



**Sex Work Organizations:
Programs, Advocacy and Opportunities for Chinese NGOs**

**性工作者组织：
给中国非政府组织介绍国外机构的
项目和倡导机会**

**Memo from Asia Catalyst
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亚洲促进会备忘录
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This memo is based on research and outreach Asia Catalyst has conducted over the past six months into international sex work organizations and their current programs and advocacy. Our aim is to share this information with Chinese sex worker groups as they develop programs and advocacy campaigns.

亚洲促进会在过去的六个月中对国际性工作组织和她们现有的项目与倡议进行了研究与调查，并基于此形成了这篇备忘录。我们的目的是与中国的性工作者机构分享信息，以帮助她/他们将来制定项目计划和倡导活动。

As Chinese sex work organizations continue to develop their own approaches, it would be helpful if they can write about them and share the results with international colleagues. The movement for sex workers' rights is a relatively new movement in the international arena, and Chinese groups will develop approaches that NGOs in other countries can study and learn from in turn.

中国的性工作组织正在不断发展自己的工作方式，将它们写出来并与国际同事们分享将有所裨益。性工作者权利运动在国际领域中相对来说是比较新的运动，而中国的组织们将发展出其他国家的非政府组织们可以研究和借鉴的工作方法。

Frontline Services
一线服务

There are now hundreds of sex worker organizations around the world, including many in Asia, which provide a variety of services to sex worker members and their families.

全世界现在共有几百个性工作者组织，亚洲也有许多，为性工作成员和她们的家庭提供了多样的服务。

Many take the approach of doing peer education and peer organizing, training sex workers to reach out to colleagues in the places where they work (on the streets, in bars and hotels, and in brothels). This can include:

- Distributing condoms and lubricants
- Distributing clean needle and syringes
- Sharing HIV/AIDS and STI information, as well as helping direct sex workers to free testing and counseling, and giving contact information for reliable doctors
- Sharing information on social services
- Sharing information for new sex workers on how to be safe, sharing lists of violent clients, and advice on how to deal with the police

许多组织采取的是同伴教育和同伴组织的方式，培训性工作工作者们如何在其同伴们工作的地方与之接触（街道、酒吧、酒店和妓院）。内容包括：

- 散发安全套和润滑剂
- 散发干净针头和注射器
- 分享艾滋病毒/艾滋病和性传播感染信息，帮助指引性工作工作者们进行免费检测和咨询，将可信赖的医生的联系方式交给她们
- 分享关于福利的信息
- 与新入行的性工作工作者们分享如何保证安全，将暴力客户的名单给她们，并指导她们如何对付警察

Some organizations establish safe places for sex workers where they can offer programs:

- Drop-in hours – set hours every week when sex workers are welcome to stop by for advice, help, or just to have a place to socialize and talk
- Parties and social events for adults and children
- Child care programs
- Educational programs, such as training in literacy, job skills, or computer use
- Legal empowerment training classes
- Programs for homeless young people
- Support groups for sex workers
- Support groups for recovering drug users or alcoholics
- Counseling and support services for homeless youth
- Counseling and support services for rape survivors and survivors of domestic abuse
- Psychological counseling for individuals
- Micro-credit programs for new enterprises¹
- Assistance with treatment access, access to social services
- Legal aid, which can include people to help advocate with the police on behalf of detained sex workers, offer a hotline, and provide legal advice to sex workers who are assaulted, or even free legal representation.

¹ On microcredit programs: Some sex worker groups have used these to generate income for their organizations. Sex worker advocates say that there is not much evidence of these being useful for sex workers transitioning into other employment.

有些组织设立了安全场所，为性工作者们提供服务：

- 接待时间—每周安排几个小时，性工作者们这个时候可以过来寻求咨询、帮助或仅仅是社交和聊天
- 为成年人和儿童举办聚会和社交活动
- 儿童照护项目
- 教育项目，比如教她们识字、工作技能或使用电脑
- 开设法律知识培训班
- 为无家可归的年轻人设置的咨询和支持项目
- 为性工作者设置支持小组
- 为成瘾者或酗酒者设置支持小组
- 为无家可归的年轻人提供咨询和支持服务
- 为强奸受害者和家庭暴力受害者们提供咨询和支持服务
- 个人心理咨询
- 为新企业设置小额信贷项目²
- 帮助获取治疗和社会服务
- 法律援助，包括代表被拘性工作者们与警方交涉、提供热线服务，或为被骚扰的性工作者们提供法律咨询，甚至是免费代理。

The Asia Pacific Network of Sex Workers says that a comprehensive service package for sex workers should not be a menu of programs like the lists above, but should include **all** of the following:

- Information for female, transgender and male sex workers about HIV, sexual health, how to access health services, condoms and safe sex and. This can be delivered via peer educators, publicity and health professionals.
- Information about HIV, STIs and condoms for men who buy sex.
- Access to affordable condoms, lubrication, medications and contraceptives.
- Access to primary and sexual health services including quality diagnosis and treatment of HIV and STIs .
- Interventions and policies to reduce abuse, discrimination, and persecution of people who sell sex.
- Psychological and social support to increase sense of self and inclusion in community and civil life.
- Economic empowerment programmes that can help male, transgender and female sex workers to meet their personal goals.
- Policies that ensure sex workers and clients access to safe and appropriately managed and located places to operate.
- Policies that ensure sex workers access to safe places to live and care for children.
- Access to social support, care and treatment for particular groups of sex workers such as those who are older, disabled, HIV positive or mobile.

