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# Responding to Sex Workers' Rights as Workers' Rights: Reducing Sex Trafficking in the Dominican Republic

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**Responding to Sex Workers' Rights as  
Workers' Rights: Reducing Sex Trafficking in the  
Dominican Republic**

Corena Sharp  
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## **Executive Summary**

This study examines the feasibility of using the unionization of sex workers as a way to combat sex trafficking in the Dominican Republic. The analysis ultimately disproves the hypothesis that unionization would be a feasible approach.

The current literature challenges the dominant policies fighting sex trafficking enacted by the United States, but affirms the policy's contributions to the cause. This paper seeks to address the targeted weaknesses of prevention and protection of victims by furthering the current literature that centers the marginalized agency of sex workers. By applying the theoretical framework of "sex work discourse," this paper takes the approach of an enhanced single case study to analyze secondary data. Through conceptual content and relational analysis, this study uses a sex worker union in Argentina as a model to discuss the benefits and problems of unionization in the Dominican Republic.

After placing sex work and trafficking into the highly racialized context of the Dominican Republic, this study recommends that future responses seeking to protect those vulnerable to sex trafficking. Future scholarship should examine approaches of providing child care, education, and a pathway to the formal economy for undocumented residents of Haitian descent. Any attempts to formally unionize would necessitate the representation of a majority of sex workers, but the highly stratified and hierarchical nature of sex work makes this collectivization nearly impossible. The attempt would have to exclude undocumented Haitian-Dominican sex workers, who are the most vulnerable to sex trafficking. There are many benefits to unionization, and the groundwork of building community networks is largely in place, however, without support of other unions and the Dominican government it is unlikely that any

possible benefits would reach fruition. The focus of future work should be on the elimination of gendered and racialized worker exploitation more generally.

### **Introduction**

Human trafficking continues to be an important issue of our time with over a million people trafficked around the world each year. Five to six hundred-thousand of these victims are those who are trafficked for commercial sexual exploitation.<sup>1</sup> While most scholarship is concentrated on South East Asia and Europe, this study will focus on the growing sex trafficking industry in Latin America,<sup>2</sup> specifically the Dominican Republic. The Dominican Republic is a particularly noteworthy case study because of its identity as a destination, transit, and source country for trafficking. Victims are trafficked within its own borders, and throughout the Caribbean, the United States, South and Central America, Europe, the Middle East, and Asia.<sup>3</sup>

Those who are highly vulnerable to sex trafficking are women who already engage in exotic dancing and sex work, which are both legal in the Dominican Republic.<sup>4</sup> There is a complex interplay and often shared human rights violations between sex workers and people who have been trafficked for commercial sexual exploitation. The U.S. Department of State defines sex trafficking as:

When an adult is coerced, forced, or deceived into prostitution – or maintained in prostitution through coercion – that person is a victim of trafficking... It is critical to understand that a person's initial consent to participate in prostitution is not legally determinative; if an individual is thereafter held in service through psychological

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<sup>1</sup> Siddharth Kara, *Sex Trafficking: Inside the Business of Modern Slavery*, (New York: Columbia University Press, 2009), 17.

<sup>2</sup> Kara, *Inside the Business*, 18.

<sup>3</sup> U.S. Department of State, *Trafficking in Persons Report June 2014*, (Available Online, 2014), 159.

<sup>4</sup> U.S. Department of State, *2014 TIP Report*, 159.

manipulation or physical force, that person is a trafficking victim and should receive the benefits outlined in the United Nations' Palermo Protocol and applicable laws.<sup>5</sup>

Conflation of sex trafficking and sex work in general is misleading and detracts from the creation of useful responses. While men, women, and children are all at risk, this paper focuses exclusively on adult women for reasons of scope. Identity plays a powerful role in the context of the Dominican Republic with poverty, race, and citizenship status as extremely important factors that contribute to vulnerability to trafficking.<sup>6</sup>

The initial hypothesis of my research was that unionization of sex workers would be an extremely effective response that would extend rights held by other workers, establish channels for recourse, and provide supportive resources. Unionization would place sex workers in centralized leadership positions where they could identify victims of trafficking—versus willing participants—and the linchpins of sex trafficking spheres. Accepting sex work as a valid form of employment worthy of organization, my study utilizes the theory of “sex work discourse,” to place sex work and trafficking in context with the movement for labor rights for women generally in the Dominican Republic.<sup>7</sup>

## Literature Review

Sex trafficking gained popular notoriety in 1994 with the Utrecht Conference on Traffic in Persons, though research had been done even in the 1920s.<sup>8</sup> The scope of this project, however, prioritizes the direction of the most recent scholarship. As the goal of my research

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<sup>5</sup> U.S. Department of State, “Democracy and Global Affairs: What is Trafficking in Persons?” (Washington D.C.: Office to Monitor and Combat Trafficking in Persons, 2011), 1.

