

Tolerance vs. expulsions: in search of a rights-based approach to street sex work

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In this contribution, I will analyse public policy approaches to street sex work in Europe, presenting and critically discussing the most prominent alternatives in this field, and trying to find possible ways forward for the protection and promotion of street sex workers' human rights.

1. A lively debate is taking place, within the European Union as well at the national and local level throughout Europe, about the most effective ways to regulate prostitution. The Swedish and French neo-abolitionist model, on the one side, and the Dutch and German legalisation on the other, usually figure as the most prominent alternative responses in this field. However, it has been argued that seemingly antithetical approaches to prostitution tend to be united by one common feature, that is their overwhelming concern for the elimination of sex work from the streets. Indeed, since the 90s, under a variety of different legal regimes for prostitution, there have been more and more attempts to eradicate the street-based sector of the sex industry or at least to render it invisible so as not to offend the rest of the population. Thus, all over Europe, during the last two decades, in the frame of what has been called the "revanchist city" (Neil Smith), street sex work has been largely removed from residential areas, and confined to the peripheries and industrial belts of the city. This happened in the Netherlands, where prostitution was legalised within licensed brothels in year 2000, as much as in Sweden, following the introduction of the criminalization of clients in 1999. And even in abolitionist or semi-abolitionist regimes, such as the Italian one or the Spanish one, civic ordinances have been issued

by many municipalities, imposing fines for both sex workers and clients, as to prompt the displacement of the street prostitution.

Not coincidentally, such exclusionary attitudes towards street sex workers have gained growing public support in many countries in parallel with the increase of women's migration from third countries and in trafficking for the purpose of sexual exploitation.

Indeed, foreign sex workers are ever more discursively constructed as physical and symbolic “Others”, perceived as a threat to local and national identities, to moral values, as well as to progressive values of women’s equality and rights.

In other words, one could argue that, in this political framework, sex workers’ lives are depicted as “unliveable” (Carline, 2009). Judith Butler argues that not all lives are constructed as “liveable lives”. “Who counts as human?” she queries, “Whose lives count as lives?” (*Precarious Lives*). The whole issue revolves around the cultural contours of the notion of the human. As she states in *Undoing Gender*, “On the level of discourse, certain lives are not considered lives at all, they cannot be humanized; they fit no dominant frame for the human, and their dehumanization occurs first, at this level. This level then gives rise to a physical violence that in some sense delivers the message of dehumanization which is already at work in the culture”.

Recognizing that a life is liveable, that a life is human, entails, in Butler’s view, acknowledging its vulnerability, which is first and foremost the vulnerability of that body. Thus, when it comes to thinking about how to protect sex workers’ vulnerability, we should turn to “what humans require in order to maintain and reproduce the conditions of their own livability”.

In applying Butler’s arguments to the analysis of contemporary policies on street prostitution, in my contribution I will:

- Identify the most common policy approaches to street sex work;
- I’ll analyse the possible ways forward offered by some interpretations of

zoning policies, along with critical issues arising from this model;

- In the end, I'll advocate for a policy approach to street prostitution apt to recognise sex workers' vulnerability and rights, to promote of their liveable lives.

The position from where I stand, is that a public policy on street prostitution should aim to:

- give space and recognition to different forms of liveable lives, instead of producing ideal versions of what a liveable life is;
- address the needs of people involved in street sex work, with interventions motivated by a concern to make their lives bearable, instead of imposing some moral agenda on prostitution and women's dignity;
- recognise sex workers as members of a community with their own voice, instead of Others to be excluded or simply tolerated.

2. Alternative policy approaches to street sex work

a) All such policies attempting to hide street workers' bodies from public view, in response to local communities' complaints, can be framed in what I'll call the **“expulsion approach”**. *Expulsion* is the notion introduced by Saskia Sassen in her latest book, to describe all those processes through which entire groups or populations are deprived of professional livelihood, of living space, even of the very biosphere that makes life possible. Contemporary socioeconomic and environmental displacements cannot be fully understood, in her view, in the usual terms of poverty and injustice.