亚太性工作者网络认为全面的性工作者服务体系不应该像上面的这样只是一个项目清单，而应该包括下面所有的内容：

- 为女性、变性者和男性性工作者提供关于艾滋病毒、性健康、如何获取社会服务、安全套以及安全性行为的信息。此类信息可以通过同伴教育者、广泛宣传和健康服务专业人员予以提供。
- 为购买性服务的男性提供关于艾滋病毒、性传播感染和安全套的信息。

²关于小额信贷服务：一些性工作者利用这一服务为她们的组织获取了收入。一些性工作者宣传人员说此项服务对性工作者转入其他行业似乎并无明显帮助。

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- 提供负担得起的安全套、润滑剂、药品和避孕药物的获取途径。
 - 获得主要的和性方面的健康服务，包括高质量的诊断，对艾滋病毒和性传播感染的治疗。
 - 减少对出售性服务的人的滥用、歧视和迫害的干预与政策。
 - 心理与社会支持，加强自我感，并融入社区和社会生活。
 - 经济赋权项目，帮助男性、变性和女性工作者满足她们的个人目标。
 - 确保性工作者和顾客在安全和适当位置与管理的地方运营的政策。
 - 为特殊的性工作者群体（如年纪较大、行动不便、艾滋病毒阳性或移徙的）获取社会支持、照护和治疗。

Suggestions/建议:

- Some of these programs could be adapted to the Chinese context, though some might be challenging to implement. Organizations interested in learning more about any of these specific programs should contact the Asia-Pacific Network of Sex Workers (APNSW) and ask for an introduction to an organization running that kind of program. To contact APNSW, write in English to apnswbkk@gmail.com. You can also contact the Network of Sex Work Projects, which is a global network. Their website is www.nswp.org, and email is secretariat@nswp.org.
- Two Hong Kong organizations for sex workers have Chinese websites: AFRO (<http://www.afro.org.hk/>) and Ziteng (http://www.ziteng.org.hk/news_c.html).
- Currently there are few resources for sex workers in Chinese language. Aside from sex workers in China, there are also Chinese-speaking sex workers throughout Asia, especially in Thailand, Australia and New Zealand. Chinese groups could work with partner groups to create or translate resource materials in Chinese for Chinese-speaking sex workers.
- 这些项目中有一些可以适用于中国的环境，虽然实施起来会有一定难度。想要更多了解其中任何一个具体项目的話，请联系亚太性工作者网络（APNSW），写英文信至 apnswbkk@gmail.com，请她们引见正在实施这一项目的组织。您还可以联络性工作者项目网络。这是一个国际网络，她们的网址是 www.nswp.org，电子邮件地址为 secretariat@nswp.org。
- 有一个新的英文网站 www.plri.org，有相关信息与资源。
- 两个香港性工作者组织有中文网站，分别是：青鸟(<http://www.afro.org.hk/>)和紫藤(http://www.ziteng.org.hk/news_c.html)。
- 目前性工作者中文网站数量较少。除了中国，在亚洲特别是泰国、澳大利亚和新西兰都有中国性工作者。中国的性工作者组织可以考虑与伙伴组织合作，建立中文网站或将资源材料译成中文，为中文性工作者服务。

Addressing Rights Abuses

关于权利滥用

In every country, sex workers face many of the same dangers and rights problems. A network of harm reduction organizations in Central Asia has interviewed sex worker members and found some of the following issues, which have also been documented in many other places around the world including

East and Southeast Asia.³

在每个国家，性工作者们面临着许多同样的危险和权利问题。中亚的一个减低伤害组织网络对性工作者进行了采访，并发现了下述问题，这些问题在世界上其他地方包括东亚和东南亚也都有记载过⁴。

General discrimination that can result in harassment and abuse in public and private spaces and denial of basic services such as forced evictions once the landlord knows the tenant is a sex worker.

普遍歧视——导致了性工作者在公共和私下场合的骚扰和虐待，并被拒绝提供基础服务，如一旦房东知道租客是一名性工作者，就会强迫她们离开。

Issues with the police –Two thirds of sex workers in one Central Asian survey reported being beaten by police. Migrant sex workers were detained for not having proper identification. There were a number of cases of police coercing sex or bribes through threats of arrest or from sex workers already in detention. In many places, sex workers are detained arbitrarily without being properly charged or brought before a judge or magistrate, as is their right. Many countries in Central Asia have reported forced testing for HIV or for STIs. Because of all these issues, many sex workers also do not report rapes or violent assaults by clients to the police.

和警察的问题——在中亚受访的性工作者中有 2/3 都有被警察打过的经历。迁徙性工作者们因为没有适当的身份证明被拘留。在有些案例中，警察会以逮捕相威胁向性工作者或已经被拘留的性工作者索取性服务或贿赂。在许多地方，性工作者可以被任意逮捕，而不需要经常指控或带到法官或长官面前，虽然这是她们的权利。中亚许多国家都报道过有强迫检测艾滋病毒或性传播感染的案例。因为所有这些原因，许多性工作者在受到顾客强奸或暴力骚扰后也不敢向警察报告。

In general, sex workers working on the street or on highways were at greatest danger. A sex worker in Uzbekistan reports,

Say you work the highway. A police truck approaches. You are grabbed and forced inside. Of course, they [the police] curse you all the way. You spend some time in that truck because they drive you all over the city looking for others. Then they bring you to [a police station]...It's important to behave yourself, as otherwise you will probably be beaten. Police make you write why you were on the highway "prostituting yourself". They maintain you should admit in writing that you are a prostitute. Sometimes this is when you can try and bribe the officer with an offer of free sex...

总的来说，在街头或高速公路上工作的性工作者面临的危险最大。一名乌兹别克斯坦性工作者

³ Information for this section comes from *Sex Work, HIV/AIDS and Human Rights in Central and Eastern Europe and Central Asia*, report by Central and Eastern European Harm Reduction Network, July 2005. Similar issues have been documented in Bangladesh, Brazil, South Africa, India, and Russia: AnnaLouiseCrago, *Our Lives Matter: Sex Workers Unite for Health and Rights*; OpenSocietyInstitute, 2008. http://www.soros.org/initiatives/health/focus/sharp/articles_publications/publications/ourlivesmatter_20080724.

⁴ 这一部分的信息来自于中/东欧和中亚性工作、艾滋病和人权组织，由中/东欧减害网络于 2005 年 7 月报道。在孟加拉、巴西、南非、印度和俄国也有记录：《我们的生命有关系：性工作者为健康和权利团结起来》开放社会学院，2008 年出版，作者：Anna Louise Crago。

说到，

如果你在高速路上工作。一辆警车来了。她们抓住你，塞到车里。当然，他们一路上都会骂你。你要在车里呆一段时间，因为他们（警察）要在城市里到处找其他的人。他们把你带到（警察局）……这时候你要乖点，这很重要，否则可能就要被打。警察会让你写你为什么会在高速路上“卖淫”。她们要你承认你是个妓女。有时候，这个时候你可以试着贿赂这个警察，向他提供免费性服务。

Violent assaults—Surveys in Central Asia found that eighty percent of sex workers had been violently assaulted (beaten or raped) by clients, and that over half were beaten by their pimps.

