

Sex workers as political actors between criminalization and empowerment

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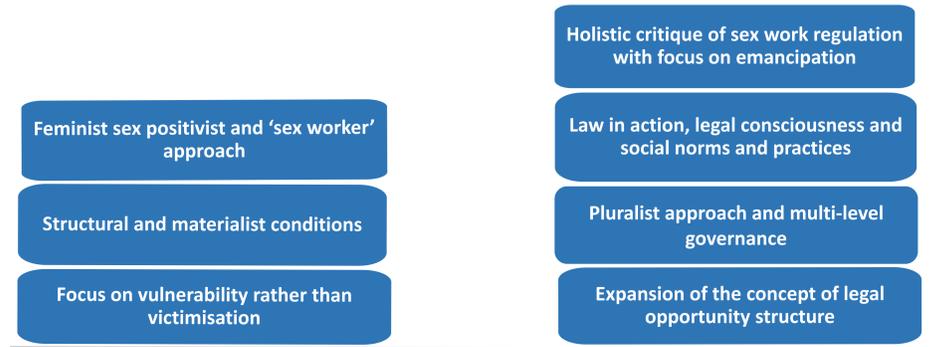
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Research questions:

What is the relationship between the legal framework, political mobilisation and potential policy change regarding the regulation of sex work?

- 1) What are the characteristics of the laws regulating sex work and what consequences do they have for the living and working conditions of sex workers?
- 2) In what ways does the legal framework have an impact on political mobilisation of sex workers and groups speaking on behalf of sex workers?
- 3) What is the influence of this political participation on the opinions of decision-makers and potential policy change?

Theoretical balancing act: Feminist, emancipatory and pragmatic?



A socio-legal research design

- **Interdisciplinary** approach to address the gap between legal and social movement literature
- **Interpretivist** framework of analysis
- **Comparative** legal analysis of two case studies
- **Qualitative** semi-structured interviews with representatives of sex worker organizations, non-organized sex workers, activists from women's movements and political decision-makers
- **Sampling:** Snowball sampling
- **Ethnographic observation** in red-light areas, brothels, protest events, meetings
- **Data analysis:** The legal and interview material will be analysed following qualitative content analysis as well as discourse analysis
- **Inductive** and open coding

Comparative framework

	NSW	England and Wales
Regulatory regime	Decriminalisation	Neo-abolitionism
Areas of law which dominate regulation of sex work	Administrative/criminal/labour law	Criminal law
Relevant levels of government	National: marginal, state: highly relevant, local: highly relevant	National/supranational: highly relevant, local: limited capacities
Trend of most recent reforms	Decriminalisation and licensing (since 1979)	Criminalisation and rehabilitation (since 1982)
Privileged type of sex work	Licensed brothels	Independent work
Discouraged type of sex work	Street sex work	Street sex work
Type of sex worker organisations	Union-like and health promoting/service delivery organisations	Pressure/advocacy groups and union-like organisations
Main objective	Labour rights protection, deregulation of brothels, maintenance of decriminalisation	Decriminalisation and social acceptance
Influence	Relatively influential, in cooperation with government and recipient of public funding	Peripheral role with government bodies, but established media presence
Most influential opposition	Christian groups	All-party parliamentary group
Influence	Fragmented and marginal	Unified and influential
Main objective	Abolition of sex work to protect the family and human dignity	Decrease demand, prevent trafficking and violence
Position of feminist organisations	Largely in favour of decriminalisation	Polarised, strong abolitionist lobby
Current debates	Licensing of brothels	Introduction of 'Nordic Model'

Why did the regulation of sex work develop differently in England and Wales and NSW and what was the role of political participation of sex workers and groups working on behalf of sex workers?

Comparative most similar systems design



Framework of analysis

- The legal analysis needs to be extended to other areas of law which are used for the governance of sex work (e.g.: planning, public health, tenancy, public order etc.)
- The classification of 'prostitution regimes' does not take the effects of law into consideration
- Components which appear in almost all classifications are the level of criminalisation, regulation and societal acceptance
- Legal status of sex workers impacts on resource availability for political participation

Legal framework/ legal opportunity structure

Political mobilisation of sex workers and groups speaking on behalf of sex workers

- The political and legal opportunity structure impacts the choice of strategy (protest, lobbying, litigation) as well as the framing of grievances
- The level of criminalisation influences the status of sex workers as political actors in comparison to other actors
- The legal framework encourages certain types of sex work which impacts the likelihood of mobilisation
- Under criminalisation, the potential costs of organising are higher

- Regulation of sex work is a form of morality politics
- The way in which sex workers mobilise and the framing of their grievances has an impact on the likelihood of influencing administrators, legislators and judiciary
- Litigation for rights can have powerful symbolic effects
- Legislative change is likely to only serve specific groups of sex workers

Policy-making process and outcomes



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