surface it appears to fit so well into more carefully thought out anti-violence activism even though the results are so clearly antithetical to the struggle for women's rights. Feminists have recently returned to theorizing about sexual violence and rape, challenging the ways in which concepts of victimhood have invoked "a model of nineteenth-century charity whereby privileged women are perceived as better equipped to help victims cope with and make sense of their experience" (Mardorossian, 2002, p. 768). Similarly, individuals and organizations concerned about the issues confronting migrant sex workers have an obligation to rethink the constructions of violence and the vulnerable sexual self within trafficking talk. Sex worker rights advocates have revealed much that is wrong with trafficking discourse. However, the creation of policy and programs that truly assist sex workers rather than violate their rights requires a more fundamental revision of the meaning of sexual violence in regard to migration. Sex workers, their organizations, and long-term allies such as GAATW should be central in this process. Other organizations (feminists, anti-violence activists, service providers) that have perhaps only recently become involved in antitrafficking work should also reflect on the profound implications of the history of White slavery, join the effort to create a new rights-affirming approach, and ultimately break with the mistakes of the past.

NOTES

1. Insightful commentary on the President's speech to the United Nations reveals imagery drawn from campaigns to abolish prostitution at the end of the 19th century (Soderlund, 2003).

2. Much research that purports to reveal meaningful data about the lives and needs of sex workers employs static, ahistorical notions of the prostitute, consequently elucidating little about the human beings under the research gaze. Many participants in the sex industry view their engagement as informal, temporary work, part of a continuum of exchanges and economic strategies. This fluidity is not captured by research that methodologically isolates data collection to activities easily recognized as prostitution. Some commentators presume that all sex workers are female and fail to recognize the engagement of men and transgendered persons in the sex trade. Kaye (2004) provides a thorough review of male prostitution in the 20th century focusing on the United States with reference to Europe. Case studies in other regions are collected in Aggleton (1999). Slamah (1998), a transgendered-sex-worker and sex-worker rights advocate, examines the issues confronting male to female transgendered sex workers in Malaysia. The People's Union for Civil Liberties, Karnataka (2003) human rights case study of violence against Kothi and Hijra sex workers provides information about other forms of gender variation in communities in India.

3. In 1910 in the United States, for example, a criminal investigation into White slavery in New York City was revealed to be a hoax. Only a month later, a grand jury headed by John D. Rockefeller, Jr., announced that there was no organized trade in White women. For an analysis of the role of these events in containing the White slavery panic, see Soderlund (2002).

4. The completed protocol is one of four optional protocols covering human smuggling, drug trafficking, human trafficking, and arms control to the Convention Against Transnational Organized Crime (2002).

5. Ann Jordan (2002) provides a summary of the activities of the Human Rights Caucus and analyzes the protocol itself.

6. The International Human Rights Network included the Coalition Against Trafficking in Women (CATW), the Movement for the Abolition of Prostitution and Pornography, the European Women's Lobby, the International Federation for Human Rights, and Equality Now (CATW, 2000).

7. Zatz (1997) and Doezema (2001) have examined the ideological underpinnings of this critique in detail.

8. Key authors expressing this viewpoint are Jeffreys (1997), MacKinnon (1987, 1989), and Barry (1979). Younger scholars such as O'Connell Davidson (2002) have built on these ideas to create a contemporary abolitionist academic perspective on the wrongs of prostitution.

9. For example, after an interview when a Filipina sex worker reported that her American GI boyfriend had paid for her contract at club and that she had also received some payment for her work in Korea, her case was discarded as an example.

10. I would like to acknowledge the contribution of Alice Miller of the Law and Policy Project, Columbia University, in framing this section.

11. For example, Ruchira Gupta's (1997) film *The Selling of Innocence*, featuring dramatic reenactments of brothel rescues in India, has been widely used as an educative tool. Sleightholme and Sinha (1996) critique rehabilitation programs that route women into low-paying menial employment.

12. The women believed that they had been arrested and were later shocked to find out that they were rescued because they were victims of trafficking. Of the rescued women, 19 were held against their will by a nongovernment agency and were interrogated for more than 31 days.

13. The Trafficking Victims Protection Act contains multiple definitions of trafficking. Sex Trafficking is defined as "The recruitment, harboring, transporting, provision or obtaining of a person for the purpose of a commercial sex act." This definition is not operational in the act. Service provision and assistance for victims are governed by another term, severe forms of trafficking, defined as "a) sex trafficking in which a commercial act is induced by force, fraud, or coercion or in which the person induced to perform that act has not reached 18 years of age; or b) the recruitment, harboring, transportation, providing 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."

14. EMPOWER (2003) has created a series of suggestions about reducing harm among migrating and trafficked sex workers in Thailand and has implemented programs that allow sex workers to seek training to achieve high school diplomas and other skills. Scarlet Alliance (1999) has documented the effects of discrimination against sex workers in Australia and has created a human rights-based agenda for action. Overs and Longo (1997) compile program designs for sex work projects from all regions and include guidance on project design to prevent trafficking and other forms of coercion.

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Penelope Saunders, Ph.D., is executive director of Different Avenues, Inc., a nonprofit organization located in Washington, D.C. She has managed health promotion projects for sex workers and young adults in Australia and the United States. She has carried out research in Latin America focusing on women's health organizations and on grassroots health promotion efforts.