暴力骚扰——在对中亚的调查中发现 80%的性工作者曾受到顾客的暴力（打或强奸），有超过一半的人被她们的皮条客打过。

Mass media harassment – Television and newspapers often publish the photographs and names of sex workers without their consent. This helps to increase public stigma around sex work, and makes it more difficult for many sex workers to access health and social services once their identities are public. Sex workers in Estonia reported that television coverage of a raid on a brothel by police showed the faces of sex workers without their consent.

大众媒体骚扰——电视和报纸常常在没有获得性工作者的同意下公布她们的姓名和照片。这增加了公众对性工作的污名印象，并使得许多性工作者一旦身份被公开以后，就很难获得健康和社会服务。爱沙尼亚的性工作者报告说，有一次电视报道警察对一家妓院进行突然搜查，在没有获得性工作者同意的情况下将她们的脸暴露了出来。

Healthcare access – Surveys in Central Asia found that many sex workers are reluctant to use government health centers, due to “lack of money for fees or medication, lack of registration or insurance, fear of being detained for compulsory STI treatment, and concerns related to the stigma attached to their profession. When they can, many sex workers reportedly prefer to use “someone they know”, even if this provider is not part of the national health system.” Many sex workers in Central Asia lack access to the insurance system because of their profession. Some are trafficked women who do not have identification or permanent residence documents they need to get health care.

健康获取——对中亚的调查中还发现许多性工作者不愿意使用政府的卫生服务中心，因为没钱交检查费或药费、没有登记或保险、害怕被强迫扣留进行性传播感染检测、担心受到与他们的职业相关的歧视。即使她们可以，据调查她们也更倾向于找“她们知道的人”，即使这个人不是国家卫生系统的人。中亚的许多性工作者因为她们的职业难以进入保险系统。有些人是贩卖过来的，因此也没有身份证明或永久居住文件，而获取健康保险需要这些文件。

Building solidarity among sex workers Some sex worker organizations have distinguished themselves from AIDS NGOs that run projects targeting sex workers, by pointing out that sex worker-run organizations make building solidarity among sex workers and raising rights consciousness of sex workers as their central goal. In the words of Indian activist Meena Seshu, founder of SANGRAM:

在性工作者中建立团结——有些性工作者组织从艾滋病非政府组织中脱离出来，将其主要努力面向性工作者。他们指出由性工作者运营的组织将在性工作者中建立团结作为他们的中心目标。下面是桑格安（SANGRAM）的创始人，印度活动家 Meena Seshu 的话。

Because SANGRAM's peer education programme was women-centred (based on the needs, perceptions and experiences of the women sex workers as opposed to what the intervention

thinks the women need), process-oriented (with lesser emphasis on how many condoms were distributed and more importance placed on how women sex workers could effectively negotiate safe and responsible sex with clients) and placed women sex workers' empowerment as the goal, it was able to strengthen the sex worker community from within and helped the women forge a common identity. Any notion of change in levels of awareness or in the types of preventive actions taken was therefore facilitated and not imposed...

因为桑格安的同伴教育计划是以女性为中心（基于这些女性性工作者的需求、视角和经历，而非干预人员以为她们需要什么）、以过程为导向（不强调散发了多少安全套，而更重视女性性工作者如何有效地与她们的顾客协商安全和负责任的性行为），将赋权女性性工作者作为目标。因此，它能从内部加强性工作者团体，帮助这些女性形成共同认知。因此，任何层面的意识改变或采取的任何种类的预防行动都是通过推动而非强制来进行的。

SANGRAM's emphasis on forging a collective identity helped to build a rare solidarity among women sex workers. No longer were they only women sex workers who competed for clientele, patronage and resources but also women who had common experiences of being exposed to multiple discriminations and having their rights ignored and violated...

桑格安将重点放在形成共同认知上，有助于在女性性工作者中建立少有的团结。他们不再仅仅是争取顾客群、常客和资源的性工作者，她们还是拥有共同经历（受到多种歧视、权利被忽视和违反）的伙伴。

SANGRAM facilitated the process of identity formation and leadership building by consciously and deliberately playing a passive role when the women were devising solutions to their problems. It was a two-way learning process. On the one hand, the women sex workers learned to fend for themselves as they entered uncharted waters, and on the other hand, SANGRAM workers and volunteers gained knowledge about sex workers' lives.⁵

在这些女性对她们遇到的问题思考解决方案的时候，桑格安有意识地、深思熟虑地采取一个被动的角色，从而推进了认知形成和建立领导力的过程。这是一个双向的学习过程。一方面，女性性工作者们学习了在进入未知领域时如何保护自己，而另一方面，桑格安的工作人员和志愿者们也了解了性工作者的生活⁶。

Advocating with the police Sex worker organizations may also reach out to police or local health bureaus to offer trainings to them as well. In Indonesia, drug user groups are offering training for police officers in how to protect themselves from the risk of HIV/AIDS as a way to build relationships with the police so that they can raise the cases of individuals in detention, or help police understand how to interact with sex workers (and vice versa).

对警察的倡议活动——有的性工作者组织也会接触警察或当地健康部门，为他们提供培训。在印度尼西亚，成瘾者组织为警察们提供培训，内容是关于如何预防艾滋病毒/艾滋病，作为与警察建立关系的一个方式。这样，机构就能提出某些被拘留的具体案例，或帮助警察了解如何对待成瘾者（以及相反）。

⁵ "Empowering Sex Workers to Assert Their Rights," Association for Women's Rights in Development, December 2, 2008; <http://www.awid.org/eng/Issues-and-Analysis/Library/Empowering-sex-workers-to-assert-their-rights>.

