

Sex work: recognition rather than repression



Dear Readers FIZ has been actively supporting women migrants in Switzerland and combating trafficking in women for almost 30 years. In 2012, FIZ-Makasi, the intervention centre for victims of trafficking, counselled and supported 209 survivors of exploitation and trafficking. This newsletter is not about them.

The FIZ Counselling Centre also counselled migrant women from Africa, Asia, Latin America and Eastern Europe, for example, on problems regarding residence permits, job-related difficulties and partner violence. In 2012, 408 migrants from the city and canton of Zurich were supported by FIZ. Many of them, but not all, are sex workers. They have chosen, for various reasons, to work as prostitutes, and are not victims of trafficking. This newsletter is about them.

Sex work has been legal in Switzerland since 1942. Sex workers are workers. NGOs estimate that around 25,000 women pursue this profession in Switzerland. Up to 90% of the sex trade takes place unnoticed in brothels, contact bars, private apartments, hotels and sauna clubs. Outdoor sex work, the focus of media attention, only accounts for about 10% of the industry.

Currently, new laws and regulations are being introduced regarding sex work in many cantons in Switzerland. Some towns and cities are considering a ban on prostitution, and debates about sexism commonly refer to sex work. The question we find ourselves asking is: What interests and aims lie behind these debates and regulations? Who is being protected from whom?

This newsletter contains information on the debate centred around sex work in Switzerland and on FIZ's demands for good practices.

Sex work in the context of gender relations

Is sex work a normal job just like any other? Or is it a manifestation of contempt for women and of the patriarchal power relationship between men and women? These questions are the subject of fierce public debate, also among feminists. FIZ calls for diligent and dispassionate dealing with the phenomenon of sex work. And for equal rights for all.

We live in a sexualized society: sex sells in advertising, young people consume pornography, girls are desperate to become models and do everything within their power to transform their bodies into the ideal shape (from the male point of view). The prevailing gender relations are omnipresent.

In some European countries, most notably in Sweden, it is prohibited to use the services of sex workers, and clients are liable to prosecution. The underlying aim is to create a

“Some clients talk a lot. They are quick to fuck, but then they go on talking, talking, talking... Sometimes it is very boring.”

*Ukrainian, 40**

society without sex work, because sex work is seen as a reflection of unequal gender relations. But what actually happens when prostitution is made illegal is that sex workers have to work in concealment and are more exposed to violence.

In Switzerland, too, a parliamentary proposal (with the misleading title of “Stop human trafficking for the purpose of sexual exploitation”) is on the table, calling for the prohibition of sex work to be considered. Some of the signatories believe the prohibition of sex work to be a feminist aim. There are also Swiss women’s organizations calling for a ban on outdoor prostitution in order to prevent trafficking in women.

Sex work and trafficking in women are not the same

Distinguishing between sex work and trafficking in women is essential for combating the latter. It is as fundamental as the distinction between marriage and domestic violence. Not marriage, but violence within marriage is illegal. Likewise, it is not sex work, but violence and exploitation within sex work that should be punished. After all, no one ever thinks of banning marriage because of the existence of domestic violence.

Highlighting the structural context

Among the women who choose to work in the sex trade, there are those who have other choices but consciously opt for sex work. There are, however, many women, especially women migrants, who have no other job opportunities. The same applies to self-employed workers and employees in low-wage sectors. This is mostly due to the structural context, such as the Swiss migration laws, globalization and its consequences of economic inequality between North and South, East and West, and the lack of access for women to education and the labour market. Switzerland also has an obligation to help improve the living conditions in migrants’ countries of origin.

Many women who finance their lives and those of their families through sex work in Zurich are strong women who, by migrating, have shown courage and responsibility. They are not victims. They are small-scale entrepreneurs who neither sell themselves nor their bodies, but instead a sexual service. This involves more than just sexual acts: sex workers deal with paperwork, organize appointments and have to skilfully and competently deal with clients every day. As individuals they are strong, but structurally they are among the most vulnerable in our society. Calling for a ban on sex work deals with sexism and patriarchal gender relations at the expense of the most vulnerable in society.

The fight against misogyny is in fact the fight against the structural context and not against the few options that migrant women have that enable them to live and improve their lives and those of their families.

“I have never felt as humiliated as when I was arrested. I felt like I was a criminal.”

*Brazilian, 27**

* All quotes from sex workers in this newsletter are taken from the book “Pictures of Reality” created for the indoors project. The book can also be downloaded as a PDF file at: www.indoors-project.eu.

Primarily repression

Sex work is a legitimate trade in Switzerland. In many Swiss cantons, new laws and regulations are being adopted in relation to sex work. Sex workers now have to obtain official permits before they can work on the streets or in brothels. In some places they have to be registered with the authorities. Almost everywhere red light districts are being reduced in size. The regulatory measures are ostensibly intended to protect sex workers. The fact is, however, they are primarily an instrument for curbing sex work. An improvement in the living and working conditions of sex workers can only be achieved by strengthening their legal status and self-determination.

