

Changing voices, frames and norms: Sex Work Policy at the UN

by

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Abstract

Feminist thinkers and activists are directly responsible for a shift in the way policy makers think about prostitution and the subsequent efforts to establish new regimes of legislation to manage it. A consensus has not been reached by feminist activists and advocates as to what the exact framing of prostitution ought to be, and whether sympathy should be translated into “saving prostituted women” or “empowering sex workers”. This analysis will look at four UN policy documents dealing with the issue of sex work, and examine the context in which they were or are being negotiated and decided. My objective in this thesis is to bring together policy documents and accounts of the creation process to show shifts in the balance of influence between feminists who seek to decriminalize and legitimize sex as work, and those who seek to describe sex work as violence against women and abolish it. Through interpreting the policy documents and the disparate voices combined in developing them, a deeper insight into the progression and future of the UN’s position on sex as work or prostitution as violence can be fostered.

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To my MAPP classmates: *heart emoji*

And thank you to the people who tell me I am smart and funny. You give me a reason to dream.

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Introduction

The feminist movement has made great gains in influencing societal attitudes and policy making, forcing governments and legislators to pay much closer attention to gender imbalances in existing and new policies. This influence is far-reaching, affecting areas as diverse as healthcare, taxation policies and law enforcement. Feminist thinkers and activists are also directly responsible for a shift in the way policy makers think about prostitution and the subsequent efforts to establish new regimes of legislation to manage it. Prostitutes have historically been viewed as criminals, or part of some immoral scourge on society, or even as an unfortunate but necessary phenomenon to satisfy the sexual needs of men. This view has shifted dramatically among progressive policy makers, as feminists have raised consciousness of the personhood of people who exchange sex for money. Over the last 30 years there has been a general shift away from chastising those who sell sex for money and towards sympathizing with them, although such sympathy is manifested in different ways depending on how the problem is defined.

A consensus has not been reached by feminist activists and advocates as to what the exact framing of prostitution ought to be, and whether sympathy should be translated into “saving prostituted women” or “empowering sex workers”. One group of feminist thinkers and activists, the abolitionists, see prostitution itself as the problem, while a second increasingly influential group, the decriminalizers, argues that the problem is stigma and the infringements of human right of sex workers (Barry, 1989; Jeffreys, 1997 and Raymond, 2013). The two groups are so divided on this issue that they have each developed their own set of terms and language to describe the situation. This polarization has created a very challenging predicament for well-intentioned policy makers,

who are lobbied heavily by two incompatible ideologies both claiming to represent sex workers/prostitutes. Within this analysis, the two camps will be represented by two prominent international networks of activist organizations. These representatives are joined by dozens of groups on either side, but stand out prominently in the history of lobbying at the UN level. The Coalition Against Trafficking in Women (CATW) is in large part responsible for the introduction of national level legislative systems that decriminalize sellers of sex but criminalize buyers and third parties. This type of system is commonly referred to as the Nordic Model, and has been adopted in many countries globally (Goldberg, 2014). The Network of Sex Work Projects (NSWP, sometimes found as the Global Network of Sex Work Projects) was founded in 1990 by sex workers' rights activists, but did not become officially registered until 2008. Its leadership consists of sex workers or activists working closely with sex workers. NSWP first gained entrée into international debates by working with allied advocates on the UN Trafficking Protocol, and later established their legitimacy independently. Each group has acted as the lead group in large advocacy coalitions and have strong transnational networks.

Language is important, and each side of the debate knows this. The abolitionists use language specifically chosen to avoid legitimizing prostitution, while the decriminalizers have developed a new set of terms to move away from the stigma associated with the old terms. Abolitionists insist on using the words *prostitution* and *prostitute* or even *prostituted woman*, while decriminalizers advocate for the use of *sex work* and *sex worker*. Prostitute is a word that undoubtedly carries heavy stigma, and the use of prostituted woman removes the blame (or agency) entirely from the woman for her unfortunate predicament. The use of the word worker in sex worker enforces the idea that it is work first, and that sex just happens to be what the work is. Abolitionists refer to the

buyers of sex as *johns*, using a slang term that is frequently found in popular culture mediums. Decriminalizers call buyers *clients*, another word that brings legitimacy and denotes that selling sex is like the selling of any other service. The term *pimp* is used by abolitionists to purposely portray the sellers of other people's sexual services in a negative light, and to enforce the strict separation between pimps, who have the agency, and prostitutes, who are the victims. Instead, decriminalizers use the term *managers*, a much more positive term, meant to portray the sellers of other people's sexual services as facilitators in business transactions. The decriminalizers have been advocating extensively to have the UN, NGOs, governments and media outlets to use exclusively the terms sex work and sex worker, while the abolitionists have countered with their arguments about the danger of legitimizing prostitution (CATW, 2014). For the purposes of clarity and simplicity within this analysis, the terms used by the decriminalizers will be used, as these have been the terms adopted by the UN and Amnesty International, and are more neutral than prostitute, pimp and john, which all carry stigma and stereotype (Amnesty International, 2016). However, when referring to the discourse used by the group itself, their choice in terms will be used to describe the phenomenon in question. The use of certain terms is in no way an endorsement of that particular frame paradigm, but rather a reflection of the language used by the camp being discussed at the time.

This lobbying process and resulting creation of policy documents has been particularly heated at the international level at the United Nations and other international organizations that have self-proclaimed progressive values. Both abolitionists and decriminalizers can be found around the world, and join forces to create large coalitions during times of negotiation. Each time a UN agency has taken on the task of issuing a protocol or policy position on sex work/prostitution, the two

camp come together and battle to have their views represented in the official document that is produced. Initially, most international policy framed the issue according to the ideology of the abolitionists, and sought to end prostitution, seeing it as the ultimate form of patriarchal violence against women¹. Since the 1990s, the decriminalizers have been gaining legitimacy within the international policy making community, and are now the go-to source of information and expertise on the conditions faced by sex workers.

This particular policy issue has been chosen carefully. The conversation being had at the international level at the UN is especially relevant for two reasons. First, despite remarkable gains in gender equality and much higher awareness of the impact of patriarchal structural violence, a great deal of stigma remains towards those who exchange sex for money. This policy debate has become a frontier for feminist thinking and policy making, and the frames chosen to shape the discourse around prostitution or sex work will have a significant impact on how the agency of women within patriarchal societal structures is talked about in general. It is therefore of timely importance to assess how this debate is being presented, who the actors are, and which side of the debate is being granted legitimacy and representation by policy makers. Second, although UN policy positions, treaties and protocols are not legally binding for state actors, who ultimately choose which policies will govern sex work, such documents become tools of legitimacy, referred to by activists or progressive law makers. The position that the UN takes is important because of the influence it has on state and regional level women's movements (Sherwood et. al., 2015). Therefore, the choice that is made between the two camps is of great importance, which is why

¹ 1949 UN Convention for the Suppression of the Traffic of Persons takes an abolitionist stance to prostitution

both the abolitionists and decriminalizers pour a great deal of energy into having their position included and the other excluded.