<sup>6</sup> U.S. Department of State. “Dominican Republic: 2013 Trafficking in Persons Report.” <<http://www.state.gov/j/tip/rls/tiprpt/countries/2013/215453.htm>>.

<sup>7</sup> Gregor Gall, “Sex Worker Collective Organization: Between Advocacy Group and Labor Union?” *Equality, Diversity and Inclusion: An International Journal* 29, no. 3 (2010): 291-92.

<sup>8</sup> Edward Snajdr, “Beneath the Master Narrative: Human Trafficking, Myths of Sexual Slavery and Ethnographic Realities,” *Dialectical Anthropology, Special Issue: Anti-Anti-Trafficking? Toward Critical Ethnographies of Human Trafficking* 37, no. 2 (2013): 232.

paper involves the critique of current policies and the creation of new strategies, it is important to review the direction of recent scholarly critiques.

The most relevant and powerful governmental tools are the United States' Trafficking Victims Protection Act (TVPA) and Trafficking in Persons (TIP) Reporting System, which rates countries into three tiers according to how well each government addresses the problem of human trafficking. There is a surprising lack of academic literature that supports the benefits of these policies, despite being the dominantly enforced policies within the Dominican Republic and elsewhere. Mcgaha argues that these policies are necessary "for continued dialogue, encouragement, and [as] a guide to help countries focus resources on prosecution, protection, prevention programs, and policies."<sup>9</sup> For instance, in 2006 the United States "spent \$75 million in international anti-trafficking assistance to 70 countries."<sup>10</sup> Roby states that the 2005 TVPA Reauthorization Act "increased the number of prosecutorial tools to fight both international and domestic trafficking, and funded conferences for law enforcement and other government and non-governmental organizations (NGOs), as well as research and pilot projects."<sup>11</sup> There is also evidence that the policies have inspired greater political commitments from other nations.<sup>12</sup>

Authors who support current U.S. efforts through the TVPA and TIP argue that the progress being made is incremental, but a steady path to reining in human trafficking. They argue for increasing public awareness over changing the laws.<sup>13</sup> For victims of trafficking, they argue, the TVPA means access to protection and assistance if there was a "severe form of

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<sup>9</sup> Johnny E. Mcgaha and Nola Theiss, "A Global Response to the U.S. Trafficking Victims Protection Act of 2000 (TVPA) and the Annual Trafficking in Person's Report (TIP) of 2006" *Forum on Public Policy: A Journal of the Oxford Round Table* 2007, no.2 (2007): 24.

<sup>10</sup> Mcgaha, "Response to U.S. Trafficking," 24.

<sup>11</sup> Referencing: 18 U.S.C. § 2428(a). Jinil Roby; Jennifer Turley and Joanna Garrick Cloward, "U.S. Response to Human Trafficking: Is it enough?" (*Journal of Immigrant & Refugee Studies* 6, no. 4 2008), 518.

<sup>12</sup> Mcgaha, "Response to U.S. Trafficking," 24.

<sup>13</sup> Roby, "U.S. Response," 520.

trafficking and [they are] ‘willing to assist in every reasonable way with respect to the investigation and prosecution’ of trafficking related offenses.”<sup>14</sup> In the 2005 iteration an exception was also included “if the Secretary of Homeland Security, in his or her discretion and with the consultation of the Attorney General, determines that a trafficking victim, due to psychological or physical trauma, is unable to cooperate.”<sup>15</sup> For criminal persecutions “[t]he combined overall trafficking number of cases filed, defendants charged, and defendants prosecuted, have risen dramatically over the last 10 years.”<sup>16</sup>

The TVPA and TIP have generally been criticized in the literature. Authors argue that the TVPA “unfairly targets individuals who follow this path of employment [namely sex work] regardless of their circumstances.”<sup>17</sup> The biggest critique is of the TIP Report, which scholars claim has more to do with shaming countries that do not fall in line with the United States’ ideology, than they do with providing support for victims.<sup>18</sup> Authors cite Cuba as an example, because it is the only country in South and Central America ranked as Tier 3, with Venezuela ranked between a Tier 2 and 3 despite their relative similarity to other states in the area.<sup>19</sup> Weitzer also notes the wide scholarship on criticism of the TIP system arguing for “high-quality micro-level empirical studies” that would lead to evidence-based foundations, in light of the illicit nature of sex trafficking.<sup>20</sup> The annual deadlines for the TIP, while helpful in identifying trends, are not long enough to accumulate comprehensive and accurate data. The findings are

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<sup>14</sup> Roby, “U.S. Response,” 513.

<sup>15</sup> Quoting: 8 U.S.C. § 1101(a)(15)(T)(iii). Roby, “U.S. Response,” 514.

<sup>16</sup> Roby, “U.S. Response,” 519.

