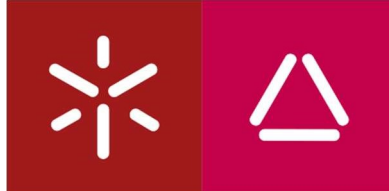


Universidade do Minho
Instituto de Ciências Sociais

Guilherme Angelino

**Rhetoric and narratives of
Brazilian' sex workers in the age
of anti-trafficking**



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Master Thesis
Master's Degree in Sociology

This thesis was accomplished under
the supervision of
Fernando Bessa Ribeiro and Amber
Horning Ruf

September 2021

DECLARATION

Name: Guilherme Angelino

Thesis Title: Rhetoric and narratives of Brazilian' sex workers in the age of anti-trafficking

Master Thesis

Organizacional Unit: Instituto de Ciências Sociais

Course: Master's Degree in Sociology

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Acknowledgment

"Nobody educates anyone, nobody educates themselves, men educate themselves, mediated by the world." Paulo Freire, patron of education in Brazil, taught us that knowledge is not built alone, also that there is no such thing as a neutral education process, and that education works as an instrument that facilitates freedom. With that in mind, I need to thank all the teachers I had on this journey, and the people who facilitated my path, and who did not do it in a neutral but critical way, would not be able to list all these people, but I could not fail to highlight two teachers.

First my advisor Fernando Bessa, who introduced me to criticism and reflection on the theme of prostitution, and was of great contribution during the trajectory of this Latin American student, migrant studying in Portugal.

Likewise, Dr. Amber Horning Ruf, who on my journey in the United States, facilitated my path, and introduced me to a range of knowledge and opportunities that I never thought I would have in my short academic life. If it weren't for these two teachers, this research would never have been carried out.

Outside of academic circles, I need to thank Grupo Liberdade, and APROSMIG, represented, respectively by Carmem Costa and Cida Vieira, both received me very well, and were of great importance for this research. Also, Thais Bessa was one of the great surprises that Portugal brought me, and that in addition to presenting the famous Guaicurus street, connected me with Cida.

To Jean Wyllys, who opened his office to me, and dedicated his time to tell me about the Gabriela Leite project, as well as about the political figure that Gabriela represented.

And to all my comrades who directly or indirectly helped me with this work, I would like to highlight Arthur Bacellar and Maria Julia Medeiros who, in the course of this research, contributed a lot to make this possible.

DECLARATION OF INTEGRITY

I certify having acting with integrity in the preparation of the following academic thesis and attest not having appealed to any plagiarism or any other form of illicit usage for falsification of informations or results in any step related to its elaboration.

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Abstract

The present dissertation aims to analyze, legally and politically, the current prostitution policy in Brazil and the attempts to reform it. Assuming that prostitution is a legal occupation, it consequently differs from the analogy made by the legislator with sexual exploitation in the current Penal Code. Therefore, an analysis is made from the construction of social movements organized by sex workers about their political achievements and importance within the Brazilian scenario with the government and despite it. In the same provision, an analysis of the Penal Code chapter on prostitution and human trafficking demonstrates how the current criminal law is outdated and highly punitive and that it should be avoided. With the increasing demand from prostitution associations for decriminalization, we will analyze the four existing policies on the subject and their consequences for sex workers. And finally, an analysis of how stigma and moral panic influenced the votes and opinions of bills involving the theme of prostitution in Brazil, which occurred with a strong influence on the international trafficking scene. It is important to note immediately that this is about defending the decriminalization of the sex industry concerning the prostitution of persons of legal age, capable and consented to sexual activity, considered sex workers, and not, in any way, children and adolescents or of people who are in any type of violence or abuse, these being victims of sexual exploitation, which must be faced. Finally, I emphasize that the only path in line with human rights is decriminalization, and as an example we look to the discrimination that took place in New Zealand.

Key words: prostitution; sex work; decriminalization; stigma; Penal Code; rights.

Resumo

A presente dissertação tem como objetivo analisar juridicamente, e politicamente a atual política de prostituição no Brasil, e as tentativas de reformá-la. Partindo do pressuposto que a prostituição é uma ocupação legal, portanto difere da analogia feita pelo legislador com exploração sexual no atual Código Criminal. Para tanto, é feita uma análise a partir da construção dos movimentos sociais organizados por trabalhadoras sexuais acerca das suas conquistas políticas e a importância dentro do cenário brasileiro com o governo e apesar dele. No mesmo diapasão, uma análise acerca do capítulo do Código Criminal acerca da prostituição e tráfico de pessoas, demonstrando como a atual lei criminal é ultrapassada, e que ela deve ser evitada. Com a crescente demanda das associações de prostituição pela descriminalização, analisaremos as quatro políticas existentes sobre o tema e suas consequências para as trabalhadoras sexuais. E por fim, uma análise sobre como o estigma e pânico moral influenciaram as votações e pareceres dos projetos de lei envolvendo a temática da prostituição no Brasil, as quais ocorreram com forte influência do cenário do tráfico internacional. Importante destacar de imediato que se trata aqui da defesa da descriminalização da indústria do sexo em relação à prostituição de pessoas maiores de idade, capazes e consentidas com a atividade sexual, consideradas trabalhadores sexuais, e não, de maneira alguma, de crianças e adolescentes ou de pessoas que estão em qualquer tipo de violência ou abuso, sendo essas vítimas de exploração sexual, a qual deve ser enfrentada. Por fim, ressalto que o único caminho em consonância com os direitos humanos é o da descriminalização, e como exemplo nos espelhamos na discriminação ocorrida na Nova Zelândia.

Palavras-chave: prostituição; trabalho sexual; descriminalização; estigma; Código Penal; direitos.