The timing of this analysis also coincides with the advent of a new and highly important policy position on sex work/prostitution. In 2017, UN Women will effectively decide on the future of UN framing of sex work/prostitution. Because this debate is taking place between feminist activists and affects women disproportionately, UN Women has the moral prerogative within the UN to make this decision. Whichever side of the debate is most heavily represented in the final document will enjoy a substantial boost in legitimacy in the eyes of both state actors (those who can create legislation) and civil society (those who fund activists and service providers). Establishing a timeline of the shifting of frames as well as the actors involved provides crucial contextual understanding to the decision that is being made, and will reveal factors that have led to this point. It will also help establish the frames clearly, and how using each frame translates into tangible policies affecting the lives of sex workers and/or prostituted women.

My objective in this thesis is to bring together policy documents and accounts of the creation process to show shifts in the balance of influence between feminists who seek to decriminalize and legitimize sex as work, and those who seek to describe sex work as violence against women and abolish it. Through interpreting the policy documents and the disparate voices combined in developing them, a deeper insight into the progression and future of the UN's position on sex as work or prostitution as violence can be fostered. This thesis will show that sex work policy has been and continues to evolve as norms shift and new framing of what is problematic and what is not are introduced, adopted and spread through the UN.

Methodology

This analysis will look at four UN policy documents dealing with the issue of sex work, and examine the context in which they were or are being negotiated and decided. The first is *the UN Protocol to Prevent, Suppress and Punish Trafficking in persons, Especially Women and Children*, also known as the *UN Trafficking Protocol*. Drafted and ratified by the UN General Assembly in 2000, the negotiations saw the heightening of the conflict between the abolitionists and the decriminalizers, with several activists admitting that their unwillingness to make any compromises or concessions on the issue of the definition of trafficking almost derailed the whole process, and resulted in a vague definition which each side interpreted to suit their own ideology (Outshoorn, 2005). The second document is the *UN Aids Guidance Note on Sex Work and HIV*, which was first released in 2007 after a consultation process in Rio de Janeiro. After an international petition on the part of the decriminalizers, the note was revised and re-released in 2009, taking a stronger decriminalization stance than the original (Meng, 2013). The third document is UNDP's *Sex Work and the Law in Asia and the Pacific*, which contained evidence and conclusions to support the decriminalization frames, triggering a spike in activity in the debate (Godwin, 2012). The fourth document is a short *Note on Sex Work, Sexual Exploitation and Trafficking*, released by UN Women in 2013. A final landmark document is UN Women's official policy position on sex work which is being drafted with a plan to publish in 2017. They started an online consultation process in September 2016. The most recent documents to come from UN Women are a report from an Expert Group Meeting and the official call for consultations, both published in the fall of 2016 (Gammage and McGowan, 2016). Since neither of these documents represent policy positions of the organization they will not be included in the frame analysis section.

These documents have been identified as pivotal points within the timeline of the decriminalize/abolish debate at the UN level, both by myself and by the activists and researchers of either side (Banyard, 2016; Murthy and Seshu, 2013). They represent moments of confrontation and subsequent success or failure in having their view represented, and losing or gaining legitimacy. By analyzing the first four documents and the negotiation and consultation processes of all, including UN Women's current process, we can trace the influence of the different groups in policy creation, and detect a general shift in how diverse but interrelated UN agencies are framing sex work and trafficking. Researchers have analyzed policy at state levels thoroughly, likely because the state has the power to implement laws that affect sex workers². Because UN policy positions are often viewed and used as best practice goals, the position they take on the issue of sex work and prostitution could be an indicator of likely policy shifts at the state level as well³. Furthermore, most of the literature has been written by researchers who are also activists and has self-proclaimed bias towards one side or the other. Accounts from UN level negotiations come directly from activists from either side, with limited attempt made to analyze from an outsider perspective. This analysis provides a more objective look at the interactions between the two groups of activists.

To establish our understanding of the actors and voices involved in the policy creation process, documented accounts from activist researchers who took part in the negotiation processes for each policy document will be analyzed and synthesized. These accounts give details about the interactions that led to the creation of the policy document, and can provide insight into shifts in

² Outshoorn (2004) edits this volume of research done on domestic laws in 12 different countries globally for a comparative analysis

³ Risse, Ropp and Sikkink (2004, p. 277) conclude that established international norms are the first step in institutionalization of norms at a domestic level

influence and legitimacy between the abolitionists and the decriminalizers on the international stage. Documents will be analyzed for the feelings of satisfaction towards the proceedings, how each side viewed the other and specific details about key actors and their ability to influence outcomes. After analyzing available documents, process tracing, as outlined by David Collier (2011), is applied to draw inferred links between events and policy outcomes. The sequence of events in the timeline of UN approaches to prostitution sex work, and the complex interactions between abolitionist, decriminalizers and UN agencies provides ample material for making connections and tracing linkages. This is undertaken by analyzing situations at specific points in time, and developing an idea of the unfolding of events.

After establishing the processes involved in the creation of the documents, critical frame analysis is used to examine the positions of each side and the documents and policy creation concerned with regulating sex work and trafficking. The analysis is structured using sensitizing questions as outlined by Mieke Verloo (2005). Verloo draws on social movement theory, gender theory, discourse analysis and policy theory to develop a method that intersects all four. A policy frame is “an organizing principle that transforms fragmentary or incidental information into a structured and meaningful policy problem, in which a solution is implicitly or explicitly enclosed” (pg 20). It is not a description of the reality of a problem, but rather an interpretive construct of reality. Framing, then, is defined as “the process of constructing, adapting and negotiating frames” (pg 20), particularly in the context of policy making for our purposes. Analyzing these frames means exploring their dimensions through sensitizing questions which focus on diagnosis of the problem

(what is the problem represented to be?), prognosis of the problem(what action to solve the problem is proposed?), and the voices represented and excluded in the policy making process⁴.

Analyzing for voice requires discerning who is speaking, which perspectives are represented, and which words, concepts, actors and documents are referenced within the policy. Analyzing diagnosis requires determining what the problem is represented as, what is seen to cause the problem, the form of how the problem is discussed and where the problem is located in the social sphere. Within problem diagnosis we will also examine the roles explicitly or implicitly assigned within the document. Analyzing the prognosis requires analyzing the priority in goals, form, location and roles attributed in the solution. Finally, the analysis will discern norms within the frames that dictate what is seen as good and what is seen as bad in general.