<sup>17</sup> Snajdr, “Beneath the Master Narrative,” 233.

<sup>18</sup> David E. Guinn, “Defining the Problem of Trafficking: The Interplay of US Law, Donor, and NGO Engagement and the Local Context in Latin America,” *Human Rights Quarterly* 30, no. 1 (2008): 138.

<sup>19</sup> U.S. Department of State, *2014 TIP Report*, 58, 64.

<sup>20</sup> Ronald Weitzer. “New Directions in Research on Human Trafficking.” *The ANNALS of the American Academy of Political and Social Science* 653, no.1 (2014): 21.

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based on easily obtainable and quantifiable data that lends itself to quick turnarounds.<sup>21</sup> In practice this means, for instance, focusing the sheer number of prosecutions, without analyzing whether those being prosecuted were individual actors or major parts of a greater system. Often law enforcement officers are also the greatest harassers of sex workers, including constant corruption through bribes. Law enforcement could be much more effective if there was mutual trust between law enforcement and the populations they are supposed to serve, especially since victims of human trafficking only receive immunity if they cooperate with authorities.<sup>22</sup> Guinn argues that there is more incentive to comply with U.S. standards than there is to effectively address the issue.<sup>23</sup> This study examines unionization as a way of complementing U.S. policy by focusing on its weaknesses in prevention and protection.

There has been a push back upon the narrative employed by popular media and many NGOs that misrepresent women who have been trafficked.<sup>24</sup> Often the woman's initial participation in sex work is ignored, because it is viewed as incriminating and detracting to a compelling story or pleas for donations. This tactic reflects the condemnation of sex work as legitimate work by the U.S. government and general populous, and has been criticized for creating an unhealthy and unrealistic outlook on the problem. The dominant narrative is significant, because it drives data collection.<sup>25</sup> It has been noted that sexual exploitation, particularly concerning children, receives the greatest amount of attention in the theme of exploited workers.<sup>26</sup> Guinn argues that sexual exploitation has been considered separate from the labor movement because of the emotional and moral narratives associated with sex work in

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<sup>21</sup> Guinn, "Defining the Problem," 138-139.

<sup>22</sup> U.S. Department of State. "2014 Trafficking in Persons Report."

<sup>23</sup> Guinn, "Defining the Problem," 140.

<sup>24</sup> Smarajit Jana; Bharati Dey; Sushena Reza-Paul; and Richard Steen, "Combating Human Trafficking in the Sex Trade: Can Sex Workers Do it Better?" *Journal of Public Health* 36, no. 4 (2014): 630.

<sup>25</sup> Guinn, "Defining the Problem," 126.

<sup>26</sup> Guinn, "Defining the Problem," 125-126.



general.<sup>27</sup> Guinn notes that a popular tactic is to draw attention to particular issues by linking them with sexual exploitation.<sup>28</sup> Snajdr uses the framework of “uptake” to describe the how dominant ideology and discourse have been adopted as a standard mode of communication, knowledge, and practice.<sup>29</sup> This line of critique “challenges both the data and the ideological underpinnings in the official policies of the anti-trafficking paradigm and contextualizes and critiques the role of non-governmental organizations and government that have influenced it as propagating a ‘moral panic’ or ‘crusade’ against sex workers.”<sup>30</sup> These types of critiques analyze the short quotes taken from victims of trafficking, language of documentary films, infographics, and popular media coverage. The authors express a need for context and a discussion of agency that may not make for as compelling of a story, but has much more relevance to creating solutions.<sup>31</sup>

Authors, such as Jana, argue for a distinction between voluntary and involuntary sex work, especially when sex work proliferates particularly in areas of migratory labor.<sup>32</sup> The effects of “raid and rescue” techniques “have been damaging—communities disrupted, social and health services interrupted and sex workers taken into custody, abused or driven underground, increasing rather than reducing their vulnerability.”<sup>33</sup> Jana examines “the self-regulatory board developed by Durbar Mahila Samanwaya Committee” as an alternative to police actions that disturb communities and make sex workers more vulnerable. This work is complemented by that of Gall whose research on sex worker collectivization in industrialized countries is analyzed with “sex work discourse” that asserts sex work as having “a sufficient

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<sup>27</sup> Guinn, “Defining the Problem,” 126.

<sup>28</sup> Guinn, “Defining the Problem,” 127.

<sup>29</sup> Snajdr, “Beneath the Master Narrative,” 235.

<sup>30</sup> Snajdr, “Beneath the Master Narrative,” 233.

<sup>31</sup> Snajdr, “Beneath the Master Narrative,” 238.

<sup>32</sup> Snajdr, “Beneath the Master Narrative,” 223.