⁶ "赋权性工作者，坚持她们的权利"，2008年12月2日，女权发展协会。<http://www.awid.org/eng/Issues-and-Analysis/Library/Empowering-sex-workers-to-assert-their-rights>。

Suggestions/ 建议:

- Before providing legal services and trainings in human rights documentation, it would be strategic to have safe spaces for sex workers and good networks of NGOs and allies. Otherwise, it could be dangerous for organizations to provide these types of services.
- Some Chinese AIDS and sex worker organizations have begun to do research into these issues. To help in their own advocacy, Chinese sex worker and harm reduction groups could conduct research into some of these rights problems as a basis for future advocacy. Obviously, any such research would need to be done with great care for the security of the individuals and the organizations, and be careful to avoid re-traumatizing sex workers who are survivors of sexual or other violent assaults.
- Sex worker groups could partner with AIDS law and advocacy groups to offer legal aid and legal training to sex workers.
- 在提供关于人权文件的法律服务和培训前，让性工作者和非政府组织网络及联盟保持一定的安全距离，将是有策略性的做法。否则，组织们提供这些服务可能是很危险的。
- 有些中国艾滋病和性工作者组织已经开始对这些问题进行研究。为了对她们自己的倡议行动有所帮助，中国的性工作者和减害组织可以对其中一些权力问题进行研究，作为未来倡议的基础。显而易见的是，任何这样的研究都因为个人和组织的安全需要非常谨慎，也要小心不要对那些经受性或其他暴力伤害的性工作者们造成二度伤害。
- 性工作者团体可以与艾滋病法律和倡议团体合作，共同为性工作者提供法律援助和法律培训。

Beginning in July 2010, Asia Catalyst will publish a training manual for grassroots AIDS, sex workers and drug user groups to train themselves in legal rights documentation and advocacy. It will be published in Chinese, Thai and English. Please contact us if you are interested in learning more, at info@asiacatalyst.org, or check our website, www.asiacatalyst.org.

从 2010 年 7 月起，亚洲促进会将为基层艾滋病、性工作者和毒品使用者团体发表一份培训手册，可以让他们在法律权利文件和倡议上进行自我培训。手册将以中文、泰国语和英文呈现。如果你对此感兴趣，请写信至 info@asiacatalyst.org 联系我们，或者访问我们的网站 www.asiacatalyst.org。

International Advocacy

国际倡议

International sex worker organizations are engaged in advocacy on a range of issues. Some of these issues have brought together organizations from different countries or regions for joint advocacy. These issues include: concerns about 100% condom use programs, concerns about “raid and rescue” programs and problems with attempts to combat trafficking, and campaigns by some organizations to legalize or decriminalize sex work.

国际性工作者组织在非常广泛的议题上进行倡议活动。其中有一些倡议将来自不同国家或地区的组织聚到了一起，进行联合倡议。这些议题包括：关于 100%安全套使用计划、关于“突袭与救援”项目、对抗人口贩卖的问题，以及一些组织展开性工作合法化或非刑事化的运动。

Asia Catalyst is not taking a position for or against any of these approaches, but aims to share balanced information with Chinese NGOs so that they can consider how and whether to join in growing global advocacy by sex workers.

亚洲促进会不对这些议题采取任何立场，而是希望能与中国非政府组织均衡分享信息，这样他们就能考虑如何及是否加入性工作者们日益壮大起来的全球倡议行动。

1. 100% Condom Use Programs

Many 100% condom use programs are modeled on the experience of Thailand. Similar programs have been implemented in Cambodia, Laos, Mongolia, the Philippines, and China. In most of these programs local or national authorities, with the enforcement power of the police, require all sex establishments and sex workers to use condoms in every sex act.⁷ Ideally, sex workers should participate meaningfully in the design, implementation and evaluation of these programs since they and their clients are most affected by them, but this has not always been the case.

1. 100%安全套使用计划——许多 100%安全套使用计划都是以泰国模式为蓝本。柬埔寨、老挝、蒙古、菲律宾和中国采取了类似的计划。大部分情况下，当地或国家部门，在警察部门的执法权力下，要求所有性交易场所和性工作者在每一次性行为中都使用安全套⁸。最理想的情况是，性工作者应该有意义地参与该计划的设计、实施和评价中，因为她们和其顾客是受此计划影响最大的人群，但实际情况往往并非如此。

The Thai 100% condom use policy included obligatory regular medical check-ups for sex workers in regulated sex establishments. According to the UN, the 100% condom use policy in Thailand and Cambodia resulted in greater condom use, and in lower rates of HIV prevalence.⁹

泰国 100%安全套使用计划包括对在受管制的性交易场所工作的性工作者强制性的常规医学检查。联合国的数据显示，泰国和柬埔寨的 100%安全套使用计划大量地增加了安全套的使用，并使得艾滋病毒传染率降低¹⁰。

However, sex worker and AIDS organizations, including the Asia-Pacific Network of Sex Workers and the Canadian HIV/AIDS Legal Network, have raised concerns about 100% condom use policies. The USAID-funded Policy Project's evaluation of 100% condom use in Cambodia evaluated the experiences of sex workers in the project. In interviews with 150 sex workers, Policy Project found that sex workers were compelled to register and to frequently check in at health clinics, but that sex workers were not told the purpose in registering them or how the registration information would be used. They were not able to choose which health clinics they wanted to use, and reported mistreatment and overcharging by health clinic workers.

⁷ Discussion of the 100% condom use program is drawn from “A Human Rights-based Commentary on UNAIDS Guidance Note: HIV and Sex Work (April 2007)”, Canadian HIV/AIDS Legal Network (September 2007).

⁸ 100%安全套使用计划的讨论摘自《以人权为基础评论联合国艾滋病规划署的指引备注：艾滋病和性工作（2007年4月）》，加拿大艾滋病毒/艾滋病法律网络（2009年7月）。

⁹ Some sex worker advocates contest these claims and say there is no evidence that 100% Condom Use Policies affected HIV transmission in either Cambodia or Thailand.

¹⁰ 有些性工作者倡议者们对此声称表示反对，认为没有证据显示 100%安全套使用政策对柬埔寨或泰国的艾滋病毒感染情况有影响。

但是，性工作者和艾滋病组织，包括亚太性工作者网络和加拿大艾滋病毒/艾滋病法律网络，对 100%安全套使用政策表示担心。美国国际开发总署（USAID）资助的政策项目对柬埔寨 100%安全套使用政策评估评估了参与该项目的性工作者的体验。在与 150 名性工作者的访问中，政策项目发现性工作者被迫登记并经常到诊所接受检查，但是没有人告诉她们登记的目的，以及这些登记信息将会被用在哪儿。她们也不能选择自己想去的诊所，并且有人被错治和过多收费。

The Network of Sex Work Projects (NSWP) (www.nswp.org) reported that many Cambodian sex workers were forced to take HIV tests. Because the policy promoted more collusion between police and brothel owners, sex workers had to bribe police or pay them in sexual services in order to get them to take action against violent clients.