Once the frames being used within the policy documents have been analyzed, they will be connected back to the frames employed by either side of the prostitution/sex work debate. This linkage allows us to determine what level of influence was had by each side, and whether one succeeded in achieving stronger representation within this specific policy document creation process. The positions of the decriminalizers and abolitionists have been drawn from several sources such as landmark books and studies by activist researchers, NGO publications and submissions to UN Women's Call for Consultations on its upcoming policy position. The prognoses, diagnoses and voices of each side has been remarkably consistent for decades, and compiling these sources into a comprehensive retelling was straightforward.

⁴ As put forth by Carol Bacchi in *Analysing Policy: What's the problem represented to be* (2009)

UN Women holds a unique position among UN agencies when it comes to weighing in on a debate that is being argued by women and mostly for women. The *Trafficking Protocol* approaches sex work as a problem directly linked to trafficking as a criminal activity, which then creates prostitution as a factor in reproducing international crime. UNAIDS and UNDP have approached the problem from the point of view of individual and public health, and are particularly concerned with the prevention and treatment of HIV/AIDS. UN Women's policy position will be the first of its kind that does not have explicit links or dedication to a major policy issue other than simply sex work and the well-being of women and advancement of gender equality. The way UN Women chooses to frame this problem is extremely important to how sex work is discussed among large international organizations, and will affect which small NGO advocacy and service delivery programs will receive funding. UN Women has more maneuverability with this policy position than other agencies, in that its mandate is solely at promoting the status of women in the world, and may choose to take on a more radically feminist position. It may also choose to focus on harm reduction programs, and replicate a position similar to UNAIDS. More interestingly, it may seek to find the elusive compromise between the two positions.

Concepts and Background

The first step of this analysis is to understand the specifics and nuances of each side of the debate. This section provides a brief historical background, summary of main points, key terms used and prominent actors involved within each movement. These movements both consider themselves feminist and directly challenge commonly held views of sex work. The key objective of both the abolitionists and the decriminalizers is to affect international norms. The abolitionists have already had some success in influencing norms about sex work, having played a large role in the development and implementation of the Swedish Model, which decriminalizes sex workers themselves. This norm change was a frame change: sex workers are not criminals but victims. In their book *Activists Beyond Borders*, Margaret E. Kenk and Kathryn Sikkink, discuss transnational advocacy networks and their interactions with state actors. They suggest that developing brand new norms is a much messier process than adopting norms that have been adopted elsewhere and can serve as a model. Norms must be changed for new framing of policy problems and diagnosis to be accepted as norms are embedded in social structures, and can constrain policy actors. In the case of sex work, an existing norm is that having sex in exchange for money is a bad, undesirable thing. There are other norms about how women should manage their sexuality, and the connection between romantic feelings and sex. These norms exist not only at the UN or among policy makers, but at a structural level across much of the globe. The debate being held now boils down to the details of how such new norms will be defined and framed. The following sections will examine the norms assumed by both the abolitionists and decriminalizers.

The Abolitionists

Abolitionism is the original feminist response to prostitution, and can be traced back more than 100 years to Josephine Butler (1874). Butler took a stand against state regulation of prostitutes rooted in a decidedly non-feminist desire to protect soldiers from contracting venereal disease so they would be available to fight in wars. The neo-abolitionists emerged in the 1970s with Kathleen Barry's book "Female Sexual Slavery", which situates prostitution within the societal structure of patriarchy (1973). This was the beginning of a movement advocating for not only the elimination of prostitution, but also pornography, erotic dancing, and any other form of work that they saw as an objectification of the sexuality of women. Barry began organizing an international women's movement around abolishing various forms of female sexual slavery, such as prostitution and pornography. In 1988, Barry and Dorchon Leidholt founded CATW, and the group rose to prominence as a consultant to various UN agencies (Barry, 1996). Barry and other radical feminists see sex and sexuality as a method used to dominate and maintain power over women. Within a patriarchal system controlled by men, women are always second class citizens, and prostitution is the ultimate form of the use of sex to exploit and dominate. It holds up the idea that women are only valued for their availability to men to be used to express their masculine sexuality. Women are sexually colonized, and part of decolonization must be abolishing prostitution. Abolitionists reject the idea that whether a prostitute chooses the line of work freely or not does not matter, because she has been forced into it by structural violence such as poverty, sexism and racism. All prostitutes are therefore victims, and all former prostitutes are survivors.

Abolitionists advocate that the ultimate goal of any policy dealing with prostitution should be to eradicate it. They often put a heavy focus on reducing demand, and support criminalizing pimping,

buying sex and owning brothels. There is also a heavy emphasis placed on the connection between trafficking and prostitution. A market for prostitution is seen as the demand force and the trafficking of women is seen as the method of supply to meet demand. Abolitionists argue that stronger anti-trafficking measures must be enforced to stop prostitution. As with prostitution, abolitionists claim that choice or consent have nothing to do whether the person is a victim of trafficking or not. Even if not being physically coerced or forced, other structural factors have pushed the person into a desperate situation. They are passionately opposed to any policy or wording that serves to legitimize prostitution as work instead of violence against women.

The Decriminalizers

The decriminalizers began as groups of sex worker's right activists, many of whom were or had been sex workers at some point. One of the most well-known among these is Margo St. James, an American sex worker who began speaking out in 1973 with the formation of Call off Your Tired Old Ethics (COYOTE). St. James met Gail Pheterson in the 1980s, and the two began organizing internationally. Their efforts led to the convening of the First and Second International World Whore's Congress and to the publishing of *A Vindication of the Rights of Whores*. This book represented a strong alternative to the victim frame used by abolitionists, and laid out a new rights-based frame⁵.

⁵ Crystal A. Jackson has given these names to the two sets of frames being used in the policy debate

This group maintains that only sex workers know best what policy will help to empower and keep them safe. Groups such as CATW do not have the authority to advocate on behalf of sex workers (Hahn and Holzscheiter, 2013). They reject the identity of victim prescribed by the abolitionists, and insist that sex workers must be viewed as agents who are capable of making choice. Sex work should not be singled out from other forms of dangerous or high risk forms of labour. Many sex workers manifest a neoliberal vision of themselves as hard workers who earn money for themselves and their families, a positive framing of the experience. They are agents who choose the type of work from several options, including low-paid service industry work in developed countries and sweatshop work in less developed countries (Dewey and Kelly, 2011). If sex work is not a choice, then it can also be argued that no work performed by anybody is a choice, since we are all then coerced into it for want of income. The decriminalizers shift the frame away from sex and domination and towards labour rights and autonomy from state ordained violence against sex workers.