Index

- 1.INTRODUCTION 15**
- 2.A WHORE WORKER? INITIAL CONSIDERATIONS BEYOND COMMON SENSE .. 22**
 - 2.1. PROSTITUTION X SEXUAL EXPLOITATION 29
 - 2.2. THROUGH GABRIELA'S EYES 35
 - 2.3. ALICE, "WHERE TO GO?" AND THE BRAZIL OF VARIOUS "GABRIELAS" 37
 - 2.4. CONTEXTUALIZATION. GABRIELA'S BRAZIL 39
 - 2.4.1. Inequality also measured by sex workers: the non-recognized workers 42
 - 2.4.2. Right's and prostitution: "Woman of Life, Need to Speak" 44
 - 2.4.3. The Issues 48
 - 2.5. BRAZIL: 1890-2019 A NEGLECTING PAST AND PRESENT. THE LEGAL LIMBO 50
 - 2.5.1. The frustrated Brazilian attempts..... 57
 - 2.5.2. First project: payment for services provided 58
 - 2.5.3. Second project: "sexuality workers" 59
 - 2.5.4. Third project: protagonist of prostitute movements 60
- 3. THE MAIN PROSTITUTION LEGAL MODELS..... 65**
 - 3.1. FULL CRIMINALIZATION OR "PROHIBITION" 68
 - 3.2. PARTIAL CRIMINALIZATION, ABOLITIONIST AND THE "SWEDISH APPROACH" 74
 - 3.3. REGULATIONISM OR LEGALIZATION..... 77
 - 3.4. MOVING BEYOND THE CRIMINALIZATION: FULL DECRIMINALIZATION 80

4. BETWEEN STIGMAS, PREJUDICES AND TRAFFICKING SAGA	86
4.1. Prejudice is not <i>a priori</i>	88
4.2. Legal Procedures	94
4.3. The stigma and the Brazilian attempt of the Swedish Model	94
4.4. The speeches that silence the “Gabrielas”	97
4.5. Common point: The votes that silenced the workers and the traffic narrative	100
5. CONCLUSION	106
6. REFERENCES	111

Figure index

PICTURE 1: GABRIELA LEITE, POSTER AT APROSMIG HEADQUARTERS 16

PICTURE 2: MULHER DA VIDA É PRECISO FALAR 24

PICTURE 3: I’M HAPPY BEING A PROSITUTE 26

PICTURE 4: PROSTITUTION LEGAL MODELS 1 67

PICTURE 5: PROSTITUTION LEGAL MODELS 2 67

PICTURE 6: FULL CRIMINALISATION 85

PICTURE 7: PARCIAL CRIMIINALISATION 85

PICTURE 8: LEGALIZATION 85

Tables

Table 1: Main differences between bills.

n.98-A.2003 [□]	n.4.244/2004 [□]	n.4211/2012 [□]
<p>-Payment for sex service can only be charged for the sex worker.¶</p> <p>-- Only revoke articles 228, 229 and 231 of the Criminal Code.□</p>	<p>-Job registration to be able to legally work with prostitution. (revalidation every 12 months through medical examinations.)¶</p> <p>-Sexuality workers can provide subordinated form for the benefit of third parties, upon remuneration, and the working conditions are established in an employment contract.¶</p> <p>-Only work in regions that the State allows.¶</p> <p>-Free access to preventive public health programs.¶</p> <p>-Possibility of organizing themselves into cooperatives.¶</p> <p>□</p>	<p>-Brings definition of sexual exploitation and prostitution.¶</p> <p>-Possibility of working autonomously or cooperatively.¶</p> <p>-The prostitution house is legal as long as it does not occur any kind of sexual exploitation.¶</p> <p>-25-year special retirement.¶</p> <p>-Change in the wording of articles 228, 230, 231 and 231-A; ¶</p> <p>Now: 288- Inducing or attracting someone to prostitution or other form of sexual exploitation, facilitating it, preventing or making it difficult for someone to abandon it.¶</p> <p>After: 288- Inducing or attracting someone to sexual exploitation, or preventing or make it difficult for someone to give up sexual exploitation or prostitution.¶</p> <p>Now: 230- Take advantage of the prostitution of others, directly participating in their profits or making themselves supported, in whole or in part, by those who exercise it.¶</p> <p>After: 230- Maintain, on its own or a third party, an establishment where sexual exploitation occurs, whether or not there is a profit motive or direct mediation by owner or manager.¶</p> <p>Now: Revoked by Law No. 13.344, OF OCTOBER 6, 2016.¶</p> <p>After: 231- Promote the entry, into national territory, of someone who he will be subjected to sexual exploitation, or the departure of someone that he is going to exercise it abroad.¶</p> <p>Now: Revoked by Law No. 13.344, OF OCTOBER 6, 2016.¶</p> <p>After: 231- A: Promote or facilitate the movement of someone inside national territory to be subjected to sexual exploitation.□</p>

Table 2: The main Prostitution Legal Models¹

Full criminalization;
<p>United States: Prostitution is illegal in all states except Nevada. Indoor prostitution became legal in Rhode Island in 1980 due to an unintentional legal loophole created by legislators. The state enacted legislation closing the loophole on Nov. 3, 2009.</p> <p>South Africa: The Penal Code define prostitution as ““Prostitution” means an immoral sexual intercourse for a consideration, being payment or reward;” “Sex work is criminalized in the Criminal Code, and</p>

¹ The work seeks to bring a contribution to the decriminalization of prostitution, that's why we brought countries from the Global North and the Global South due to the large migratory flow between these regions. Despite the focus of the work being on Brazilian society, the confrontation observed for Brazil with what happened in other countries allows us to identify global trends in relation to prostitution.