性工作项目网络（NSWP）（www.nswp.org）报告称，许多柬埔寨性工作者们被迫接受艾滋病毒检测。因为政策促进了警察和妓院主人之间的共谋关系，性工作者不得不贿赂警察或者提供性服务，以促使他们对施暴顾客采取行动。

Sex worker advocates also point out that in many countries, 100% condom use policies conflict with local laws that make condom possession the basis for arrest on charges of prostitution.

性工作者倡议者还指出，在许多国家，100%安全套使用政策与当地法律相冲突，因为当地法律把携带安全套作为卖淫指控的基础并进行逮捕。

Suggestions/ 建议:

- Chinese sex worker groups could study the effects of 100% condom use policies on sex workers in China and decide whether or not they believe this approach has been positive for their community. They could share the results of their research with Chinese authorities and international advocacy groups, such as APNSW and NSWP.
- USAID and Chinese sex worker organizations could share information with Chinese health authorities about the effects of 100% condom use policies on sex workers in other countries.
- Local health authorities should consult with Chinese sex worker NGOs in designing policies that affect them.
- 中国性工作团体可以研究 100%安全套使用政策对中国性工作者的效果，再判断这一方式是否会对他们这一群体产生正面影响，还可以与中国权威部门和国际倡议组织（如 APNSW 和 NSWP）分享研究结果。
- 美国国际开发总署和中国性工作组织可以与当地卫生当局分享关于 100%安全套使用政策对其他国家性工作者的效果。
- 当地卫生当局在设计影响中国性工作者的政策时应该咨询后者的非政府组织。

2. Sex Work and Trafficking

The growing international concern about victims of human trafficking has sometimes led to disagreements between groups working to end trafficking and groups advocating for

the rights of sex workers. Perhaps because both sides use human rights and feminist language in their analyses, the conflicts between these groups can get complicated.

2. 性工作和人口贩卖——国际上越来越关注人口贩卖受害者，这有时候会引起试图终结人口贩卖的组织 and 为性工作者权利作倡导的组织之间的分歧。也许因为双方在他们的分析中都使用人权和女权主义语言，所以双方之间的冲突变得更加复杂。

Some organizations working to end trafficking seek to end sex work or prostitution altogether. They may compare sex work to slavery and argue that all sex workers, including trafficking victims and sex workers who make a conscious and rational choice to do sex work, are all victims of sexual and economic exploitation. They tend to favor approaches that punish traffickers and enable both trafficking victims and sex workers to transition to other kinds of paid work.

有些试图阻止人口贩卖的组织也试图取缔性工作或卖淫行为。他们可能将性工作比作奴隶，认为所有性工作者，包括人口贩卖的受害者和自愿并理性选择性工作的人，都是性剥削和经济剥削的受害者。他们倾向于对人口贩卖商进行惩罚，并使人口贩卖受害者和性工作者可以转到其他有偿工作中。

Sex work advocates, on the other hand, argue that the “anti-trafficking” groups are conflating sex workers and trafficking victims, whereas in reality these might be quite different. These advocates argue that it is important to focus on the lack of rights of all women and girls who migrate to other countries for every kind of work. In their view, women and men in sex work are not victims and may choose rationally to engage in sex work.

而另一方面，性工作倡议者们则认为“反人口贩卖”团体将性工作者和人口贩卖受害者混淆一起，而实际上她们可能截然不同。这些倡议者们坚持认为聚焦于所有移徙到其他国家作任何种类工作的妇女和女孩的权利是很重要的。他们认为，从事性工作的女性与男性不是受害者，他们可能是非常理性地选择了从事性工作这一行业。

At the core of this argument is a disagreement about whether sex workers are making a rational choice to work in the sex industry, or whether they are victims. Chinese sex work organizations will need to discuss and decide for themselves what they believe are the realities of the lives of their members.

这场辩论的核心是性工作者是否是理性地选择从事性行业，或者他们是否是受害者。中国性工作组织也需要讨论并决定他们认为什么才是他们的成员的生活真相。

Raid and Rescue Programs Some organizations and governments seeking to end trafficking have engaged in controversial “raid and rescue” programs. These programs were strengthened by the 2003 launch of the United States President’s Emergency Plan for AIDS Relief (PEPFAR), which required recipients of PEPFAR funds to “have a policy explicitly opposing prostitution and sex trafficking”.

突袭与救援项目——有些试图终结人口贩卖的组织 and 政府卷入了充满争议的“突袭与援救”项目。2003 年美国发起总统艾滋病防治紧急计划，要求该计划资助的接受者们“有一个明确反对卖淫和性贩卖的政策”。由此，突袭与救援计划得以加强。

International Justice Mission (IJM, www.ijm.org), for example, is a large international NGO that is renowned for organizing raid and rescue missions. IJM and police have staged highly public raids on sex venues, sometimes accompanied by media. Women who are “rescued” from trafficking are then placed in facilities that help them learn other skills and teach them about Christianity.

比如，国际司法使命（IJM, www.ijm.org）是一家大型国际非政府组织，因组织突袭和援救使命而享有盛名。IJM 和警察在性交易场所发起过高度公开的突袭，有时候还有媒体伴随。然后将从“人口贩卖”中救出来的女性置于某些地方，帮助她们学习其他生存技能，并向她们传授基督教。

According to a report by APNSW, “Caught Between the Tiger and the Crocodile,” sex workers who are “rescued” have been placed in facilities that were said to “provide skills training but were in fact jails” with abusive conditions.¹¹ Some who were HIV-positive said they were not given ARV treatment. Closing sex venues also resulted in the shutting down of programs to provide condoms and clinical services to sex workers at those venues. At one IJM facility in Cambodia, young women who had been “rescued” jumped from a window in order to escape detention and suffered permanent injuries as a result.¹²