Their definition of sex worker has come to include not only people who sell their own sexual services, but also exotic dancers, masseurs, managers and brothel owners. The decriminalizers advocate for a human rights framework approach to sex work policy, and argue that criminalization of any aspect of the work infringes on the rights of workers to make a living (Pheterson, 1989). Their ideology separates between freely chosen and coerced or forced sex work, arguing that adult workers are agents able to freely choose their line of work and should not be victimized or stigmatized for their choice. They advocate for policy that fully decriminalizes all aspects of sex work done by consenting adults, and to include sex work under labour codes instead of criminal codes. They also argue that the difference between forced trafficking and consenting trafficking

be made in policy, calling the latter migration for sex work. In this argument, many people who have been “trafficked” are not victims but agents, and anti-trafficking efforts serve only to criminalize and stigmatize sex work migrants (Kempadoo, 2005). Their main overall goal is to destigmatize and legitimize sex work as real work and to enjoy the same protections as other workers.

The Debate

The previous section outlining the positions of the decriminalizers and abolitionists makes many of the points of contention clear, and reveals why reaching consensus between the two is difficult if not impossible. At their very core, the ideologies take entirely different views of sex work, resting on how they interpret the actual act of selling sex, and whether choice/consent is possible. Outshoorn (2005) takes a relatively objective approach to outlining the political debate on prostitution and trafficking. She writes that first wave feminists favored the abolitionist perspective, while second wave feminists split into the two camps still currently involved in the framing battle. To Outshoorn, the underlying difference between the two frames is the view of sexuality of both men and women. The abolitionists see male sexuality as a construct intrinsically connected to violence and domination, and women as “passive victims of male lust”. The decriminalizers see both men and women as sexual agents, and do not equate male sexuality with violence per se. Outshoorn also takes care to point out what she views as the major drawback to each position. The abolitionist frame fails to give an economic analysis of the situation, while the decriminalizers have not offered recommendations on how to formally differentiate between forced prostitution and voluntary sex work. We will take this analysis further.

The representation of voice within each group is very different. CATW was founded by radical feminists, mostly academics or women with professional backgrounds such as lawyers, doctors and social workers. They also include what they call *survivors*, or women who have left prostitution. They do not include sex workers who are happy selling sexual services, and purposefully exclude anyone viewed as a pimp or brothel manager since in their ideology they are the exploiters. NSWP consists of sex workers themselves, including people who sell their own sexual services, managers, controllers, brothel owners, exotic dancers, pornography actors, masseurs, and others professions. They have many allies from academic and professional backgrounds, but these allies do not get voting rights within the organization. The decriminalizers have accused CATW of purposefully excluding the voices of sex workers who enjoy sex work as an occupation in a self-serving attempt to only collect stories and experiences that support their position (Congdon, 2014). CATW activists have accused NSWP of representing only the interests of the pimps, traffickers and brothel owners, and not of the majority of prostituted women (Ditmore and Wijers, 2003). In a sense, there is a kernel of truth in both of these allegations. CATW is heavily focused on survivors while NSWP does consider managers and brothel owners to be sex workers. One difficult decision policy maker must make is whose voices are more important; those of survivors who have left and advocate for abolition or the voice of those currently engaged in various areas of sex work who advocate for decriminalization? The voice granted authority will be the one deciding which norms will be adopted.

Table 1: Analysis of sex work/prostitution paradigms

	Abolitionists	Decriminalizers
Diagnosis: What is the problem?	Prostitution which equals patriarchal violence against women	Barriers to services and justice, infringement of rights
Prognosis: What is the solution?	<ul style="list-style-type: none"> - Reduce demand, rescue prostituted women, criminalize all third parties - focus on reducing trafficking 	<ul style="list-style-type: none"> - Decriminalize and destigmatize sex work, empower sex workers - Criminalize forced or exploitative work
Voice: Who is represented?	Radical feminists Survivors of prostitution	Sex workers, managers, third parties

Analyzing the Conflict over Representation

This chapter seeks to piece together interactions between abolitionist advocates, decriminalization advocates and various United Nations agencies over time. The information has been sourced from several first-hand accounts, and are the reflections of those who were often involved as advocates for one of the sides during the lobbying and negotiation process. Through tracing the process of this policy debate, we can produce an enriched contextual understanding of the environments in which official policies for sex work are discussed, framed and produced. Knowing the context in which policy documents were created adds a more nuanced perspective to the resulting frames used to diagnose problems and create policy solutions.

Lobbying for the UN Trafficking Protocol 1999-2000

Although the UN protocol to Prevent, Suppress and Punish trafficking in persons is primarily a policy regarding trafficking rather than sex work or prostitution, the framing of trafficking links directly with the framing of sex work because the two are often conflated. The abolitionist policy prognosis of reducing demand is celebrated because it is a measure that may reduce the number of women being trafficked into a country. Where abolitionists see “trafficking victims”, decriminalizers and sex worker’s rights groups see “sex work migrants”, recalling the victim/agent debate. Both abolitionists and decriminalizers concede that any type of forced, deceptive or underage trafficking should be criminalized, but disagree on the role of consent, choice and agency in the illegal movement of people across borders.

Negotiations for the *Protocol to Suppress, Prevent and Punish Trafficking in Persons, Especially Women and Children* began in January 1999 at the UN Centre for International Crime Prevention in Vienna. On one side of this debate were the abolitionists, represented by CATW and 140 other NGOs within a coalition named the International Human Rights Network. On the other side, the decriminalizers, headed by the International Human Rights Law Group (IHR LG) and the Global Alliance Against Trafficking in Women, formed the Human Rights Caucus (Ditmore and Wijers, 2003). According to Doezma (2005), NSWP was well represented in the Human Rights Caucus' position, but was not named on paper due to their apprehension of having any involvement at all with any legislation seeking to criminalize trafficking or migration for sex work. The Human Rights Caucus was the first time sex worker's rights activists and anti-trafficking activists formed a coalition and came together to advocate for a definition of trafficking that made a distinction between trafficking for forced labour (including prostitution) and that done voluntarily (Ditmore and Wijers, 2013).

Ditmore and Wijers report that the majority of state representatives at the negotiations were male, while the majority of NGO lobbyists were women. This contributed to setting a tone where the women lobbyists had a kind of moral authority on an issue which affects a significantly larger number of women than men worldwide. This moral edge served to emotionally charge the debate around the issue of prostitution/ sex work, and cooperation seemed impossible. The two NGO blocs were so determined to undermine each other that CATW accused the Human Rights Caucus of being paid by pimps and traffickers, and representing only their perspective. The two blocs also ended up using similar logos and fonts on their documents submitted to government, in what some saw as an attempt to confuse government delegates on the position of the two NGO blocs.