I'll employ this notion as to emphasize how approaches aiming to make street sex workers simply disappear are not just excluding them from a system of rights and living possibilities, but are actually misrecognising them as liveable lives. Indeed, the expulsion of sex workers from urban living and working space is very seldom accompanied by any consideration of how their lives will be affected. We know from

a number of field reports from various European countries that banning sex workers from the streets causes their displacement, their hiding in indoor venues or in peripheral or deserted districts, and leads to their higher exposition to risks of violence and exploitation. Besides, it deprives them of the support of social projects that find it harder to reach them out, to provide harm reduction services, to improve sex workers' rights or promote exit programs.

Very often, at the basis of the expulsion approach we find media discourses framing street prostitution in terms of public shame, dirt, risk of epidemic, crime, and describing residents as invariably hostile to it.

b) Alternative to the expulsion approach is the “**tolerance approach**”, which can be enacted in quite different ways.

When street prostitution is simply tolerated by the police and local authorities in areas where it causes low conflict with residents, we may talk about “**tolerance zones**” or “*de facto zones*”.

A quite different strategy is the “**zoning approach**”, or “**regulated tolerance**”. It has been adopted by some Dutch, German, and Swiss municipalities within a national legislative framework recognising prostitution as work, but it may also be discussed and sporadically implemented under abolitionist laws, as happened since the last decade of the XX century in the UK and in Italy.

The term “zoning” has different meanings in different contexts. Official zones, such as the Dutch *Tipplezones* or Zurich's “sex boxes”, are the result of an “official policy of allocating an area for street soliciting and the provision of a place where sexual services can be carried out” (Van Doorninck and Campbell, 2006). They are often referred to as “**managed areas**”, where not only sex work is permitted under certain conditions, but health and social care services are on site, and so is the police, who should provide for sex workers' physical safety and protection from exploitation. “Zoning”, however, may also refer to approaches where “a number of agencies work together to manage and geographically ‘contain’ street sex work”, as well as to provide support services on site. Such **unofficial walking zones** are rarely declared in

local council by-laws or official policy documents. This may be to avoid the charge of abetting prostitution, especially in abolitionist countries.

Under this last typology falls the only relevant zoning project implemented so far in Italy, by the city of **Venice**. The project was born in 1996 in the wake of residents' protests against street prostitution, in order to improve the living together of sex workers and the rest of the population, while at the same time improving the safety of sex workers themselves. In particular, the project has been aimed since then at: protecting from physical and sexual violence those people who work voluntarily and independently in prostitution; protecting from exploitation those coerced in the sex market; ensuring public order and the liveability of neighbourhoods in which people engage in prostitution. The project has been involving a multitude of agencies – the police, city administration, social and health care services, anti-trafficking projects, and voluntary organizations – and it works by defining “off limits” and informal tolerance areas. The latter, however, unlike the official walking zones created in other countries, are not fixed, but vary in response to changes in the presence of sex workers in the street and in citizens' complaints. In addition, the location of the zones is understood not as a top-down decision but as the result of a mediation process that takes into account the needs of both residents and sex workers. The very process of mediation is conceived also as an opportunity to monitor the conditions in which sex workers live, and to identify the most vulnerable cases.

The zoning model had some positive impact on the city of Venice, as reported by independent researchers (Carchedi, Stridbeck and Tola, 2008). However, when in 2015 a similar intervention was proposed in a district of Rome particularly affected by street prostitution, the EUR district, opposition has largely overcome consent, and the proposal was withdrawn. To this, contributed a shift in the national political climate, with the general population showing less sympathy than in the past for policies of toleration towards prostitution, less compassion for people surviving at the margins of society, and greater support for policies of repression. The same has happened in other countries, such as the Netherlands (Van Doorninck, 2004).

3. Indeed, the “zoning” of street sex work remains a controversial issue everywhere.

Advocates of sex worker rights often look at it as a way to address the safety and well being of street sex workers. Some national and local stakeholders and policymakers, for their part, argue for the zoning approach mostly in response to residents’ concerns.