根据亚太性工作者网络的一份报告《才出狼窝，又入虎穴》，被“援救”的性工作者被放置的场所说起来是“提供技能培训，但实际上是监狱”，且条件恶劣¹³。有些艾滋病毒感染者说她们没有获得抗病毒治疗。关闭性交易场所同时意味着关闭在这些场所开设的为性工作者提供安全套和诊所服务的项目。在柬埔寨的一个 IJM 场所，被“援救”的年轻女性从窗户上跳下，以逃避拘留，结果造成永久性损伤。

Involving sex workers in anti-trafficking programs By contrast, an Indian NGO, the Durbar Mahila Sananwaya Committee (DMSC), has developed a rights-based program to enable sex workers to respond to trafficking.¹⁴ In 1997, DMSC launched its own initiative to respond to trafficking. They organized self-regulating boards that included “staff, doctors, advocates, national human rights commissioners, local politicians and officials, and sex workers working in the streets and brothels.” Each board patrolled a specific red-light district and helped girls who were underage or who were coerced into sex work. The boards helped those girls to leave safely, gave them temporary shelter, medical care, and a companion to help them either return home or find a long-term place to live and work, depending upon the choice of the girl. OSI writes that this approach has been successful partly because “sex workers in brothels are often the first to come into contact with a new person entering the trade.”

让性工作者参与反人口贩卖计划——与此相对的是，印度非政府组织 Durbar Mahila Sananwaya 委员会（DMSC）开发了一个以权利为基础的项目，让性工作者们参与应对人口贩卖¹⁵。1997 年，DMSC 发起其自己的应对人口贩卖的倡议。他们组成了自我管理的董事会，成员包括“工作人员、医生、倡议者、国际人权委员、当地政治家和官员、在街头和妓院工作的性工作者”。每个董事会负责巡逻一个红灯区，帮助那些未成年女性和被迫进行性工作的人。委员会帮助这些女孩安全离开，给她们提供临时住处、医疗照护，并有人陪同她们，根据女孩自己的意愿，帮助其回家或找到一个长期住处生活和工作。OSI 写道，这一方法取得了部分成功，因为“妓院的性工作者常常是新人进入这一行业的人的第一联系人。”

Suggestions/ 建议:

¹¹ Overs C., Pisay I., Kongmont C. and Hunter A., “Caught Between the Tiger and the Crocodile,” report by APNSW, 2008. <http://www.plri.org/resource/caught-between-tiger-and-crocodile-apnsw>

¹² Nuy Thrupakaew, “Beyond Rescue,” *The Nation*, October 8, 2009, <http://www.thenation.com/doc/20091026/thrupkaew/2>.

¹³ Overs C., Pisay I., Kongmont C. 和 Hunter A., 《才出狼窝，又入虎穴》，APNSW 报告，2008 年。 <http://www.plri.org/resource/caught-between-tiger-and-crocodile-apnsw>

¹⁴ “Our Lives Matter,” p. 22.

¹⁵ Nuy Thrupakaew, 《超越援救》，国家，2009 年 10 月 8 日。 <http://www.thenation.com/doc/20091026/thrupkaew/2>。

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- Chinese policymakers should consult with sex work groups in designing policies that aim to combat trafficking. They should ensure that trafficking responses in China do not lead to detention of trafficked women and girls in prisons or labor camps.
 - China is a major source, destination and transit country for trafficking of sex workers. Chinese sex work organizations could offer help and support to trafficking victims, including informing them of their legal rights in China.
 - Like other migrant workers, migrant sex workers who come to China from other countries have no access to health care and no legal standing, so they cannot approach police for help if they are victims of rape or violent assault. They may also lack access to condoms and to HIV/AIDS information in their native languages, or information about their basic legal rights in China. Chinese NGOs could partner with other NGOs in Asia to obtain such information in other Asian languages and make it available to migrant sex workers in China, as well as helping to advocate for their access to HIV treatment and care to prevent mother-to-child transmission of HIV
 - Sex worker advocates recommend keeping a clear distinction between programs for sex workers and programs for trafficking victims, as they are two groups who have different needs.
 - Chinese sex work NGOs could also establish contact with sex work NGOs in bordering Asian countries, so that they can partner to assist women or girls who want to return home to do so.
 - Because of the sensitivity of the issue, Chinese grassroots sex work groups that are interested in addressing trafficking in their regions would probably want to establish high-level contacts with police, the UN and large international NGOs before beginning to assist trafficked women and girls directly. This could be done by beginning to attend conferences on trafficking in China, and sharing the perspectives of sex workers at those meetings.
 - 中国的政策制定者在制定打击人口贩卖的政策时应咨询性工作者团体。他们应该确保，在中国，人口贩卖应对不会导致被贩卖妇女和女孩被关押在监狱或劳工营里。
 - 中国是性工作者贩卖的一个主要输出国、输入国和中转国。中国性工作者组织可以为被贩卖者提供帮助和支持，包括告知她们在中国享有的合法权利。
 - 从其他国家来到中国的移徙性工作者没有途径获取卫生服务，也没有合法地位，所以他们在成为强奸或暴力骚扰受害者时也无法寻求警察的帮助。他们可能也得不到安全套和以其他亚洲语言介绍的艾滋病毒/艾滋病相关信息，或是关于他们在中国的基本法律权利的知识。中国的非政府组织可以和亚洲其他非政府组织合作，获取用其他亚洲语言书写的相关信息材料，使得这些在中国工作的移徙性工作者们可以有途径获得，而且还有助于向她们宣传艾滋病毒的治疗和护理问题，预防艾滋病毒的母婴传播。
 - 性工作者倡议者们建议明确区分面向性工作者的项目和面向被贩卖受害者的项目，因为她们有不同的需求。
 - 中国性工作非政府组织还可以与亚洲邻国的相应组织建立联系，这样就可以合作起来，帮助那些想要回家的女孩。

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- 由于这个问题具敏感性，中国基层性工作者组织如果对应对他们区域内的人口贩卖问题感兴趣的话，那么在开始直接帮助被贩卖妇女和女孩之前，很可能要和警察、联合国和大型的国际非政府组织建立高层联系。可以通过参加在中国举行的人口贩卖大会，并在会议上分享性工作者的视角等达到这一目的。

3. Advocating for Sex Work as Work

Some advocates and sex work groups argue that sex work should be legally recognized as a form of employment, which can be freely chosen. Their view is that sex workers are entitled to the same labor rights and benefits as other laborers and should be employed under legally regulated work conditions.