Unsurprisingly, most state representatives at the negotiations were primarily concerned with national security and protecting their borders from illegal migration. Advocating for the protection of the rights of trafficked persons would have been best achieved through collaboration between the decriminalizers and the abolitionists, who technically agree on this point. However, the abolitionist group remained focused on the definition of trafficking so fully that they refused to address anything else.

A key development at these negotiations was the inclusion of NSWP in the Human Rights Caucus, and the caucus' recognized efforts to advocate for a human rights approach rather than a criminal approach to dealing with trafficking. The Office of the High Commissioner on Human Rights, UNICEF and the International Organization for Migration supported the decriminalizers' efforts to advocate for the rights of trafficked persons. The aforementioned organizations, along with the Special Rapporteur on Violence Against Women were also all in favour of a trafficking definition that separated forced/coerced trafficking and consensual trafficking. This inclusion and small recognition by some UN staff was the first step in NSWP's presence at the international policy formulation level, and it opened the door to further involvement on future policy documents.

Influencing the UNAIDS Guidance Note on HIV and Sex Work

In the early 2000s, prior to the creation of the UNAIDS *Guidance Note on HIV and Sex Work*, UNAIDS did not have a strong position on sex work. The USA was advocating for strong victimization framing, and not wanting to create any type of confrontation with its biggest funder, UNAIDS shied away from the issue (Murthy and Seshu, 2013). However, in 2006 UNAIDS

organized a technical conference in Rio de Janeiro that included both abolitionists and decriminalizers. When the note was published in 2007, decriminalizers were discouraged, as many abolitionists diagnoses and prognoses remained peppered throughout, particularly a focus on reducing demand for sex and exit/rehabilitation strategies to reduce the number of sex workers (Murthy and Seshu, 2013).

This was the first time abolitionists weighed in on the issue of sex work and HIV/AIDS with UNAIDS. Melissa Farley, a prominent and very outspoken American abolitionist activist, was given the opportunity to present the abolitionist case for rescuing sex workers from harm and focusing on reducing demand. Farley was strongly supported by the influential US government representatives, and this representation combined with the clout of American funding was sufficient in exerting enough pressure on UNAIDS to include these points within the Guidance Note (Ahmed, 2011). Decriminalization activist Anna-Louise Crago (2010) reports that the Americans had a very intimidating presence, and made behind the scenes phone calls to pressure UN representatives. This initial 2007 document was therefore viewed as a win in influence for the abolitionists, and a surprising loss to the decriminalizers, who did not yet have the legitimacy to win in a face to face confrontation with the abolitionists.

In response to this disappointment, a Global Working Group of sex worker's rights activists was formed, and propositions for rewording were produced. The Working Group contacted Peter Piot, the same UNAIDS Executive Director who had been reluctant to contradict US prostitution policy frames, but received no response. It was not until a new Executive Director, Michel Sidibe, was in place that their request for an audience was acknowledged. The Global Working Group pushed for

an in-person meeting with Sidibe, where what Murthy and Seshu (2013) describe as “an intense discussion” resulted in the forming of an Advisory Group on HIV and Sex Work. The Advisory Group was co-chaired by a UN staff member and a representative from NSWP. This turn of events led to the creation of detailed annexes added to the Note which explicitly frame sex work using the voice, diagnoses and prognoses of the decriminalizers. This new Advisory Group also marked a historic moment in the struggle for representation and legitimacy between abolitionists and decriminalizers, with an influential UN agency putting its full support behind NSWP and decriminalization policies. This was a victory for the decriminalizers, and seen as a defeat by the abolitionists. This Guidance Note has subsequently been used as a point of reference for other UN agencies and international organizations, and has been a very strong force in the legitimization of the human-rights framing of sex work (Banyard, 2016).

2009-present

Since the UNAIDS Guidance Note came out, the decriminalizers have enjoyed an elevated position of legitimacy and influence. 2012 was a significant year for re-enforcing the gains of the decriminalization policy position. In October, a report on *Sex Work and the Law in Asia and the Pacific* was published by UNDP, UNFPA and UNAIDS, marking UNDP’s adoption of the decriminalization policy position. UNDP works very closely with state level governments, and their adoption of this position brings it closer to the attention of national policy makers. In December 2012, the official NSWP logo was placed alongside those of WHO, UNFPA and UNAIDS on the front cover of a report on *Prevention and Treatment of HIV and other Sexually Transmitted Infections for Sex Workers in Low- and Middle- Income Countries*. Abolitionist

groups are not mentioned, and were not consulted. We can see that the UNAIDS' Guidance Note was truly a pivotal moment, and that the representation NSWP was able to achieve at UNAIDS then spread through to other, more powerful UN agencies.

Abolitionist backlash against the 2012 UNDP report was emotional and widespread, and UN Women was compelled to respond. In 2013, it weighed in on the issue for the first time since its founding in 2010, with a document titled *Note on Sex Work, Sexual Exploitation and Trafficking*. The note was not created from a consultation process, but was instead a summation of all points made by abolitionist groups, decriminalizer groups, and references to other UN policy documents. UN Women's official consultation process for developing a policy on sex work began in September 2016. They posted an open Call for Consultations to be submitted by any group who had an interest in the issue. The submissions were to be sent electronically and in one of the UN's official working languages. Compared with the consultation processes for the UN Trafficking Protocol and the UNAIDS Guidance Note, UN Women has done the bare minimum in consulting concerned parties prior to their policy position creation. The call for consultations posed only three broad questions. This limited inquiry raised red flags about the exclusionary nature of the consultation, as women in places with limited connectivity would be left out of the process. Many calls for a more meaningful consultation were made, but UN Women has not yet responded (NSWP, 2016). UN Women may simply not have the resources to undertake such a consuming process, or they may have made the choice strategically to avoid the confrontation witnessed at previous consultations. In the creation of this official policy position, there will be no dramatic clash of feminist activists, no passionate speeches and appeals made to large rooms of decision makers.

NSWP and sex worker's right activists went from being barely visible during the 2000 UN Trafficking Protocol negotiations to becoming a reliable reference for multiple UN agencies by 2012. The presence of NSWP at the discussions of the *UN Trafficking Protocol* was their initial entry into working together with the UN to develop policy. Their success in lobbying UNAIDS in 2008 was the key pivotal moment in establishing their legitimacy, and up to now they have been considered a reliable source of authority on the situation of sex workers around the world. However, UN Women has not yet stated its support for either side of the issue.