<sup>33</sup> Jana, “Combatting Human Trafficking,” 623.

level of moral legitimacy” to organize; as having comparable “social worth as a form of employment”; as being “characterized by conventional forms of work organization”; and as having a distinct difference between the selling of sexual services and the selling of people.<sup>34</sup>

Many authors note connections between a lack of labor rights generally, and the sex trafficking of women. Yet, authors also note that proposed solutions address the issues as separate. Those benefiting from sexual exploitation view sex with women from the Caribbean and Latin America as “just another form of consumption.”<sup>35</sup> Agathangelou identifies areas of further study as including: interactions among local, regional, and global agents; identity formations; and education of UN employees institutionally.<sup>36</sup> Warren criticizes neo-liberal values and argues that the tensions between the lack of support for victims—treated as responsible individuals—and the narrative of intervention to save helpless victims creates a paradigm that provides no long-term support for victims or channels of long-term prevention.<sup>37</sup>

While there are many arguments as to the direction of future solutions, concrete approaches are rarely offered. Guinn argues that important efforts “must work on ‘push’ problems—those factors that drive a person into the illegal migration/trafficking system—and the demand elements, i.e. those that create the market for their abuse.”<sup>38</sup> McCabe, likewise, notes important push factors, but does not offer or analyze possible solutions. New scholarship could trend towards offering solutions based instead on grassroots organizations formed in local communities.

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<sup>34</sup> Gall, “Sex Worker Collective,” 291-292.

<sup>35</sup> Kimberly A. McCabe and Sabita Manian, *Sex Trafficking: A Global Perspective*. (Landham: Lexington Books, 2010), 129.

<sup>36</sup> Agathangelou, “Desire Industries,” 144-145.

<sup>37</sup> Kay B. Warren, “Troubling the Victim/Trafficker Dichotomy in Efforts to Combat Human Trafficking: The Unintended Consequences of Moralizing Labor Migration,” *Indiana Journal of Global Legal Studies* 19, no. 1 (2012): 117.

<sup>38</sup> Guinn, “Defining the Problem,” 142.

## Methodology

Evaluating recent scholarly work completed on the subject of sex worker unionization will be done through content analysis. Content analysis will allow me to “analyze the presence, meanings, and relationships” of sex trafficking, sex work, and exploitive labor. I can then “make inferences about the messages within the texts, the writer(s), the audience, and even the culture and time of which these are a part.”<sup>39</sup> Relational analysis will allow me to use the sex worker union in Argentina as a model to compare the tactic to the context of the Dominican Republic. I will be evaluating the feasibility of unionization and its relation to labor exploitation through the application of the theoretical framework of “sex work discourse.”

The biggest barrier with content analysis is “the challengeable nature of conclusions reached by inferential procedures.”<sup>40</sup> Justification is necessary to assert the level of implication allowed as conclusive. The more open I am with how I conducted my research, the more reproducible my research will be. The advantages of using content analysis are that it can get at the heart of a communication and provide valuable cultural context in an unobtrusive way.<sup>41</sup> My research must draw from a theoretical base and not attempt to draw tenuous inferences about relationships and impacts, by taking into account how the text was received and what happened after the production of the text to realize the full context.<sup>42</sup>

To give greater definition to my research, I will also be utilizing an enhanced single case study, where I will apply the theoretical framework of “sex work discourse” on documented secondary data related to sex trafficking in the Dominican Republic. An enhanced case study exemplifies deductive reasoning and will enhance the reasoning of the theory “sex work

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<sup>39</sup> Carol Busch; Paul S. De Maret, Teresa Flynn, Rachel Kellum, Sheri Le, Brad Meyers, Matt Saunders, Robert White, and Mike Palmquist. “Content Analysis.” Writing@CSU. Colorado State University. (1994 - 2012).

<sup>40</sup> Busch, “Content Analysis.”

<sup>41</sup> Busch, “Content Analysis.”

<sup>42</sup> Busch, “Content Analysis.”

discourse.” A case study can describe an intervention, such as the effects of the implementation of U.S. policy, or explore situations where intervention has multiple outputs, such as responses to sex trafficking.<sup>43</sup> Case studies focus on the contemporary with the context of real-life in ways that illuminate decisions behind certain responses.<sup>44</sup> Focusing on the perspective of trafficked victims, sex workers, and the surrounding communities can delve into the complexity of behaviors and the interrelationships among actors, such as NGOs, government policies, and women involved in the sex industry.