3. 将性工作当作工作的倡议——有些倡议者和性工作者团体坚持认为，性工作应该被视为一种合法工作，可以自由选择。他们的观点是，性工作者有权利享有和其他劳动者同等的劳动权利和福利，其工作环境也应该受到法律保护。

Some individual countries have legalized sex work (including Austria, Bolivia, Colombia, Ecuador, Germany, Greece, Hungary, Latvia, Lebanon, the Netherlands, New Zealand, Panama, Peru, Senegal, Switzerland, Turkey, Venezuela; sex work is also legal/regulated in some parts of Mexico and the U.S.). There are dozens of other countries in which prostitution is not explicitly banned by law, including Denmark, Timor Leste, and Canada.

有些国家已经将性工作合法化（包括奥地利、玻利维亚、哥伦比亚、厄瓜多尔、德国、希腊、匈牙利、拉脱维亚、黎巴嫩、荷兰、新西兰、巴拿马、秘鲁、塞内加尔、瑞典、土耳其、委内瑞拉；性工作在墨西哥和美国的某些地方也是合法/受到保护的）。在很多其他国家，法律也没有明确禁止性工作，包括丹麦、东帝汶和加拿大。

An International Labor Organization report from 1998 called for "economic recognition of the sex industry". Citing the expanding reach of the industry and its unrecognized contribution to the gross domestic product (GDP) of four countries in Southeast Asia, the ILO called for recognition of "the sex sector." This included giving labor rights to sex workers, improving working conditions, and taxing sex work profits.¹⁶

1998年，国际劳工组织（ILO）的一份报告号召人们“认识到性产业对经济的贡献”。报告指出，该产业在东南亚四个国家中范围日益扩大，对国民生产总值（GDP）做出重要贡献，却未被认可，因此ILO号召社会意识到“性板块”的存在意义。这包括给予性工作者同等的劳动权利、改善工作环境、对性工作利润收税¹⁷。

4. UN Advocacy

Increasingly, the conflicting approaches to sex work and trafficking have led to conflicts over UN and international policy. Sex worker advocacy groups have been very effective in making their voices heard at the UN, and Chinese groups may want to join them in making sure that Chinese sex worker concerns are well represented.

¹⁶ Legitimizing prostitution as sex work: UN Labor Organization (ILO) calls for recognition of the sex industry, Janice Raymond, December 1998; The Report is called World of Work: The Magazine of the ILO - Workplace Violence: A New Global Program (N26, Sept/Oct. 1998)

¹⁷ 将“卖淫”合法化为性工作：联合国劳工组织（ILO）号召对性产业的认可。Janice Raymond, 1998年12月；该报告被称为工作世界：ILO杂志—工作场所的暴力：一个新的全球计划（N26, 1998年9/10月）

4. **联合国倡议**——对于性工作和人口贩卖的应对方式的矛盾越来越多地引起对联合国和国际政策上的冲突。性工作倡议组织非常有效地让联合国听到了他们的声音，中国的组织们也许愿意加入进来，确保中国性工作者的疑虑也能很好地得以表达。

Trafficking laws In November 2000, the UN General Assembly adopted two new international treaties (protocols): one on smuggling of migrants, the other on trafficking in persons. The parent instrument of this package is the UN Convention Against Transnational Organized Crime - also adopted by the General Assembly in November 2000.

人口贩卖法律——2000年11月，联合国安理会采纳了两个新的国际条约（协议）：一个是关于偷运移民，另一个是关于人口贩卖。该条约的母文件是《联合国打击跨国组织犯罪公约》——在2000年11月被安理会采纳。

The trafficking protocol requires states that sign on to the law to criminalize trafficking, facilitate and accept the return of trafficked nationals with due regard for their safety, exchange information to identify perpetrators or victims of trafficking, and strengthen border controls. It also includes some optional victim protection measures, including protecting the privacy of victims, provide for the physical and psychological recovery of trafficking victims, and establish policies and programs to prevent their being trafficked again. In practice, unfortunately, corrupt police in many countries may be involved in the trafficking industry, especially in border regions.

关于人口贩卖的条约要求签署该法律的国家将人口贩卖定为刑事罪，加速并接受被贩卖的公民回归，合理保证他们的安全，相互交换信息以辨认人口贩卖罪犯或受害者，加强边境控制。条约还囊括了一些受害者保护措施以备选，包括保护受害者隐私、为受害者提供心理和身体康复服务、制定预防她们再次被贩卖的政策和计划。然后不幸的是，在实际操作中，许多国家的警察相当腐败，竟然涉足人口贩卖行业，特别是在边境地区。

As of October 2008, China planned to ratify the trafficking protocol, but has not done so yet.

2008年10月，中国计划签署人口贩卖条约，但是目前还没有。

Suggestions/建议

- Currently, Chinese police are working with UNIAP and large international NGOs on combating trafficking, and there has not been a great deal involvement by Chinese grassroots NGOs. Chinese NGOs could study international trafficking laws and support their implementation in China.
- 目前，中国警察与联合国联合国反对人口贩运机构间项目（UNIAP）和大型国际非政府组织合作，但是中国基层非政府组织还没有深入参与进来。中国非政府组织可以研究国际人口贩卖法律，协助他们在中国实施。

UN Policy on Sex Work In 2009, UNAIDS published a *Guidance Note on HIV and Sex Work*. This Guidance Note was a revised version of a version in 2007. International sex work advocates were quick to raise concerns about the document, which could influence UN agencies and international donors.

联合国性工作政策——2009年，联合国艾滋病规划署发表了《艾滋病毒和性工作指南须知》。该指南须知是2007版本的修改版。国际性工作倡议者很快就对该文件提出质疑，这可能对联合国机构和国际捐助者产生影响。

The goal of the Guidance Note is to “provide the UNAIDS Cosponsors and Secretariat with a coordinated human-rights-based approach to promoting universal access to HIV prevention, treatment,

care and support in the context of adult sex work”.¹⁸ The Global Working Group on Sex Work on HIV Policy, an international coalition of sex worker organizations and their allies organized by the Network of Sex Work Projects, released a response that criticized the failure of the Guidance Note to “meaningfully assert the rights of sex workers as workers and as human beings.”¹⁹ According to the Working Group, the document fails to acknowledge that criminalization and repressive law enforcement practices are the main obstacle to human rights and HIV services for both sex workers and their clients.