On the other hand, opposition may come from residents who fear to be affected by the designation of official or unofficial street walking zones in proximity of their own neighbourhood. But the range of concerns of those opposed to zoning projects, as reflected in public debates such as the one taking place in Rome last year, is wider than that. Indeed, critics highlight a number of issues:

- zoning would compound the social marginalisation and stigmatisation of sex workers by confining them to specific areas (Hubbard, 1997);
- in doing so, it reinforces certain ideals of appropriate female sexuality, ensuring that non-conformist expressions of female sexuality are controlled and maintained within a discrete and bounded area (Hubbard and Sanders, 2003);
- by ghettoising sex workers in isolated areas, zoning would not enhance the safety of sex workers, and sex workers would not use the zones;
- on the contrary, zones would become a lawless area for drug-dealing, pimping, and other crime;
- men who pay for sex would also refrain from attending a place where they could be easily identified;
- zones would be a magnet for sex workers and would encourage and increase sex work;
- in addition, they would condone and normalise prostitution – which for some critics (especially abolitionist and feminist organisations) means condoning male violence against women;
- it is impossible to identify suitable areas (there will always be a group of

residents complaining about the designated zone).

Many of these arguments must be carefully considered in any policy analysis on street sex work. However, it should also be noticed that:

1. Zoning may compound social marginalisation and stigmatisation, only if the driver is to remove sex workers from respectable neighbourhoods, not if the rationale is to enhance the safety of sex workers, within a framework of civic responsibility, with local authorities recognising their duty of care to all citizens, and investing in health, social care and exit programmes targeting street sex workers.
2. A crucial question is: who designates the different zones? Without considering the question of designation politics, the proposal of zoning will mostly become the justification for gentrification and serve only the privileged communities interests and values. This is to say: the consultative process by which zoning is implemented – where all stakeholders, sex workers included, should have a voice – is as important, if not more important, than the practical outcome;
3. Zones are more used by sex workers (and clients) when they are not strictly regulated, don't envision any registration duty, and are able to adapt and incorporate societal changes;
4. Zoning is a compromise and pragmatic response to social issues and conflicts arising from street sex work, and doesn't question the very existence of prostitution. At the same time, however, it may aim to create a conducive environment for sex workers' access to exit programmes;
5. There is no evidence from the Netherlands, Germany, or Switzerland of an increase in street prostitution following the designation of managed zones;
6. Evidence from the Netherlands and Germany, and even from the Italian experience in Venice, show that the zoning of street prostitution can address some of the problems associated with sex work, achieving results such as: reduction in sexual abuse and physical violence against sex workers; reduction

in drug-related crime; more conducive environment for health, social care, and exit interventions; reduction of neighbourhood nuisance; reduction of sex workers' vulnerability and more targeted approach to policing and prosecuting exploitation in street sex work (Kershl, 2004; Van Doorninck and Campbell, 2006; Carchedi, Stridbeck and Tola, 2008; Bisschop, Kastoryano and Klaauw, 2015).

4. In conclusion, we may ask: is zoning a way forward?

Or, in Judith Butler's words: does such a policy has the potential to acknowledge and protect the vulnerability of sex workers, to conceptualize the possibility of their liveable lives, and to arrange for their institutional support?

As I said, zoning is an ambivalent tool in public policies on street prostitution. It may replicate rather than replace traditional policies of prostitution control (Howell, 2008), especially when it is driven by an exclusionary agenda. However, It may meet the criteria mentioned above, provided that:

- it is conceived as a multi-layered strategy and developed with the safety and well-being of sex workers as central;
- It is not a static response but is able to respond to changing social and political conditions;
- safe spaces for dialogue come prior to the definition of physical spaces (O'Neill and Campbell, 2008);
- brings people to "recognize social group difference as a given, something they must live with" (Young, 1990);
- it is not developed in a policy vacuum, but combines the aim of harm reduction with the aim of reducing the causes at the root of women's, children's, as well as transgender people's participation in street prostitution, which means: welfare and housing, creation of equal opportunities, prevention of child abuse, health, drugs and social care intervention, exit support services, employment policies.

- It is integrated by education strategies to gender equality, that should remain at the forefront of any serious attempt to eradicate the most degrading and damaging features of prostitution.

When all these criteria are met, I argue that zoning might well respond to the need of a urban policy on street prostitution “that is neither punitive, moralistic, nor biased” (Sanders, 2004).