Status quo

Sex workers are discriminated against in various legal, social and economic areas. For instance, they are disadvantaged when it comes to expedited naturalization and custody-rights allocation. Sex workers must pay taxes on their income and social insurance, just like all other workers and employees, but they cannot sue for lost wages in court. This is because, according to current practice of the Federal Supreme Court, sex work is still considered immoral and contracts with clients or massage parlour operators are therefore invalid. This blatant injustice will hopefully be abolished soon – a parliamentary motion to this effect is currently up for discussion in the Swiss Parliament. Sex workers are also discriminated against in the labour market. Exiting the sex trade is difficult. Potential new employers are often prejudiced towards women who have worked in the sex industry and are often unwilling to hire them. For this reason, many women conceal the fact, and then have an unexplained gap in their CVs. Sex workers know that a large part of society is hostile towards them. To protect themselves from discrimination and stigma, they generally keep quiet about their activities. Often even their own families do not know that they are sex workers. The double life that the women must lead on account of this secrecy constitutes a heavy burden, as is evident in many counselling sessions.

“My boss makes me bleach my hair. I do not want to, but she thinks I will get more clients like this...”

*Bulgarian, 21**

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Aim: containment of sex work

In many cantons, efforts are now being made to regulate the sex trade. Closer examination of the various cantonal laws and regulations reveals that they are mainly characterized by repressive measures to curb sex work. These include of-

ficial registration of sex workers, complicated and time-consuming approval processes, mandatory business plans, the containment of red-light districts, as well as increased costs for practising sex work. There are also new regulations for massage parlour operators, dealing with responsibility for ensuring good working conditions, which is very important. However, the bureaucratic hurdles to running a legal massage parlour are now so high that even smaller parlours and working co-operatives with two to three independent sex workers are already closing down. It is scandalous that the authorities are presenting these repressive measures as protective measures for involved sex workers.

This kind of repression is not only worsening the situation of sex workers, but it is also having negative consequences for the fight against human trafficking. Thanks to the repressive regulations, police activity is now no longer focused on potential victim situations, but on illegal residence and employment activity. Before victims are recognized and can exercise their rights, they are therefore criminalized and deported.

“My mother is the only one who knows what I do. Friends know nothing about my work.”

*Latvian, 35**

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“Please understand that we are not in prostitution because we want to do it for the rest of our lives, but because we have the responsibility to support our families, and because we want to have a better life than the one we had at home. So, don’t think we are different from other migrants. Prostitution is not our goal but it is the way to make money and to help our families. What people must understand is that we are heads of families. Children, parents, and many other people depend on our work and earnings. This responsibility is sometimes unbearable, much more so than earning our money in prostitution. We are workers, migrants, with a heavy weight on our shoulders.”

*Colombian sex worker, Amsterdam**



Example: Zurich

If a woman from the EU wants to work as a street sex worker in the city of Zurich, for example, she has to go through a multi-step approval process. First she has to register with the Office for Economy and Labour (AWA) as per the Agreement on the Free Movement of Persons. She then has to go with the registration certificate and other necessary documents (e.g. an EU health certificate) to the city police authorities. If she meets the formal requirements for a licence, she has to have an information and advisory consultation at Flora Dora, a social service department office within the same building. Once she has completed all these stages, she will receive a 90-day Zurich street prostitution permit. She has to pay CHF 25 for the registration procedure, and another CHF 40 for the urban permit. In addition, she has to insert CHF 5 into a special ticket machine every night she spends in the city’s red-light zone.

It can take up to four days to obtain a permit. Many women cannot afford to live so long without an income in Zurich. If they work during this time without a permit, they are fined, despite having already applied for one.

The repression that comes with the new approval procedure is disproportionately high. If women fail to buy a ticket four times, their permit is revoked. If they work outside the permitted zones, their permit will be withdrawn after a warning. They then cannot work legally on the streets of Zurich for a year. In the case of repeated violations against the prostitution regulation (PGVO), a ban on entry to Switzerland of up to three years will be imposed.

Indoors

Indoors is a coalition of NGOs from Bulgaria, Germany, Finland, France, Holland, Italy, Austria, Portugal and Spain and is financed by the EU. The project analyses the living and working conditions of sex workers, with the aim of developing sensible measures for improving these conditions and for the empowerment of sex workers in all nine countries. Analyses, videos, flyers and manuals can be found at www.indoors-project.eu.

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Good practices in dealing with sex work

What does it take to improve the living and working conditions of sex workers? Strengthening their legal status, more self-determination and concrete measures for ensuring decent working conditions in the sex industry.