A cautionary element is that I must be careful not to preclude other responses and solutions to the problem of sex trafficking.<sup>45</sup> To increase validity and reliability, I can highly contextualize my findings. Case studies are valuable, because they “deal with creativity, innovation, and context.”<sup>46</sup> However, they are difficult to generalize, due to their “inherent subjectivity and because they are based on qualitative subjective data, generalizable only to a particular context.”<sup>47</sup> Its two biggest strengths are flexibility and its emphasis on context. Case studies “emphasize exploration” instead of a prescription or prediction.<sup>48</sup> Case studies also allow researchers to “specialize in ‘deep data.’”<sup>49</sup> Its drawbacks include inherent subjectivity, high investment, and various ethical considerations. I will need to assess my bias in data selection and reporting.<sup>50</sup> Methods of combating these issues include: prolonging the process of data

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<sup>43</sup> Robert K. Yin, *Case Study Research: Design and Methods*. 3<sup>rd</sup> edition. Sage Publications, Thousand Oaks (2003).

<sup>44</sup> Yin, *Case Study Research*.

<sup>45</sup> Druckman, Daniel. *Doing Research: Methods Of Inquiry For Conflict Analysis, Part VIII: Concluding* 332-345 (2005).

<sup>46</sup> Bronwyn Becker; Patrick Dawson, Karen Devine, Carla Hannum, Steve Hill, Jon Leydens, Debbie Matuskevich, Carol Traver, and Mike Palmquist. “Case Studies.” Writing@CSU. Colorado State University (1994 - 2012).

<sup>47</sup> Becker, “Case Studies.”

<sup>48</sup> Becker, “Case Studies.”

<sup>49</sup> Becker, “Case Studies.”

<sup>50</sup> Yin, *Case Study Research*.

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collection, employing “triangulation” of multiple viewpoints, collecting referential materials, and engaging in peer consultations.<sup>51</sup>

### **Analysis**

The 2014 TIP Report classifies the Dominican Republic as a Tier 2 country, which means the government has not made enough progress to sufficiently address the issue of trafficking to the minimum standard.<sup>52</sup> Women considered at the highest risk of sex trafficking in the Dominican Republic are those who already participate in sex work legally. So, addressing the issue of trafficking necessitates an examination of why women participate in sex work.

Before anyone in the Dominican Republic may participate in the formal economy, they must obtain a government issued identification card. In 2013 the government restructured citizenship to retroactively exclude those with Haitian ancestry, instead of including anyone born within the country’s borders. This decision was born from longstanding xenophobia and racism and towards Haitians. This citizenship policy pushes numerous Dominican-Haitian workers into the informal economy, often involving sex work.

Before turning to sex work, many women work in garment factories or in other aspects of the tourism industry. Of those who were employed in these less stigmatized areas of work, women found difficult working conditions and a lack of a living wage. Women have complained that the wages are not feasible, especially for single mothers, because employers establish wages off the assumption of a second fully employed wage earner in the family. This assumption disregards the fact that many women are not married and many Dominican men are

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<sup>51</sup> Becker, “Case Studies.”

<sup>52</sup> U.S. Department of State. “Dominican Republic: 2014 Trafficking in Persons Report.” Last Modified on 2014. <<http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226714.htm>>.

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underemployed or unemployed.<sup>53</sup> Women pointed out that working successfully at a factory could mean dependence upon “a domestic arrangement that tied a woman’s future to a man’s economic stability and, sometimes, abusive control.”<sup>54</sup> “Afro-Dominican women are especially vulnerable to economic problems that can lead them to choose sex work.”<sup>55</sup> In fact, “despite social and cultural changes [in the Dominican Republic], economic policies still consider men as providers and continue to view women as mothers and housewives within nuclear families, economically dependent on their fathers or husband, and less productive than men in the labor market”—a perception reinforced by labor legislation.<sup>56</sup>

Generally, women’s unemployment rates are higher than corresponding rates for men, with sharper increases for women than for men, especially since *maquilas*, or garment factories in deregulated Free-Trade Zone (FTZ) areas were hit hard in the 2008 financial crisis.<sup>57</sup> There is also an absence of any proposals to increase employment for women.<sup>58</sup> In the tourism industry, of the scant amount of locals employed in the pervasive all-inclusive resorts, women workers usually have received less than eight years of education and are employed only between 19 and 39 years of age.<sup>59</sup> They are relegated to gendered type cast roles of housekeepers with no chance of pursuing managerial positions, and make about 68 percent less than their male counterparts.<sup>60</sup>

While the TIP Report and Human Rights Reports often include both sex trafficking and labor exploitation as important problems facing the Dominican Republic, solutions rarely address

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<sup>53</sup> Tiffany Compres. “Labor of Love: Using International Labor Law to Achieve Human Rights for Women Sex Workers in the Dominican Republic.” *Georgetown Journal of International Law* 40 (Spring, 2009): 1030.

<sup>54</sup> Steven Gregory, *The Devil Behind the Mirror: Globalization and Politics in the Dominican Republic*, University of California Press: Berkeley (2007): 160.

<sup>55</sup> Compres, “Labor of Love,” 1031.

<sup>56</sup> Espino, “Gender Dimensions,” 275.

