The United Nations says human trafficking is “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”¹. In simple terms, for a person to be trafficked they must have been, firstly, taken across international borders or moved within a country; secondly, forced or lied to; and, thirdly, abused in some way.

It is very important to understand the difference between sex work – which involves sex that adults have consented to – and sex trafficking, which is a major abuse of human rights. This fact sheet talks about a number of problems with the anti-trafficking movement and its often-negative effects on sex worker rights.

**Claims about trafficking are often overstated or incorrect**

- Many organisations, including state governments, use wider meanings of “trafficking”, which often don’t include force. For instance, the Prevention and Combating of Trafficking in Persons Act (2013) in South Africa, adds to the list of abusive methods listed by the United Nations (see above) as follows: “the direct or indirect giving or receiving of payments, compensation, rewards, benefits or any other advantage... aimed at either the person or an immediate family member of that person or any other person in close relationship to that person”. You could argue that this means that someone would be seen as a trafficker if he or she simply paid someone money to do pre-agreed sex work.

- Many NGOs and media organisations seem to see trafficking as the same as any kind of sex work, especially when it involves women from other countries². This removes the importance of consent, which is central to any feminist understanding of sexual violence³.

- Many NGOs and media organisations report the extent of trafficking as if it is the result of solid research⁴, ⁵. In South Africa, the Salvation Army claims that “30,000 children are being prostituted in South Africa”⁶, a figure that is not backed up by any formal research⁷.

- The number of people who appear in court for human trafficking is generally much lower than the numbers discussed in the media⁸.

- Research with sex workers also does not show much trafficking is happening. A study of 164 sex workers in Cape Town found that only two had ever been the victims of trafficking under the UN definition and these had generally happened in the past, with the sex workers in question having escaped the situation by themselves⁹.

- There is often media scandal about trafficking related to sex work surrounding large sporting events, like the 2010 Soccer World Cup. These reports are often based on guesswork and there is in fact no formal evidence that trafficking increases around these events¹⁰, ¹¹.

**Reports of trafficking make complex social problems seem too simple**

- The common story around “sex trafficking”, as told by many NGOs and the media, often sounds xenophobic. This is because it describes women who come from other countries to do sex work as without power and men who may help women move from other countries as mostly cruel and abusive².⁰

- Sex work often brings in a lot more money than other choices and many people may feel that moving from their home country to do sex work is the best choice¹², ¹³. The same, however, could be said for people in many other jobs, where workers are not thought of as victims without the power to make choices.

- Sex workers are often treated very badly at work. This can be forgotten in the face of the more serious human trafficking factor. For example, several women in Cape Town, although choosing to work as sex workers, reported that a very large amount of their pay was being taken as “fees” by brothel managers¹⁴. An outdoor sex worker questioned in the same study said that she would feel safer working for a “pimp”. Only a small number of street sex workers in Cape Town have managers or “pimps”¹⁵, but this remark shows how the dangerous nature of criminalised sex work may make sex workers open to abuse at work.

- Public statements against trafficking, together with the mistaken belief that trafficking and sex work are the same thing, often lead to widespread police crackdowns on sex workers resulting in human rights abuses¹⁶.

“Anti-trafficking rhetoric, combined with the erroneous conflation of trafficking with all sex work, often leads to generalised police crackdowns on sex workers resulting in human rights abuses.”
“Sex workers are more likely than social workers or the police to become aware of trafficking, adults or children being forced into selling sex other coercive practices, have a strong interest in preventing these practices, and are often highly effective in doing so.”

• Under decriminalisation, all laws criminalising the buying and selling of sex, as well as the employment of sex workers, are removed. Sex work is controlled by general labour law. This means that sex workers can organise legally and employers (e.g. brothel managers) must obey health and safety labour laws17, 18, 19.

• Sex workers are more likely than social workers or the police to become aware of trafficking, adults or children being forced into selling sex and other abuses. They have a strong interest in stopping these abuses and are often very good at doing so20. Decriminalisation would allow sex workers to organise better to fight abuses, including by forming unions21.

• Criminalisation means that sex workers fear arrest and illegal abuse from the police, which makes them scared to deal with them. This may stop them reporting abuse against themselves or other sex workers22, 23, 24.

• Often clients are the only outsiders who will meet someone who is being trafficked or forced into selling sex25, 26. Yet under criminalisation of sex work, clients are often unwilling to report suspected abuse because they are afraid of being arrested.

• Under criminalisation, sex workers must work in secret due to fear of arrest or abuse by the police. Under decriminalisation there would be more contact between sex workers and service providers, including the police. If this were so, it would be much more obvious if a particular brothel or agency was trying to hide abuse.

“Criminalisation [of sex work] means that sex workers fear arrest and extralegal abuse from the police, which makes them reluctant to have any contact with them, including reporting abuse against themselves or other sex workers.”

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