该指南须知的目标是“为联合国艾滋病规划署的联合捐赠人和秘书处提供以人权为基础的协调的工作方式，推动在成人性工作情境下艾滋病毒预防、治疗、照护和支持的全球普及工作。²⁰”。国家性工作组织同盟—性工作和艾滋病毒政策全球工作组，和他们的由性工作项目网络组织的联盟，共同批评该指南须知没有“有意义地维护性工作者作为工作者和作为人的权利。²¹”工作组认为该文件没有承认刑事化和镇压性执法实践是为性工作者和他们的顾客提供人权和艾滋病毒服务的主要障碍。

The Working Group criticizes the Guidance Note’s assumption that sex work is not “decent work” and the conclusion that abolition of sex work should be the ultimate goal and notes that the Guidance Note “raises a concern for trafficking in a way that conflates trafficking and sex work.”²² The Canadian HIV/AIDS Legal Network also raised concerns about the Guidance Note. Among other concerns, it noted that the language in the UNAIDS Guidance Note resembles the 100% condom use approach.

工作组批评说，指南须知的前提是性工作不是“体面的工作”，结论是废止性工作为最终目标。他们还注意到该指南须知引起“人口贩卖在某种程度上促进了人口贩卖和新工作的合谋”的担心²³。加拿大艾滋病毒/艾滋病法律网络也表示他们对该指南须知的担心。除了其他方面，该网络指出联合国艾滋病规划署的指南须知使用的语言与100%安全套使用计划相似。

As a result of the criticisms and lobbying of UNAIDS, the Global Working Group met with Michel Sidibe, the Executive Director of UNAIDS, in May 2009. Sidibe agreed to establish a standing advisory group, co-chaired by NSWP and UNAIDS, to guide further program and policy work on HIV and sex work issues. Sidibe reiterated his commitment to promote decriminalization of sex work and reduction of repressive law enforcement practices in regard to sex work, goals that are reflected in UNAIDS’ 2009-2011 “Outcome Framework”. The new Advisory Group on HIV and Sex Work Policy established with Sidibe’s agreement had its first meeting in November 2009. As of January 2010, the Advisory Group is in the process of developing text on these issues that is meant eventually to be appended to the Guidance Note.

由于这些批评和联合国艾滋病规划署的游说，全球工作组在2009年5月会见了联合国艾滋病规划署的执行理事 Michel Sidibe。Sidibe 同意设立一个常务顾问组，由性工作项目网络和联合国艾滋病规划署共同主持，对关于艾滋病毒和性工作问题进行更进一步指引。Sidibe 重申了他对推动性工作非刑事化和减少性工作方面镇压性执法实践的承诺，这些目标也都反映在联合国艾滋病规划署 2009-2011 年度的《成果框架》里。Sidibe 同意建立的新艾滋病毒和性工作

¹⁸ UNAIDS Guidance Note on HIV and Sex Work, 2009, p. 2.

¹⁹ “Universal Access? Observations on UNAIDS’ “Guidance Note on HIV and Sex Work” (2009 Version), Global Working Group on Sex Work and HIV Policy, pp. 1.

²⁰ 联合国艾滋病规划署关于艾滋病毒和性工作的指南须知，2009年，第二页。

²¹ “全球普及？对联合国艾滋病规划署的《艾滋病毒与性工作的指南须知》的观察”（2009年半本），性工作与艾滋病毒政策全球工作组，pp.1。

²² “Universal Access? Observations on UNAIDS’ “Guidance Note on HIV and Sex Work”, pp. 2.

²³ “全球普及？对联合国艾滋病规划署的“艾滋病毒和性工作的指南须知”（2009版），性工作和艾滋病毒政策全球工作组，pp.1。

政策顾问组在 2009 年 11 月召开第一次会议。截至到 2010 年 1 月，该顾问组正在对这些问题拟写文件，最终将作为指南须知的附录。

Suggestions/建议:

- NSWP and the Working Group are the voice for sex workers at the international level. Chinese sex work groups should become active in NSWP and APNSW and ensure that the views and needs of Chinese sex workers are represented. In order to do this, it is helpful to have representatives who are fluent in English.
- All UN agencies should continue to make all possible efforts to ensure that documents such as the Guidance Note and any clarifying appendixes are available in Chinese, which is one of the UN languages.
- 性工作项目网络和工作组是性工作者在国际层面上的声音。中国的性工作组织应该活跃在性工作项目网络和亚太性工作者网络中，确保中国性工作者的观点和需求也得到代表。因此，拥有英文流利的代表会很有帮助。
- 所有联合国机构都应该继续尽一切可能的努力确保像指南须知这样的文件和任何其他澄清性附录都有中文版本。中文也是联合国用语言之一。

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About Asia Catalyst

This memo was written by Sara Davis, Peiting Li, and an anonymous volunteer. We are grateful to Joanne Csete, Heather Doyle, Cheryl Overs, and Carol Wang for their comments on earlier drafts.

Asia Catalyst partners with activists in Asia to inspire, create and launch innovative, self-sustaining programs and organizations that advance human rights, social justice and environmental protection. We link up Asian community leaders, journalists, activists and lawyers with each other and with international experts who can help them to realize their visions. Our website is www.asiacatalyst.org.

For news, opinions and profiles of other organizations working on these issues in Asia, please visit www.yazhoudiaocha.com.

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这篇备忘录的作者是王翠凤，Peiting Li 和一名匿名的志愿者。我们非常感谢 Joanne Csete、Heather Doyle、Cheryl Overs、和王凯如为之前的草稿提出宝贵意见。

亚洲促进会与亚洲地区的活动者合作，鼓舞、创造和发起有创新性、能够自我维特的项目，推动社会公平、人权和环境保护。我们将亚洲的社区领袖、记者、活动家、律师以及国际专家联合在一起，帮助他们实现其愿景。我们的网站是 www.asiacatalyst.org。

关于其他致力于亚洲这些问题的组织新闻、评论和介绍，请访问 www.yazhoudiaocha.com。