→ **Creation of legal residence and work opportunities**

Migrants must have the opportunity to work legally in the sex trade and in other industries. Only then can they exercise their rights and lead independent lives.

→ **Talk with rather than about sex workers**

Measures and regulations regarding sex work are usually passed without consulting sex workers. Both authorities and NGOs need to talk to sex workers directly regarding their needs, problems and opinions before they take action.

→ **Minimum standards for working conditions**

Whether in indoor or outdoor sex work, the administrative barriers should not be so high as to make it more worthwhile to work without a permit or to run an illegal brothel. Sex workers should have the choice whether to work independently or as employees.

Recommendations for massage parlour operators should define minimum standards for wages, preventative material, violence prevention and information for sex workers.

Street-based sex work is a social reality. It should not have to take place in hiding, because sex workers are then more vulnerable to violence and exploitation. Outdoor sex work requires a local infrastructure, such as sanitary facilities and easy-access drop-in and advice centres. Social control is important for the protection of women: when red-light zones are located in quiet areas without bars and hotels, sex workers are exposed to greater risks. In addition, effects on the neighbourhood are lower when sex workers and their clients only have to cover short distances to reach hotels or apartments.

“I am struck by the amount of men who request unsafe sex. I tell them: ‘You don’t know who I am. You want to put your life, mine and that of your wife in danger, just like that?’”

*Brazilian, 39**

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→ **Ensure access to information about rights, health and counselling services**

Both indoor and outdoor sex workers should receive information about their rights, health issues such as HIV and STI infections, and places they can turn to with questions and for advice. Outreach and counselling work should be organized and financed by government authorities.

→ **Raising awareness amongst clients**

Clients should be informed about HIV and STI infections and made aware of sex workers’ right to dignity and respect.

→ **Monitoring working conditions**

The focus of the regulatory controls should not be on illegal residence or illegal employment activities, but on the quality of working conditions for sex workers.

“The client asked me if I was registered. It was so funny; we ended up having a discussion about the new prostitution law, which will criminalize us both.”

*Dutch**

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Current FIZ news

Staff

At the end of April 2013, Doro Winkler left FIZ after 15 years. She contributed significantly to shaping FIZ and building up our public relations department. Her successor as Head of Public Relations and Fundraising is Rebecca Angelini, who has been engaged in networking and political work for FIZ since 2009.

Switzerland-Romania: strengthening victim protection

FIZ is continuing its involvement in the bi-national cooperation between Switzerland and Romania against human trafficking. The aim of the Swiss Romanian Cooperation Programme is to reduce economic and social disparities in the enlarged EU. As part of this cooperation programme, FIZ is involved in the PIP (Prevention, Identification, Protection) project against human trafficking, which is supported by the Romanian National Agency Against Trafficking in Persons (ANIP). In February 2013, a FIZ employee travelled for the second time to Romania and participated in the exchange of best practices in survivor protection and survivor reintegration. Among other things, she visited a newly-furnished safe apartment for under-age survivors. FIZ also managed to establish and develop contacts with other NGOs in Bucharest that specialize

in providing legal assistance to under-age survivors of women trafficking and reintegrating them.

Switzerland-Thailand: a strong political will

The Swiss Ambassador to Thailand, Christine Schraner Burgener, together with the Thai Senate's Standing Committee on Foreign Affairs recently organized a human-trafficking seminar in Bangkok. The Zurich prosecutor's office and FIZ were invited to attend from Switzerland. At the seminar, which took place at the beginning of February, the situation in Switzerland and Thailand was discussed with respect to the protection of trafficked women and prosecution. Also, both countries expressed their desire to combat human trafficking and improve cooperation. In Thailand, FIZ succeeded in clarifying with the relevant NGOs support and cooperation issues related to survivors returning to Thailand.

No domestic worker is illegal

In March, around thirty organizations, with FIZ among them, launched the campaign "No domestic worker is illegal". The aim is to improve the working and living conditions of domestic workers without residency status in Switzerland. A peti-

tion demands: "More than 40,000 domestic workers should be granted a residence permit and access to social security and the justice system without fear of deportation. We thus recognize their important role in the economy and society." You can find out more about the campaign and the petition by visiting: www.khii.ch/



Lawyers' networking meeting

In March, a networking meeting for lawyers of survivors of women trafficking took place at FIZ. The topics were: "Stumbling blocks with the new Code of Criminal Procedure with regard to women trafficking" and "Women trafficking cases before the European Court of Human Rights: criminal and immigration law consequences for Switzerland". The meeting also allowed the lawyers to discuss their recent experiences in different cantons with legal proceedings against human traffickers.

Thai-Swiss cooperation in Bangkok (photo © FIZ)



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migrant women and victims of trafficking

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