municipal by-laws also contain provisions that prohibit sex work such as “importuning any person for the purpose of prostitution” and “soliciting”. Sex workers have very little legal protection.” (<https://www.nswp.org/es/news/decriminalisation-sex-work-south-africa>.) **Article .252** Soliciting; **Article 253.** Living off or Facilitating Prostitution; **Article. 254.**Procuring; **Article 255.** Coercing or Inducing Persons for Purpose of Engaging in Sexual Conduct.; **Article 256.** Detaining a Person for Purpose of Engaging in Unlawful Sexual Conduct; **Article257.** Permitting Young Person to Resort to Place for Purpose of Engaging in Unlawful Sexual Conduct. Open Society Foundations (OSF), *No Turning Back: Examining Sex Worker-Led Programs That Protect Health and Rights*, 15 September 2016, available at: <https://www.refworld.org/docid/57da8a284.html> [accessed 28 July 2021] (<https://policehumanrightsresources.org/content/uploads/2016/03/South-African-Territory-Penal-Code.pdf?x96812>)

South Korea: Prostitution is illegal under Article 4 of Act No. 7196 of 2004 on the Punishment of Procuring Prostitution and Associated Acts. **Article 4.** Prohibition. No one shall take part in activities falling under any part of the following subparagraphs: 1. Prostitution; 2. Procuring prostitution and associated acts; 3. Human trafficking for the purpose of prostitution; 4. An act of employing and recruiting another person for the purpose of prostitution, or introducing and intermediating work with the knowledge that the work is associated with prostitution; and 5. An act of advertising for activities and, or an agency where such activities are carried out, which fall under subparagraphs 1,2, or 4.

Iran: Prostitution is illegal under *Penal Code*, in the chapter Eighteen- Crimes against public prudency and morality. **Article 637-** When a man and a woman who are not married to each other, commit indecent acts other than zina, such as kissing or sleeping next to one another, they shall be sentenced to up to ninety-nine lashes; and if ; the act is committed by force only the one who has used force shall be punished as ta’zir. **Article 638-** Anyone in public places and roads who openly commits a harām (sinful) act, in addition to the punishment provided for the act, shall be sentenced to two months’ imprisonment or up to 74 lashes; and if they commit an act that is not punishable but violates public prudency, they shall only be sentenced to ten days to two months’ imprisonment or up to 74 lashes. **Article 639-** The following individuals shall be sentenced to one year to ten years’ imprisonment and in respect to paragraph (A), in addition to the punishment provided, the relevant place shall be closed temporarily at the discretion of the court. A - Anyone who establishes or directs a place of immorality or prostitution. B - Anyone facilitates or encourages people to immorality or prostitution.

(<https://prostitution.procon.org/wp-content/uploads/sites/50/iranpenalcode.pdf>)

Partial Criminalization:

Brazil: The activity of prostitution is permitted and even considered self-employment by the Ministry of Labor and Employment guaranteed in the Brazilian Classification of Occupations (CBO) of 2002. But sex workers do not have access to almost any labor rights. Prostitution is seen as sexual exploitation in the Penal Code. **In the Code Penal:** Favoring prostitution or other form of sexual exploitation (Wording given by Law No. 12.015 of 2009) **Article. 228:** Inducing or attracting someone to prostitution or other form of sexual exploitation, facilitating it, preventing or making it difficult for someone to abandon it: Penalty - imprisonment, from 2 (two) to 5 (five) years, and fine. **Brothel Article. 229:** Maintain, on its own account or that of a third party, an establishment where sexual exploitation occurs, whether or not there is a profit motive or direct mediation by the owner or manager: (Wording given by Law No. 12.015, of 2009) Penalty - imprisonment, from two to five years, and fine. **Ruffianism Article. 230 :** Taking advantage of the prostitution of others, directly participating in their profits or making themselves supported, in whole or in part, by those who exercise it:

Portugal: A third party is not allowed to profit from, promote, encourage or facilitate prostitution. Thus, organized prostitution such as brothels, prostitution groups or other forms of pimping is prohibited. In the Code Penal: **Procuring** 1 - Anyone who, professionally or for profit, encourages, favors or facilitates the exercise by another person of prostitution is punishable with imprisonment from six months to five years. 2 - If the agent commits the crime provided for in the previous number: a) Through violence or serious threat; b) Through a ruse or fraudulent maneuver; c) With abuse of authority resulting from a family relationship, guardianship or guardianship, or from hierarchical, economic or work dependence; or d) Taking advantage of the victim's psychological incapacity or situation of special vulnerability; is punishable by imprisonment from one to eight years. <https://dre.pt/web/guest/legislacao-consolidada/-/lc/view?cid=107981223>

Italy: Prostitution is often referred to as being “not technically illegal” or taking place in a legal vacuum, since prostitution itself is not covered by national laws (neither prohibited nor explicitly permitted) as for example in Spain and Italy. Third-party activities are a criminal offence. Prostitution is legal (it is not

mentioned in the Penal Code as such), brothels and pimping are illegal. Single sex workers working from apartments are "tolerated". Loitering is permitted, but soliciting ("unabashedly inviting clients on the street") is illegal. Migrants with work or residence permits may work in sex work, and police cannot revoke residence permits and begin deportation procedures, as they tried failing by the Italian laws.

Chile: Prostitution is legal, but brothels, prostitution houses are prohibited. Decree with Force of Law 725; Decree 725. **Article 41** .- For people who are dedicated to sex trade, a health statistic will be kept, no allowing their grouping in closed brothels or houses of tolerance. (<https://prostitution.procon.org/wp-content/uploads/sites/50/chilecodigosanitorio.pdf>)

UK- The exchange of sexual services for money is legal, but a number of activities, including soliciting in a public place, kerb crawling, owning or managing a brothel, pimping and pandering, are considered to be crimes, under the Sexual Offences Act 2003 and Policing and Crime Act 2009. **Soliciting** (1)It is an offence for a person in a street or public place to solicit another (B) for the purpose of obtaining B's sexual services as a prostitute. (2)The reference to a person in a street or public place includes a person in a vehicle in a street or public place. (3)A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale. (4)In this section "street" has the meaning given by section 1(4) of the Street Offences Act 1959.]**Causing or inciting prostitution for gain**[F3(1)A person commits an offence if—(a)he intentionally causes or incites another person to become a prostitute in any part of the world, and(b)he does so for or in the expectation of gain for himself or a third person.(2)A person guilty of an offence under this section is liable—(a)on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;(b)on conviction on indictment, to imprisonment for a term not exceeding 7 years. **Controlling prostitution for gain** [F4(1)A person commits an offence if—(a)he intentionally controls any of the activities of another person relating to that person's prostitution in any part of the world, and(b)he does so for or in the expectation of gain for himself or a third person.(2)A person guilty of an offence under this section is liable—(a)on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;(b)on conviction on indictment, to imprisonment for a term not exceeding 7 years.] In Northern Ireland, which previously had similar laws, paying for sex became illegal from 1 June 2015