Analyzing the Policy Documents

The context, environment and specific points of conflict between these oppositional diagnoses and prognoses of the issue of sex work/prostitution represent the first piece of the puzzle in understanding how the debate has evolved over time. The second is an analysis of the documents which these tense processes led to. These are the documents that carry legitimacy and receive official acknowledgement from other UN agencies. This chapter presents the findings of the frame analysis done using four policy documents.

Protocol to Prevent, Suppress and Punish Trafficking in Persons

This document's full name is *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime*. It is concerned with trafficking almost exclusively from a criminal perspective and is implemented by the UN Office on Drugs and Crime. The document received input from state representatives and NGOs, all with different conceptions of the problem. From the title alone we can see that the drafters of the Protocol assume trafficking is inherently a criminal concern as well as a gendered phenomenon. The key Article of this protocol is Article 3 Use of Terms, which provides the definition of trafficking as follows:

For the purposes of this Protocol:

(a) "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a

person having control over another person, for the purpose of exploitation.

Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

This definition of trafficking is the most relevant part of the document to the prostitution/sex work debate. What constitutes trafficking in persons is very important, as the rest of the protocol deals with how to prevent and legislate for eliminating trafficking. Trafficked people are referred to as victims, a label which decriminalizers argue is harmful for those who choose freely to migrate for sex work purposes. It alters entirely the framing of the problem from the illegal movement of people for sex work purposes to more specifically the illegal, coerced movement of people for forced labour or slavery. The following is a break-down of the representation of voice, diagnosis and prognosis throughout the document as a whole and within the definition of trafficking.

Analysis of the Protocol to Prevent, Suppress and Punish Trafficking in Persons

Voice: The voice heard in this Protocol is most strongly that of the state governments. The most heavily represented interest is that of state security and state responsibility in stopping trafficking. The smaller section that is the definition of trafficking includes the words of both the abolitionists (victims, sexual exploitation) and the decriminalizers (coercion, consent). Missing is the voice or representation of sex workers or even trafficking victims themselves.

Diagnosis: The problem is defined as forced/coerced/deceptive migration of women and children for exploitative purposes. The definition implies, but does not state explicitly, that the illegal migration of a consenting person is not as significant of a problem. The problem exists because people who are vulnerable to trafficking are not protected, and because human rights are being abused. This diagnosis does not analyze the dimensions of poverty and inequality which may affect the frequency of trafficking. Due to the influence of states, the issue is located firmly within the realm of criminality. Small mentions of humanitarian actions that should be taken by states upon discovering trafficking victims within their borders are present, but policing and reducing trafficking is the priority throughout. The normative stance is that illegal migration is undesirable, even less desirable than people not migrating at all. The main causes of the problem are international criminals who smuggle people. States are the parties responsible for the existence of the problem, and the people who suffer are women and children from poor countries who are vulnerable to trafficking.

Prognosis: The solution to the problem is preventing and punishing all trafficking and to rescue victims. Reducing global poverty and inequality are not offered as solutions. The Protocol recommends mechanisms such as better border security, protection and repatriation of victims and criminal sentences for traffickers. As with the diagnosis, the prognosis also lies mainly in the realm of criminal responses. Normative assumptions made are that trafficking victims want to go home, and that stopping traffickers will stop coerced migration patterns. The states are the main actors, and their concern for security is voiced strongly. A significant limitation of this prognosis

is that the states people are trafficked from often have limited resources to deal with such a significant problem.

Overall, the majority of the document contains the framing of trafficking as put forth by state actors more than either the abolitionists or decriminalizers. The small section that is the definition of trafficking is an attempt to meet the demands of both the decriminalizers and the abolitionists by using elements of the frames of both. Subparagraph (a) meets the decriminalizer criteria of stating that there must be some sort of force, coercion, abduction, fraud, deception or abuse of power for it to be considered trafficking. In its definition of exploitation, the protocol states that one type of exploitation is “the exploitation of the prostitution of others or other forms of sexual exploitation”. This is a very interesting choice of words. To the abolitionists, all forms of prostitution are exploitation. To the decriminalizers, this could be interpreted to mean just forms of prostitution that they consider exploitative, such as underage, coerced, or where payment is withheld, but excluding the consenting sex work of adults. Subparagraph b) makes an attempt to tackle the tricky idea of consent, but is again unclear and moldable by interpretation. First, consent to intended exploitation is irrelevant. This plays into the demands of the abolitionists, who would like to see policy makers forget entirely about the issue of consent. The second part of the sentence suggests that if the means set forth in subparagraph (a) have not been use, then consent IS relevant, meeting the demands of the decriminalizers.

UNAIDS Guidance Note on Sex Work and HIV

Two versions of this Guidance Note exist. The first, published in 2007, was republished in 2009 with a lengthy appendix. When the second version came out in 2009, it advocated for the full decriminalization of all aspects of sex work, clarified that reducing demand for sex work was not a policy goal, and was careful to advocate for occupational alternatives only for those interested in alternatives. This analysis will focus on the 2009 document.

Analysis of Guidance Note on Sex Work and HIV

Voice: UNAIDS focuses heavily on the voices of sex workers and health professionals, and is less inclusive of states and the security sector. The language used throughout the text is that of the decriminalizers, represented through NSWP. We see familiar terms such as clients, managers and sex work migrants instead of johns, pimps and trafficking victims. Footnote 10 on page 3 of the document takes special care to point out that “‘Controllers’ is the preferred term to ‘pimps’”, without mentioning who prefers it, nor the contested nature of the terms. Numerous references are made to organizations that support decriminalization, while no references are made to CATW or other abolitionist groups.

Diagnosis: The main problem defined in this policy position is that the marginalization of sex workers leads to higher HIV infection rates. The Note does not discuss sex work as a problem resulting from patriarchal structures, nor does it consider its connection to international criminal organizations. The focus is heavily on public health and social determinants of health. This problem is located in the social sphere and defined as an issue of human rights violations and discrimination. The mechanisms which reproduce

the problem are poverty, stigmatization and lack of access to services. Patriarchal structures and violence against women are not included as mechanisms reproducing the problem. The normative assumptions made about the problem are that sex workers have chosen this work and should not be treated as victims who need to be saved. The problem is caused by societal structures that discriminate against sex workers, and that the state and NGOs are responsible for its creation by not providing the right services.

Prognosis: The solution proposed in the Note is full decriminalization of all aspects of sex work, better access to healthcare, eliminating violence against sex workers, improving gender equality, improving access to education for females and marginalized groups and assisting sex workers who want to find other lines of work in doing so. Neither reducing demand for sex work nor reducing the number of sex workers are proposed as solutions. The mechanisms proposed to achieve the solutions are universal healthcare, partnerships between sex workers, healthcare providers and law enforcement, microloans for those transitioning out of sex work and teaching boys and men about gender equality. The solutions are located in several main areas, including health, gender inequality and poverty. The norms established in the prognosis are that sex work in itself is not an issue that needs to be solved, reducing HIV transmission rates in an important goal in any society, and that women are generally more vulnerable within society, particularly in economic terms. The actors responsible for achieving the solution are states, NGOs, police and health providers.