<sup>57</sup> Alma Espino, “Gender Dimensions of the Global Economic and Financial Crisis in Central America and the Dominican Republic.” *Feminist Economics* 19, no. 3 (July 2013): 270.

<sup>58</sup> Espino, “Gender Dimensions,” 277.

<sup>59</sup> Cabezas, “Tropical Blues” 30.

<sup>60</sup> Cabezas, “Tropical Blues” 30.

these issues in a way that acknowledges their interconnections. The linkages between the movement for workers' rights and sex workers' rights are often represented within a single woman's experiences and the two spheres should not be viewed as separate. The commodification and exploitation of Dominican women's labor, especially in sex work, is a direct consequence of the racist colonial and neocolonial dynamics of power between the globalized north and south. In the Dominican Republic, the demand for sex workers, voluntary or trafficked, stems from the phenomenon of sex tourism—where white cis-gendered males from the United States and Western Europe travel to the Dominican Republic for sex.<sup>61</sup> According to the Dominican Republic's Secretary of State for Tourism, the country receives about 3 million so called "pleasure visitors" each year.<sup>62</sup> Reflecting the racist patriarchy entrenched in these power dynamics is the stratification of women in Dominican Republic society where more value is placed on light skinned women than darker skinned women of Haitian and African descent. Dominican-Haitian women participating in sex tourism "are more likely than Dominican sex workers of European descent to be subject to human rights abuses because they tend to work in the most dangerous areas of sex work, such as street walking." This hierarchy is reinforced by an international clientele that considers lighter skinned women to be worth more.<sup>63</sup> Sex trafficking in the Dominican Republic uses skin color, poverty, and citizenship to maintain racist patriarchal dominance.

Formal unionization exists for sex workers sparingly around the world, most relevantly in Argentina. However, "[p]erhaps to a surprising degree, sex worker unionization projects in [Australia, Britain, Canada, Germany, and The Netherlands] have attained some degree of

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<sup>61</sup> U.S. Department of State, "Dominican Republic: 2013 Trafficking in Persons Report."

<sup>62</sup> Cabezas, Amalia L. "Tropical Blues: Tourism and Social Exclusion in the Dominican Republic." *Latin American Perspectives* 35, no. 3 (May 2008): 25.

<sup>63</sup> Compres, "Labor of Love," 1031.

support from existing, mainstream labor movements.”<sup>64</sup> The Argentinian union is made up of female sex workers and called the Asociacio de Mujeres Meretrices de la Argentina (AMMAR), which has become a part of the union Central de Trabajadores Argentinos (CTA).<sup>65</sup> Considering this example, this paper considers the benefits and disadvantages of unionization as applied in the context of the Dominican Republic to determine the approach’s feasibility.

In Argentina, a woman from the union stated that “‘we recognize ourselves as part of the working class because our work feeds our families’ and identified the participants as ‘women who without opportunities, nevertheless choose to . . . do this work.’”<sup>66</sup> Sex workers themselves are pushing back on the idea of the hapless victim and revealing agency, especially since “[s]ex work is one of the only occupations that is flexible, open to unskilled women, and potentially lucrative; it is thus very attractive to mothers.”<sup>67</sup> Likewise, many Dominican women elect to participate in sex work, because it gives them more control of their working conditions. In an ideal transaction, women are able to choose their own clients and only participate in agreed-upon activities. In fact, beyond looking at sex work as a survival strategy, women create affective relationships and international networks that can be called upon and worked to assist with child support, living expenses, or travel.<sup>68</sup> At the present, sex workers are informally organized through NGOs, such as Movimiento De Mujeres Dominico Haitiana (MUDHA) and Movimiento De Mujeres Unidas (MODEMU), which are organizations that promote education, health services, and sex worker rights for women.

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<sup>64</sup> Gall, “Sex Worker Collective,” 301.

<sup>65</sup> Kate Hardy, “Incorporating Sex Workers into the Argentine Labor Movement,” *International Labor and Working-Class History* 77, no. 1 (2010): 94.

<sup>66</sup> Hardy, “Incorporating Sex Workers,” 94.

<sup>67</sup> Compres, “Labor of Love,” 1030-1031.

<sup>68</sup> Gregory, *The Devil Behind the Mirror*, 133.



While working in the sex industry still carries stigma, the union members in AMMAR agree that “[a]wareness and agreement may provide the ideological and attitudinal resources to help generate a willingness to set up, join or be active within a union.”<sup>69</sup> Because of the prevalence of sex tourism in the Dominican Republic, women are already beginning to utilize “sex work discourse” if not by its formal name, by working against the internalization of stigma and receiving legitimation from each other, which increases their confidence. Women praise those who are able to form affective working relationships and go abroad with clients. They have also already formed communities of support where women will vouch for certain clients or assist with babysitting children.