Spain: Prostitution is not regulated and is therefore neither legal nor illegal, although the Spanish criminal code does consider pimping a crime. Several cities have their own bylaws setting out fines for both clients and prostitutes.) Since 01.07.2015, a new act has prohibited the purchase of sexual services in certain public places. (<https://www.legislationline.org/documents/section/criminal-codes/country/2/Slovenia/show>)

Swedish approach:

Swedish: "Since 1999 it has been illegal to pay for casual sexual relations in Sweden. The penalty is a fine or imprisonment for a maximum of one year. This applies both to those who pay for sexual relations and those who take advantage of casual sexual relations paid for by another person. ""The Act on prohibiting the purchase of sexual services (SFS 1998:408) entered into force on 1 January 1999. In connection with the sexual crime's reform of 2005, the Act was revoked and replaced by new legislation on the purchase of sexual services (Chapter 6, Section 11 of the Swedish Penal Code)". Penal Code: **Section 11** A person who, in cases other than those previously referred to in this Chapter, obtains casual sexual relations in return for a payment, is guilty of purchase of sexual services and is sentenced to a fine or imprisonment for at most one year. **Section 12** A person who promotes or, in an improper manner, financially exploits another person engagement in casual sexual relations in return for payment is guilty of procuring and is sentenced to imprisonment for at most four years. If a person who has granted a right of use of a flat learns that the flat is used wholly or to a substantial extent for casual sexual relations in return for payment, and fails to do what can reasonably be required to terminate the right granted, they are, if the activity continues or is resumed in the flat, considered to have promoted the activity and are held responsible under the first paragraph. If an offence referred to in the first or second paragraph is considered gross, the person is guilty of gross procuring and is sentenced to imprisonment for at least two and at most ten years. When assessing whether the offence is gross, particular consideration is given to whether the offence concerned large-scale activities, brought considerable gain or involved ruthless exploitation of another person. Act 2018:601.

France: "Law No. 2016-444 makes hiring a prostitute a punishable offense; formerly prostitution was not illegal even though public solicitation was. Anyone found guilty of being a client of prostitution may be punished with a fine of up to €1,500 (about US\$1,700). (*Id.* art. 20.) This fine may be augmented by certain other punitive measures, such as a suspension of the person's driver's license or the requirement to do

between 20 and 120 hours of community service. (*Id.*) Additionally, a client of prostitution may be required to attend an awareness training course to sensitize him/her to the fight against prostitution. (*Id.* arts. 20 & 21.)” <https://www.loc.gov/item/global-legal-monitor/2016-04-28/france-new-law-to-punish-prostitution-clients/>

Canada:

Selling sex is legal, but buying sex is illegal following implementation of House Government Bill C-36 of 2014.

Legalization:

Germany: “Germany is one of the states which not only permits prostitution but also seeks to control it through additional legislation. **Prostitutes Protection Act of 2017:** Obligation to Register; Registration certificate; Health Advice; Condom Reequiment; Prostitution Business permit. Instruction prohibition; Health Insure; Nursing Care Insurance; Unemployment insurance; Basic support for jobs seekers; Pension insurance; Accident insurance; Tax obligations of prostitutes; Advice Services and drop-in centers: Health advice; Advice on pregnancy, contraception, and relationships; Help in an emergency: Police, fire service, and rescue service; Support hotline "Violence against Women". Support hotline "Pregnant Women in Distress". Mental health hotline. (<https://www.bmfsfj.de/blob/jump/117624/prostschg-textbausteine-en-data.pdf>)

Netherlands Formal registration is required to work. As a sex worker, you can work in different places :From home; Window Brothel; Escort; Street Prostitution (restricted to certain areas).The government makes information about your rights available on the website.: (<https://www.government.nl/topics/prostitution>). On the website we can find the following information: Prostitution is a legal profession the Netherlands. If you are 18 years of age or older, you are allowed to work as a self-employed professional in prostitution. If you work as a self-employed professional, you may be considered an entrepreneur. Find out which rules and regulations you must comply with if you want to work in prostitution. The brothels of a prostitution business is legal, unless prohibited by municipal rules through a General Municipal By-law (Algemeen Plaatselijke Verordening; APV). –“ Through Article 151a of the Local Governance Act (Gemeentewet), municipalities are able to adopt a regulation which prescribes criteria for the commercial arrangement of the opportunity to perform sexual acts with or for a third person against payment, and can thereby pursue a local licensing policy with respect to sex businesses.” (Daalder, A.L. (2015) Prostitution in the Netherlands in 2014. Wetenschappelijk Onderzoek- en Documentatiercerum. Ministerie van Veiligheid en Justice.)”

Full decriminalization

New Zealand: Prostitution was decriminalized under the Prostitution Reform Act 2003. The purpose of de act: “The purpose of this Act is to decriminalise prostitution (while not endorsing or morally sanctioning prostitution or its use) and to create a framework that— (a) safeguards the human rights of sex workers and protects them from exploitation: (b) promotes the welfare and occupational health and safety of sex workers: (c) is conducive to public health: (d) prohibits the use in prostitution of persons under 18 years of age: (e) implements certain other related reforms.”