There is a heavy emphasis on the choice of staying in or leaving sex work, and that only those who choose to leave need to be provided access to alternative means of earning an income. The phrase

“expanding choices” is used to describe recommendations to help women leave prostitution. This prognosis frame slips away from the decriminalizer perspective as it could be seen as portraying sex workers as victims who need to be helped, and was one of the sections NSWP demanded be changed. In Annex 4: Economic Empowerment of Women, UNAIDS adds that when economic empowerment is attempted through alternative options or rehabilitation programs, it often fails. Instead of focusing on economic empowerment programs that are intended to get sex workers out of sex work and into different work, it would be better to teach skills to help them negotiate the market in general, including the sex market. This example of the original vs. annex shows that NSWP and the decriminalizers had immense influence with UNAIDS in revising its position, and a very sharp shift away from abolitionist views.

The Guidance Note uses the definition of trafficking established in the UN Trafficking Protocol as laid out previously, but leaves out the definition of exploitation that specifically refers to the tricky term “exploitation of the prostitution of others”, which is also the part of the definition that least matches with the decriminalization framing of the problem. The Note walks a fine line in how it addresses demand for sex work. On one hand, it acknowledges that men who buy sex are a large part of the problem of transmission rates, and has even highlighted this section in its own text box. On the other hand, it has not proposed a direct prognosis for the problem, and instead implies that involving men and boys in efforts to improve gender equality in general will reduce transmission rates. This is one of the sections that was disputed by NSWP when the original 2007 version came out advocating for measures to reduce demand. As with the call for rehabilitation programs, a slightly different frame is presented in the Annexes on addressing demand. Annex 2 differentiates between demand for sex work and demand for unsafe paid sex, and suggests that policy makers

should focus their efforts on the latter, giving a much clearer idea of the issue of demand. With this, UNAIDS has adopted fully the decriminalizer stance on the legitimacy of sex as work.

2009-present

Several key documents have been published since 2009 that indicate the sex work policy leanings of UN Agencies. In 2012, UNDP, UNFPA and UNAIDS collaborated to produce a report on *Sex Work and the Law in Asia and the Pacific*. This report echoes UNAIDS' call for decriminalization, and for sex work to be recognized as legitimate work protected under labour rights. It also encourages governments to engage with sex worker's rights groups, but does not make mention of survivor's rights groups (another name for abolitionists). It again calls for a strict distinction to be made between trafficking victims and consenting sex workers.

Analysis of Sex Work and the Law in Asia and the Pacific

Voice: The report is compiled from consultations with sex workers, so their voice is strongly represented. Abolitionist and anti-trafficking groups are neither represented nor referenced. The words used are those of the decriminalizers. Many references are made to the UNAIDS Advisory Group on HIV and Sex Work, which NSWP worked to create and co-chair. Their recommendations are assumed to be a source of authority on the topic

Diagnosis: The problem is represented as problematic laws and practices targeted at sex work that lead to ineffective HIV responses. States that refuse to revise laws that criminalize sex work and states that have overly regulated it are the actors causing the problem.

Specific examples include criminalization, confiscation of condoms, mandatory testing and laws that conflate sex work and trafficking. The problem is located in the realm of health and human rights, and how these can be affected by changes in legislature and policy. Norms expressed in the diagnosis are that sex work is not in itself a problem, and sex workers should be empowered.

Prognosis: The solution to this problem is presented as fixing problematic laws, decriminalizing sex work fully, and changing anti-trafficking laws so that migrant sex workers aren't punished. Policies solutions which all are meant to respect the human rights and autonomy of sex workers are advocated. It is the responsibility of states to change these laws. Norms assumed are that decriminalization will lead to reduced stigma, and reduced stigma will lead to better health outcomes. It is also assumed that there is no underlying problem with consenting sex work.

In 2013, shortly after the UNDP report, UN Women released a Note on Sex Work, Sexual Exploitation and Trafficking, their first statement on the issue. The Note is a short two-pager, listing UN Women's thoughts on the subject in 12 bullet points. It refrains from promoting specific policy measures, and seeks mainly to address the issues in broad statements.

Analysis of Note of Sex Work, Sexual Exploitation and Trafficking

Voice: The Note reads like a mediator between the two sides, including the voices of each side in a probable attempt to be inclusive and unbiased. CEDAW and UNAIDS are the only references cited.

Diagnosis: Although not explicitly stated, some implied problems are the infringement of sex workers' rights, structural poverty and discrimination, conflation of trafficking and sex work, exploitation, HIV and violence. The Note is careful not to make strong normative assumptions, acknowledging only that it is a complex issue from which many problematic circumstances can arise.

Prognosis: The note does not advocate specific policy recommendations. However, it can be implied that policies that improve respect for the human rights of sex workers are the general goal. They encourage efforts to provide sex workers with economic alternatives to sex work. They want to see sex workers protected from abuse and violence and exploitation, and provided with access to justice in these cases. They also state quite clearly that sex work and trafficking should not be conflated. Considering the Note's dedication to remaining neutral, we can infer that the sex work is not the same as trafficking statement is no longer up for debate in the UN.

A summary of the analyses of these four documents can be seen in Table 2.

Table 2 Summary of Analyses

	Trafficking Protocol (2000)	UNAIDS Guidance Note (2009)	UNDP Report (2012)	UN Women (2013)
Diagnosis	Forced migration of women and children by criminals	The marginalization of sex workers leads to higher HIV rate	Laws that criminalize or over-regulate sex work are harmful to HIV interventions	Sex Work, sexual exploitation and trafficking are complex issues
Prognosis	Prevent and punish trafficking, rescue all victims	Decriminalize sex work, improve access to services	Sex work should be decriminalized and anti-trafficking laws revised	Sex worker's rights should be respected, consensual sex work and sex trafficking should not be conflated
Voice	States, security actors, rescue industry	Sex workers, healthcare professionals	Sex workers and healthcare professionals	UN official positions, refers to CEDAW and UNAIDS

Discussion and Conclusions

In the Protocol, we don't see a strong tendency towards either the decriminalizers or the abolitionists, but we can see the beginning of the influence of the decriminalizers starting to creep into the language. There is no statement declaring that prostitution must be abolished, or clearly blaming trafficking on prostitution. This shows that the decriminalizers were successful in pushing to increase their influence, while the abolitionists lost some of the established legitimacy they had enjoyed since the creation of the 1949 UN Trafficking Convention. The failure to create a clear and strongly worded definition of trafficking is a clear representation of the conflict that took place during the deliberations, showing that neither side was able to influence the framing of the problem as fully as they would have liked. Invoking an awareness that trafficking and sex work should not be conflated was the first step inserting decriminalizer frameworks into trafficking and sex work policy at the UN.