It is important to acknowledge that “sex workers themselves can take charge of their living and working conditions in partnership with other civil society members.”<sup>70</sup> The union participants in Argentina initially demanded freedom from being “rearrested and detained within twenty-four hours of release from a police station.”<sup>71</sup> Their current demands include freedom from abuse as a sex worker, the repeal of the provincial codes that enable abuse, and access to healthcare and welfare benefits. One of the biggest holes in the Dominican Republic’s effort to combat sex trafficking is to provide assistance to victims and a long term prevention plan. Victims of trafficking must rely on meagerly “donor funded international organizations, faith-based groups, and NGOs” to provide services such as “psychological assistance, legal assistance, reintegration, medical services, education, and temporary accommodation in general shelters.”<sup>72</sup> Unionization could contribute to this effort in a way that centralizes sex workers in leadership positions.

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<sup>69</sup> Gall, “Sex Worker Collective,” 298-299.

<sup>70</sup> Jana, “Combatting Human Trafficking,” 623.

<sup>71</sup> Hardy, “Incorporating Sex Workers,” 94.

<sup>72</sup> U.S. Department of State. “2014 Trafficking in Persons Report.”

Although the union in Argentina states that it only represents women who participate of their own volition, the notion of free-choice is complex.<sup>73</sup> The definition of trafficking set forth by the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which supplements the United Nations Convention Against Transnational Organized Crime, defines coercion so broadly that “consent becomes irrelevant.” This encompasses any decision made within power disparities of race, gender, ethnicity, and poverty is mooted. This argument “paternalistically denies women agency, often forcing them to work in what they judge to be less desirable alternatives, thereby punishing women who are already in a difficult position.”<sup>74</sup> There are unanswered questions as to how the union can distinguish between women participating freely and those who have been coerced into participating by their traffickers. A study examining a sex worker collectivization in India concluded that sex workers are usually in the best place to identify unwilling participants and the key players in their trafficking and forced labor.<sup>75</sup>

There are, of course, problematic drawbacks to organizing sex workers into unions. In Argentina, “[l]abor movement responses have ranged from indifference to hostility” and have even openly rejected sex workers’ right to unionize.<sup>76</sup> It is legal for workers in the Dominican Republic “to form and join independent unions, conduct legal strikes, and bargain collectively; however, [the Dominican Republic] places several restrictions on these rights... In addition the law stipulates that strikes cannot be called until mandatory mediation requirements have been met.”<sup>77</sup> Arguing for parity with other forms of work means fighting for equal application of the law, in addition to the benefits that other workers take for granted. If sex workers in the

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<sup>73</sup> Hardy, “Incorporating Sex Workers,” 94.

<sup>74</sup> Compres, “Labor of Love,” 1041-1042.

<sup>75</sup> Jana, “Combatting Human Trafficking,” 623.

<sup>76</sup> Hardy, “Incorporating Sex Workers,” 92.

<sup>77</sup> Gall, “Sex Worker Collective,” 299.

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Dominican Republic wanted to unionize, they would have to fight for their right to exist on two fronts: that of the government and that of the rest of the labor movement.

Union members in Argentina also face violence and harassment from police when they tried to collectivize.<sup>78</sup> While sex work is technically legal in the Dominican Republic, the government usually does not enforce sex work laws. Sex workers are made increasingly vulnerable when “police continue to conduct raids and arrest sex workers regularly, although there is no legal basis for them to do so.”<sup>79</sup> Women who appear to be of Haitian decent are particularly targeted and taken advantage of through bribes and corruption. Many women refuse to cooperate with law enforcement in persecutions of traffickers partly because of fear of mistreatment or criminalization and past police harassment. A union may be able to establish enough legitimacy in the eyes of law enforcement for officers to begin to build a relationship of mutual trust with sex workers. A union would also provide victims with support when facing difficult law enforcement officers and the daunting legal process.

There are also the logistical problems of sex workers classifying themselves as employees or as independent contractors. Third party involvement, such as ‘pimping,’ is illegal in the Dominican Republic so sex workers’ status as employees is nebulous. Those under control of brothel owners may not be allowed to be “enthusiastic supporters of collective bargaining.”<sup>80</sup> Who has the freedom of choice and movement within the Dominican sex industry “is hierarchical and very stratified.”<sup>81</sup> Sex workers who identify as entrepreneurs with the most power over their situation “view their independence as a benefit, believing that a union might compromise their economic opportunities....Some believe their incomes to be considerably

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<sup>78</sup> Hardy, “Incorporating Sex Workers,” 92.

<sup>79</sup> Compres, “Labor of Love,” 1034-1035.

<sup>80</sup> Chateauvert, “Sex Worker Union,” 245.

<sup>81</sup> Compres, “Labor of Love,” 1035.