Australia: The law varies depending on the state from decriminalized to legally regulated to criminal. New South Wales was the first state or territory to adopt a different model, decriminalizing prostitution. Brothels are legal under the Summary Offences Act 1988. It’s also legal: living on the earnings of a prostitute, using premises, or allowing premises to be used, for prostitution that are held out as being available for massage, sauna baths, steam baths, facilities for exercise, or photographic studios, advertising that a premise is used for prostitution, or advertising for prostitutes,

Introduction

“The difficult truth is that harm will come to people selling sex tonight, tomorrow, and for the foreseeable future. Nonetheless, for many people, doing so remains the only viable way you survive.” (Smith & Mac, 2018)

In a scenario of wide-ranging debates on social policies, varied legal models, guarantees, individual rights and extensive punitive thinking coupled with state abstention, a question arises about the best policy concerning prostitution in the Brazilian context.

Resolving tensions in these relationships, where there is great opposition, requires reflection, and as Wright Mill describes, the "sociological imagination". It is necessary to understand the relationship between the history of society and how we fit in these stories.

The theme of prostitution has been in interpretive analyzes of politics since, at least, the 18th century. This presence is not due to the fact that common sense attributes it - mistakenly - as “the oldest profession in the world” (generally linked to criminality). According to Matthews, prostitution gained the spotlight in political debates due to four major events: the AIDS epidemic, the growth of prostitutes organized on militant fronts, the war on drugs and the strong anti-migration policies (2008). Also, because it is a profession mainly of women (cis or trans) and *travestis*²(Paradis, 2018). As well, that there can be no discussion of female labor of any kind without the application of the feminist theory of the morality of sex (Smith & Mac, 2018).

Thus, most publications and policies across the world focused on reducing the visibility of prostitution and moving it away from public places. This scenario began to change in the early 1980s when sex workers or prostitutes^{3*} organizations gained space in political debates in different countries, including most of Europe and America (Matthews, 2008). But what can we consider prostitution today? The first point to be made is that there is no consensus on what the act of prostitution means, and even less, a consensus on whether or not to accept it within the social environment as a personal or professional activity. As the world of work changes, the concept of labor also evolves.

² The word *travesti* derives from the verb *travestir*, or cross-dress. *Travesti*, however do not only cross-drees. I'll explain more specifically later.

³ *The term “sex worker” will also be used. We chose to use both terminologies because we understand that the term sex worker is broader, including men, *travestis*, transsexuals and other genders who engage in the activity, considering that the legal aspects formally affect everyone, besides being able to serve to destigmatize for the profession. (Prada, 2018, Ribeiro,2017).

Precarious and nonstandard workers have joined together to gain rights and improve working conditions. For nonstandard workers, these efforts begin with the need to create legitimacy of their labor, often through a shared sense of identity as workers. Those involved in the sale of various sexual services are one such group that has tied collective action efforts to a collective identity label.

In this sense, prostitution can be valued in positive or negative ways, depending on the interlocutors. As we saw in the field research, the definitions given by the sex workers themselves were diverse. In the capital of *Minas Gerais - Belo Horizonte*, the President of APROSMIG⁴ defined herself in prostitution as a “Fantasy Director”. On the other hand, further south of Brazil, in the capital of *Parana - Curitiba*, the owner of a prostitution club (when introducing me to the nightclub she manages) told me that in her years in prostitution, she saw herself as a “tension reliever”.

Also, accompanied by the word “prostitute”, we invariably have the term “slut” which, according to the sex worker, writer and activist Monique Prada is present in society, always related to everything bad and violent. And it is precisely from this reflection on the use of the expression that prostitutes reveal the difficulties of building a struggle for the rights of sex workers (2018).

The meaning of the term can cause feelings of unconventionality and disgust in different social segments, especially when considering the post-coup 2016 political moment that rekindled in Brazil the flame of conservatism. So, slut, prostitute, call girl, regardless of the term, the word can present “positive” values when referring to a profession, or “negative” to represent the worst of the offenses –bitch, slut- (Prada, 2018). Such a division between good and bad tends to benefit the maintenance of the stigma around the prostitute, standing out from the figure of the sex worker and being transparent to all women, but weighing more on sex workers⁵. Dolores Juliano argues that such a division represents a powerful element of control for women and

⁴ APROSMIG is a philanthropic organization that offers assistance to sex workers in the profession, so that they can work with dignity, fight for the specific regulation of prostitution and other labor rights, work for the union of women, especially against forms of violence and harassment, assists and supports the more than 4 thousand associates, as far as possible, enter their diverse needs, listen to the associates in their doubts and questions, reverting them into content for the working class itself. It also acts in mediation for dialogue with other public agencies when there is a need to better support the objectives described, in addition to distributing condoms and lubricants free of charge, in partnership with the Ministry of Health, at the headquarters of the Association (STD / AIDS prevention work), being a health multiplier with clients and workers - including also in preventing pregnancy outside of planning).

⁵ “Mainstream feminist too often puts “police violence” and “male violence against women” into different conceptual categories - if indeed, it considers police violence to be a topic of feminist concert at all”. “The result is that police violence gets left out of mainstream feminist anti-violence work. However, when we think of police violence not only as state violence but also (often) as male violence against women, the criminalization of prostitution comes into focus in a new way: as a key driver of male violence against women”. Too see more: Mac, J. & Smith, M. (2013). *Revolting prostitutes: the fight for sex workers’ rights*. Verso. <https://www.perlego.com/book/827856/revolting-prostitutes-the-fight-for-sex-workers-rights-pdf>

maintenance of the system, from the moment they are divided between good and bad⁶ (2014). According to Prada, this is more evident when a group tries to offend prostitutes by saying that they "sell their bodies". The author brings the quote by Andrea Dworkin, one of the great activists of North American "antiporn" feminism. According to Dworkin, it is impossible to leave whole after the sale of sex, and this thought ends up extending to all women as if they did not remain whole after the sexual act (Prada, 2018).