The UN Guidance Note marks a very significant shift in legitimizing NSWP's influence, and was a great loss for the abolitionists, whose frames are difficult to reconcile with global public health frames. As public health officials shift towards an agenda of harm reduction and human rights frameworks for marginalized and vulnerable populations, the frames of the abolitionists could not provide a convincing argument against the harm-reduction based frames of the decriminalizers. An official UNAIDS policy position on sex work exists only because HIV is sexually transmitted and sex workers have been identified as a group prone to infection and transmission. They are less concerned with patriarchal structural violence and systems of oppression than the radical feminist abolitionists, and this may be a key reason why this document has very little abolitionist representation. Reducing HIV rates among sex workers inevitably requires destigmatizing sex

work so that workers have better access to services instead of being forced underground. The ideology and framing of sex work coming from the decriminalizers presents a much stronger case for destigmatization.

The success of NSWP in lobbying UNAIDS to create the UNAIDS Advisory Group on HIV and Sex Work is probably the single greatest turning point in this chain of events. Although unable to overcome the power of their abolitionist opposition in general consultations, their perseverance in lobbying to influence UNAIDS established their legitimacy as an authority on sex work policy especially where HIV intervention is concerned. This is where the idea that sex work in itself is not the problem really took hold among international policy makers. Especially important at this time was the inclusion of full decriminalization and shifting the focus from getting women out of sex work through rehabilitation to empowering them to live well while doing sex work.

The 2013 Note from UN Women borrows from both the frames of the decriminalizers and the abolitionists. It states that trafficking and consensual sex work must not be conflated, following the decriminalizer frame that it is possible to be a legitimate sex worker. It then goes on to suggest that sex work is not always a choice due to circumstances of poverty, vulnerability and discrimination, echoing the abolitionist claim that calling it a choice is misleading. The most undecided bullet is perhaps the following:

UNAIDS, of which UN Women is a co-sponsor, supports the decriminalization of sex work in order to ensure the access of sex workers to all services, including HIV care and treatment. UN Women also supports the regulation of sex work in order to protect sex workers from abuse and violence

This statement carefully avoids commenting on UN Women's position on decriminalization, and goes on to claim it supports regulation of sex work, which is not synonymous with decriminalization (Ahmed, 2011). The official call for consultations that came from UN Women in the fall of 2016 uses the same ambiguous language, and asserts that even "prostitution" vs. "sex worker" is still up for debate in their position formulation process, despite other influential UN agencies' committed use of decriminalizer terminology. The second question posed in the consultation refers to ending the trafficking of women as a target in achieving women's empowerment. However, it does not mention the issue of consent, which leaves an ambiguous definition of a key point of contention between abolitionists and decriminalizers. Question 3 asks "How best can we protect women from..." suggesting that women doing sex work need to be protected, invoking the victim frame used by abolitionists. This document itself gives away nothing as to the leanings of UN Women at this time despite their affiliation with UNAIDS and the recent trend towards framing consensual sex work as legitimate work.

Their attempt at neutrality suggests a desire to create a position which is relatively dependent from that of other UN agencies. They may take further into account the impact of patriarchal structures on women in sex work, and a more long-term view of improving gender equality by reducing male demand for female sex workers, or at least bringing better gender balance to the industry. UN Women is the agency designated to advance women's rights, feminism and gender equality. It cannot dismiss easily some of the diagnoses of the radical feminist abolitionists, particularly that the industry is one where mostly men are buying mostly women, commodifying their bodies. This gender imbalance is one problematic aspect of the sex work industry that harm reduction, decriminalization and empowerment prognoses cannot directly tackle. The UN Women position

is a chance to reconcile the need to protect the rights of sex workers and work towards ending structural patriarchal influence and violence on the sex work industry. Regardless, the decriminalizers have become a force to be reckoned with, and UN will absolutely have to include some of their frames into any position that is put out.

A shift in norms has occurred, and has often depended how the problem is defined and the success of either advocacy bloc in convincing policy makers of their frames. Diagnosing what the problem is has proven to be the biggest challenge in prescribing policy recommendations for dealing with sex work. To conceptualize selling sex as a legitimate and normal form of work is a large departure from any current norms, and absolutely turns the celebrated Swedish Model of partial decriminalization on its head. One of the main shifts in framing seen from 2000-2017 has been from prostitution victims to sex worker agents. This has coincided directly with a change in voices represented, as more and more people who identify as sex workers are being directly consulted in policy creation. The victim/agent dichotomy can be seen in both issues of trafficking and sex work, and is the foundation upon which all other assumptions, diagnoses and prognoses about sex work are based. A less explicit shift is a change in norms around sex and sexuality. Rooted in radical feminism, the abolitionists are very critical of the way sex is used to control. Instead of including an alternative to the sex as power discourse in their frames, decriminalizers act on assumption that sex itself is not problematic, relying on the wider movement within feminism to sex positivity.

The feminist debate on sex work policy is complex, passionate and long-running. Instead of coming any closer to compromise, the two positions have only dug in deeper, produced larger volumes of research, and put more effort into lobbying policy makers. The history of the heated

interactions between the two sides has left both bitter and resentful, and no major attempts have been made to bridge the divide. Initially, the abolitionist framework was accepted, and prostitution was viewed as something to be eliminated. This led to policies aimed at decreasing demand, such as laws prohibiting buying sex, and policies to prevent and punish trafficking. Sex worker's rights activists began advocating for full decriminalization, and put forth a new framework in which sex work is not inherently a bad thing, and policy measures should be focused on improving and protecting the rights of sex workers. In the 2000s, as UN responses to the AIDS epidemic became more sophisticated and holistic, the policy measures proposed by the decriminalizers were shown to have a positive effect on reducing HIV transmission. Increasing respect for the rights of a marginalized group of people led unsurprisingly to better health outcomes. Decriminalizer activists, particularly those of NSWP were also very effective in their lobbying efforts at this time, increasing their profile within UNAIDS to a level of significant influence. Thus the shift towards policy paradigms of decriminalization and acceptance of selling sex as a legitimate form of work began and spread from one UNAIDS to WHO, UNDP and UNFPA. The voices represented in the creation of sex work policy have changed, and with that the definition of the problem has changed. NSWP has left its mark on the international policy arena, and has had success in shifting normative assumptions about sex work and trafficking.

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