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higher (as well as being untaxed) than the average tradesperson, contributing to what Gall terms ‘a culture of contentment.’”<sup>82</sup>

The “social and market hierarchy” make creating an overarching community of sex workers difficult.<sup>83</sup> Many would-be members of AMMAR “fear being ‘outed’ as prostitutes, losing the scanty protection of anonymity and receiving further stigmatization.”<sup>84</sup> AMMAR members can also face violence from their own families for the public nature of union involvement. In the Dominican Republic women rarely essentialize their identity to that of a sex worker, to them “commodifying sex in freelance arrangements provides a provisional use of sexuality without a long-term commitment to sex work.”<sup>85</sup> The problem is enhanced when “trade union rights are restricted by the requirement that a union must represent fifty percent plus one of the workers in an enterprise to bargain collectively, a requirement considered excessive by the International Labor Organization (ILO)<sup>86</sup> Formal organization would be near impossible for sex workers of Haitian decent who are undocumented or born in the Dominican Republic without a right to citizenship status because of their ancestry.

Unionization depends on bringing all sex workers under a single umbrella so that they could “assert their rights under Article XII of the Dominican Labor Code and the ILO Convention for Collective Bargaining,” which with the present class, race, immigration, and social climate seems unlikely.<sup>87</sup> What is more, if a union was to be established, it would leave out the women of Haitian decent with unrecognized statuses, who are the most at risk for trafficking. Sex worker unionization would depend upon “other groups and milieus in society, be

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<sup>82</sup> Chateauvert, “Sex Worker Union,” 245.

<sup>83</sup> Gall, “Sex Worker Collective,” 299.

<sup>84</sup> Chateauvert, “Sex Worker Union,” 245.

<sup>85</sup> Amalia L. Cabezas, *Economies of Desire: Sex and tourism in Cuba and the Dominican Republic*, Temple University Press, Philadelphia (2009): 120.

<sup>86</sup> Gall, “Sex Worker Collective,” 299.

<sup>87</sup> Compres, “Labor of Love,” 1064.

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they unions, policy makers, opinion formers or ‘public opinion.’” These factors have not shown any indication of enough favorability for a union to be feasible.<sup>88</sup> Unionization reveals a double bind where AMMAR has been able to repeal criminalizing misdemeanor laws, build an Ammar Elementary School run by members, create the “Sandra Cabrera” Health Center, and increase homeownership. Yet, unionization itself “can be effective only with a range of complementary tactics, including anti-poverty measures and education.<sup>89</sup> Unfortunately, the Dominican Republic is lagging in both areas, particularly in anti-poverty measures.”<sup>90</sup> The reasons why establishing a formal sex worker union is so important, are the very reasons that prevent unionization from occurring.

### **Conclusions**

The findings of this study have largely contradicted the initial hypothesis of the Dominican Republic using sex worker unionization as a principle approach to combat sex trafficking has been largely contradicted. While unionization would provide channels for those who are sexually exploited to seek recourse and resource assistance, it is unlikely for a union to be able to represent the women most vulnerable to sex trafficking. My analysis builds off the literature seeking to center the marginalized agency of the sex workers themselves.

In the face of patriarchy that women confront in the workplace, and the demand of their bodies through forced sex trafficking, women have shown remarkable resistance and redefinition. The relationship between gender inequalities and low socio-economic status are inextricably linked; likewise, rights for sex workers and rights for other laborers are linked. In the Dominican Republic, its history as a colony and its formation by transatlantic slavery

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<sup>88</sup> Gall, “Sex Worker Collective,” 299.

<sup>89</sup> AMMAR. “Who We Are.” Last Modified 2011. Accessed March 4, 2015. <http://translate.google.com/translate?hl=en&sl=es&u=http://www.ammар.org.ar/-Quienes-somos-.html&prev=search>.

<sup>90</sup> Compres, “Labor of Love,” 1043.

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continues to define power dynamics of ‘consumers’ and ‘laborers’ as well as the responses to sex trafficking by the United States. This dynamic is never more plainly illustrated than the commodification and fetishism of Dominican Republic women of color. Yet, the subjective agency that women utilize to invert relations to their best advantage demonstrates their potential to reconfigure current systems of power.

If Dominican sex workers were to organize in to a union, similar to that of Argentina, they would be in a great position to aid current victims and prevent trafficking. However, within the context of the Dominican Republic, this conclusion is farfetched from the social and political reality of the country. The Dominican Republic could establish a branch of the Labor Department that is designed by sex workers and “should include a place where sex workers may present complaints against employers, clients and police, which would bring the Dominican Republic into compliance with the Convention of Belem do Para as well.”<sup>91</sup> Regulation and interest representation within labor are possible solutions to mitigate violence, stigmatization, poor pay, and conditions of employment. Further study can examine the effect on the provision of childcare and education as ways of eliminating potential victims of trafficking.

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<sup>91</sup> Compres, "Labor of Love," 1062.

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