In addition to maintaining stigma, Molly and Juno Mac (2018) are critical of tropes that reduce sex workers to idealized extremes, such as sex workers as childlike innocent victims, vessels of disease, benevolent caregivers to society's undesirables and disempowered expressions of the highly sexual. These examples depict the polarity of views that reduce sex workers to stereotypes, allowing no room for the nuance of lived experiences.

The reality of the stigma can be a little different for *travesti*⁷. Amara Moira, a writer and ex- sex worker, says that the stigma of the "whore" accompanied her even before she became a sex worker:

I was treated like a whore long before I became a whore. Almost a tattoo on my forehead: it was enough to see me as a *travesti*, and the harassment begins, harassment that I never heard of while posing as a man. (Moira, Location 311)

Even though it is not the focus of this work, it is necessary to mention some aspects of *travesti* prostitution that usually surround different dimensions of violence and sexuality. First, they tend to be the preferential targets of police violence and aggression, and this violence tends to be more aggressive than with other sex workers (Piscitelli, 2014). Reflections from Kulick's field research:

⁶ "The division of women between good and bad benefits the stability of the system. The stigma of prostitution has nothing to do with what sex workers are or are doing. It represents a powerful element of control for women who are not in the sex industry. The model of a selfless wife and mother requires a lot of sacrifices. (...) It is such an unattractive model and with so little reward and recognition that the only way to get women to suit him is to assure them that another possibility is worse". To see more: Juliano, D. (2005). El trabajo sexual em la mira: polémicas y estereótipos. *Cadernos Pagu* 25. ISSN 0104-8333.

⁷ "The word *travesti* derives from the verb *travestir*, or cross-dress. *Travesti*, however do not only cross-drees. What is most characteristic about travesties in Salvador, and throughout Brasil, is that they adopt female names, clothing styles, hairstyles, cosmetic practices, and linguistic pronouns, and they ingest large amounts of female hormones and pay other *travesti* to inject up to twenty liters of industrial silicone directly into their bodies in order to acquire feminine bodily features such as breasts, wide hips, large things, and, most, imortantly, expansive buttocks. Despite all these changes, however, many of which are irreversible, travesty do not self-identiy as women (...) *travesti* do not which to remove their penis, and they not consider themselves to be women. They are not transsexual. They are instead, they say, homosexuals- males who ardentlydesire men, and who fashion and perfect themselves as an object of desire for thos man" To see more: Kulick . D. *Travesti: Sex, Gender, and Culture among Brazilian Transgendered Prostitutes* (Worlds of Desire: The Chicago Series on Sexuality, Gender, and Culture)

In most cities, including Salvador, *travestis* are so persecuted that many avoid venturing out onto the street during the day. They are regularly victims of violent police brutality and random assassinations. Most of them come from very poor backgrounds, and many remain poor throughout their lives, living a hand-to-mouth existence and dying before the age of fifty from violence, drug abuse, health problems (caused by the silicone they inject into their bodies), or increasingly AIDS. (Kulick, 2008:24)

Second, *travesti* prostitution is perceived as something beyond the work that pays them, it is a source of pleasure and a way of discovering their own sexuality. As an example, we have Moira (2018); prostitution allowed her to know her own body and sexuality, previously denied outside the sex market. Kulick (2008) found the same phenomenon in Salvador, the capital of the state of Bahia. According to the researcher, “the fact is that many *travesti* are happy to sell sex and would not stop doing it even if they had the chance to get other jobs”. From his field research, he noticed that prostitution is not only seen as a source of income but is also seen as a source of pleasure, something that, according to the author, is not portrayed in most studies on the subject⁸.

Moira describes her experience in prostitution as a means of social acceptance. According to the writer, “transphobia excludes us, prostitution embraces us, and slutphobia expands the exclusion to which we are already subject” (2018, location1592). In the same line, Kulick:

Prostitution makes *travesti* feel sexy and attractive. It is the only context in which they can develop self-esteem, self-confidence, personal value, in addition to feeling like an object of true intense desire (2008:151).

As we will see in this work, prostitution is an example of a theme that is significantly impregnated by moralistic considerations and value judgments coming from common sense, strongly rooted in social and political thought. Also, Judeo-Christian morality condemns the commercialized sexual act, and especially that practiced by women, calling it “the second sex” when done outside of marriage. Other segments, such as radical feminism, argue that women only sell their bodies as a last resort in search of money to survive and that they do so “obliquely”, by default, and are always exploited (Leite, 2009; Prada, 2018; Smith & Mac, 2018).

⁸ Similar reports are also found in female prostitution. To see more: Leite, 2009.

The debate about prostitution, both in social movements and in academic circles, is far from over. There is no consensus, neither in Brazil nor in other countries. And as referenced at the beginning of the text: *“The difficult truth is that harm will come to people selling sex tonight, tomorrow, and for the foreseeable future”*. So, it is imperative to discuss the consequences of the lack of regulation of the sex market.

Given this scenario, the central argument of this paper is that the current political-legal model on prostitution in Brazil contributes to the marginalization and stigmatization of sex workers. And that punitive interference is the worst scenario for the individual and collective guarantees of prostitutes. In contrast, with decriminalization on the horizon as the model that best guarantees sex workers' rights.

To develop this hypothesis, I will divide the work into three parts. First, to clarify the methodological aspects that guided all the research, demonstrating the appropriate cuts, whether of a sociological, historical order, running away from the moralistic vision and common-sense present strongly in the votes made by Brazilian congressmen in the bills that will be analyzed, as well as in current criminal law. I consider prostitution a job, however, not the "oldest profession in the world", nor a pure and inseparable form of violence against women.

In the first chapter, we started by contextualizing the emergence of prostitute movements in Brazil, which are invariably linked to the life story of the woman, prostitute and mother Gabriela Leite, who became famous for her strong pro-rights activism for prostitutes. A moment when her affirmation as a feminist was seen as debauchery by sectors of the country's feminist movement⁹ (Piscitelli, 2018). In the same chapter, we analyzed the relationship between the Brazilian government and the first movements, from the creation of joint programs to the split of partnerships. Despite the organized movements of prostitutes starting before the first AIDS epidemic, they were actively present in the construction of prevention policies with the Brazilian Ministry of Health (Prada, 2018).

We started with the documentary analysis of the material produced by the Brazilian Network of Prostitutes, especially the research by the non-governmental organization (NGO) DaVida. Also, we build on the interviews I conducted with two of the main organizations of female prostitutes (cis) in Brazil. First, with the Aprosmig

⁹ Preface *Putafemista*, 2018.

organization in the city of Belo Horizonte/MG, and second with the organization "Liberdade" [freedom] from Curitiba/PR. In the first, we spoke with the president of the association inside the headquarters located at the back of a parking lot on the famous Guaicurus street. The second interview was held inside a nightclub with the owner, who is a former prostitute and the president of the organization. Both interviews were conducted at lunchtime, which meant a large flow of clients and prostitutes passing through the locations. For example, in Belo Horizonte, several women went to the association to get condoms so that they could work (these women cannot afford to buy condoms and work safely), and in Curitiba, a large number of men during the lunch break from their respective jobs. The same questionnaire was used for the two interviews, although the answers lead to other questions due to the particularities of each association. From the interviews, it was possible to extract the problems faced by the workers and the violations of rights they suffered. Despite their particularities - due to the workplace and region of the country - the origin of the problems proved to be the same: the stigma and the criminalization in the sexual market. In addition to the aforementioned interviews, we spoke with ex-congressman Jean Wyllys, author of the Bill-Project Gabriela Leite, the last bill dealing with prostitution in Brazil. The questionnaire was freer than the one previously used, focusing more on the project and how it was built and voted.

That said, we move on to the political and legal analysis of prostitution in Brazil based on the current Brazilian Penal Code, which was constituted in 1940 and, over the years, obtained few changes concerning prostitution. The activity of prostitution is permitted and even considered self-employment by the Ministry of Labor and Employment guaranteed in the Brazilian Classification of Occupations (CBO) of 2002.

The recent and current bills on the topic will also be presented, analyzing those dealing with the regulation of prostitution. Following the chronological order, we have: Bill 98/2003, by then Deputy Fernando Gabeira; Bill 4.244/2004, by then Deputy Eduardo Valverde; Bill 377/2011 by Deputy João Campos; and Project 4.211 / 2012 by then Deputy Jean Wyllys. In the last, we point out what would have been the main effects of its approval.

In the second part, we bring reflections on the different prostitution policies at the international level, in particular, making a counterpoint of the positive and negative aspects of such policies concerning the rights of sex workers.

From this perspective, we analyze the four political systems of prostitution, separating between full criminalization, partial criminalization, legalization and decriminalization. The classification typology may vary depending on the author.

And, in the final part of the work, we will analyze the stigma of the prostitute, as well as the use of moral panic in the votes of the projects previously analyzed, adding the attempt of the Swedish model in Brazil through the Bill 377/2011, which invariably ends up placing the prostitute always as a victim or in a situation of trafficking, and the client in a situation of a sexual predator.

Although this work doesn't have the intention of revealing data to serve as an effective sample of reality, it fits within the qualitative universe since it sought to give voice to a very specific part of society and to give access to some speeches on the theme of prostitution in Brazil.

2. A whore worker? Initial considerations beyond common sense

“Slut, feminine substantive: profession. Woman selling her own body for sex.”

(Prada, 2018).

Before talking about why decriminalization is a better policy for sex workers, it is important, for a better understanding, to establish some concepts that will be used at all times throughout the text.

The theme of prostitution is surrounded by myths derived from common sense, or as Matthews (2008) points out, “half-truths”, which lead to difficulties in the development of policies and also the additionally to academic research. It is common to find in the media, academic works or even in the opinions of the Brazilian Congress, the use of prostitution as a synonym for sexual exploitation, that all prostitution derives from trafficking or vice versa, the misuse of the term 'child prostitution' and as being the “oldest profession in the world”.

Matthews points out that the use of false synonyms can be a way to avoid evidence and protect a certain position, and most of these “half-truths” have a rational core. Although it is extremely -weak- this rational core, surrounded by exaggerations and distortions, in which they reduce reality to avoid contradictions. As we will see in the first and third chapters, the votes and opinions of the Brazilian legislature use a lot of these half-truths and myths, and they are often interconnected and mutually reinforcing.

For a better understanding of prostitution, it is necessary to analyze it contextually, connecting social norms to the spaces in which they occur. It is also important to establish some concepts that will be used throughout the text, demystifying the half-truths. So, in a direct way, and adopted by many as a methodology, we will use the definition brought by Ribeiro (2013) and Guilherme Nucci (2000). Prostitution as a social institution that supposes the exchange of sexual services for money, as a social phenomenon is not immutable, on the contrary, the concept changes according to the socio-historical, cultural, political and economic context, which mediate and give meaning to prostitution¹⁰. In other words, the understanding of prostitution is not the same throughout the course of humanity. It is common to use the discourse that

¹⁰ "- Throughout the ancient world, examples are showing us that they held a status of great social importance. In the cities of Mesopotamia and Egypt, the great goddess Innana, later Ishtar, was identified as a prostitute, and many of the women who became prostitutes were considered sacred, having a great capacity for influence in the religious, political and economic spheres." See more: Sacramento & Ribeiro, 2014, p. 199.

prostitution is "the oldest profession in the world", which is often a limiter of any intervention aimed at change or improving the situation . As Brazilian sociologist Fabio Alves Lopes points out: "It has become routine, both in common sense and in academia, to associate prostitution with the 'oldest profession in the world'" (2012, p. 14). Lopes, like Ribeiro (2013), states that we cannot analyze prostitution as a natural phenomenon, which accompanies humanity over time, at the risk of not understanding the dynamics that have changed historically (2012). Also, according to Matthews, prostitution never had professional status:

The establishment of professions such as banking, medicine and law in the eighteenth and nineteenth centuries was designed to protect standards and the remuneration of their members, while at the same time promote their collective interests. In relation to these objectives' prostitution has never come close to achieving the status of a profession. (2008, p. 22)

The use of the term "profession" in the phrase "oldest profession", as Matthews pointed out, is problematic, as the meaning finds variations according to each historical period. With the rise of capitalism, such a concept is linked to labor relations, in which, from a Marxist perspective, there is exploitation by the owners of the means of production over workers. It would be unhistorical to analyze prostitution as always being the same phenomenon, even for those who consider it a profession or not. Engles (1972) noted that the provision of sexual services to strangers and visitors has little to do with the current notion of prostitution in early patriarchal societies but was seen as a service provided to visitors by single women in the village. Additionally, according to him, the notion of hetarism, which is seen as the prostitution of Ancient Greece, is directly linked to the so-called group marriages, until the sacrificial surrender of the woman, by which they compared her right to chastity. It was only from the advent of monogamy that modern prostitution began to emerge (Engles, 1972). Still, Matthews quoting Judith Walkiwitz (1977), says it was not until the nineteenth century that street prostitution began. Before that, she argues, prostitution was not generally viewed as a specialized occupation, and arguably it is only at this point that it becomes possible to talk about prostitution as a career (2008).

The understanding of prostitution as something that has always existed ends up falling into historical positivism, according to which history evolves on a linear scale

from the logical chain of events (Fonseca, 2012). As Juliano Dolores states, and will be followed by this dissertation, prostitution is better understood when contextualized, in the words of the author:

Prostitution is better understood when contextualized within the system, which is inserted and considered as an extreme point of stigmatization, placed within a sequence that encompasses the different models of family and profession aimed at women whose social value ranges from acceptance to rejection. (Juliano, 2005, p. 81)

Ribeiro (2013) understands that at the same time, prostitution is present in various axes of society, in urban¹¹ and rural areas, some more and some less visible, also assuming an international character. According to the author, we can define prostitution as "a commercial activity of providing sexual services to adults in which sexual relations (vaginal, oral, anal and/or manual) take place in exchange for payment of money by clients" (2013, p. 30). For sex worker and writer Monique Prada, it is a service provision, constituting an act, by adults, in conditions to consent to the exchange of sex for money (2018, p. 45). And for Nucci, in his legal analysis of Law No. 12,015, of August 7, 2009, of Crimes against Sexual Dignity, prostitution is the usual trade in sexual activity. It is noticed that for the legal characterization of prostitution based on such concept, it is necessary the habit in the provision of sexual services (2009).

In Prada's quote, here i need to stress that sex workers are "adults" and escape the understanding that there would be a form of legal labor on "child prostitution". Underage people do not practice prostitution but would be in a legal situation of sexual exploitation. For the Organization Childhood Brazil¹², it is important to promote the correct use of the term because it provokes a debate in society that this place is not for children. And that, also in the way of communicating, we can guarantee and promote greater protection for children and adolescents¹³. Amara Moira points out that the use of the term child prostitution is unacceptable, relating a profession to something criminal, demonizing the class and contributing to the expansion of the stigma and social

¹¹ In this work, we are more in urban prostitution.

¹² "The organization's role is to ensure that issues related to sexual abuse and exploitation are on the agenda of public and private policies, offering information, solutions and strategies for different sectors of society." To see more: <http://www.namaocerta.org.br/instituto.php>.

¹³ To see more: http://www.namaocerta.org.br/bol_6201.php#:~:text=Saiba%20porqu%C3%AA%3A,n%C3%A3o%20comercializar%20o%20pr%C3%B3prio%20corpo

exclusion of the prostitute¹⁴. Although it is not the object of research, since we are analyzing it from the Brazilian legalistic point of view, it is necessary to mention that the theme is more complex and less positivist than it appears. As an example, we can cite the research by Mara Clemente (2016) based on the observation of qualitative interviews with children and young people selling sex in the Dominican Republic. Her research went from "child sexual exploitation" to " "minors' prostitution". According to the author:

Tales" and "narratives" on the exploitation should not overlook the desire of the young to break the rigid sexual morality through early experience in selling sex, often within the context of extreme poverty but also possibly due to curiosity that leads to wanting to "experience" or "play the game.

In this context, described above, the perception of minors who sell sex is rarely directly associated with the idea of sexual exploitation . They were generally seen as a "friend" who could contribute or leaving help lead to the interruption or exit from prostitution. And, the sale of sex can mix and overlap early sexual discovery and the development of sexual identity, something similar to what Kulick describes about *travesti* prostitution (Clemente, 2016; Kulick,2008).

Moving on, also just as Ribeiro, under the lens of sociology, we understand prostitution as a professional activity, so as in other professions, the choice is subject to constraints in various ways, including economic. People who perform this service are stigmatized and discriminated against (Silva, Ribeiro & Granja, 2013; Prada, 2018). And according to Sacramento and Manuela Ribeiro, with the advent of the Judeo-Christian tradition and sexual morality, prostitution was built as a synonym for debauchery (2014).

That said, in the present work, the term prostitute defines the female person cis, man, *travesti*, trans, or that are not in line with gender conformity¹⁵ (Arruza, Cinzia, 2019) who practices prostitution. This term is predominantly applied in various policies and research on prostitution, as the activity is mainly carried out by women (Coelho, 2016) although, we cannot ignore that there is also male prostitution.

¹⁴ To see more: <<https://www1.folha.uol.com.br/seminariosfolha/2018/05/exploracao-sexual-e-uma-coisa-prostituicao-e-outra-dizem-ativistas.shtml>>

¹⁵ It is important to remember that the expression trans people, as mentioned, in line with the definition of Simone Ávila and Miriam Grossi, "refers to all people who chose a different gender identity or expression than that attributed at birth, including transgender, transgender people, transvestites, crossdressers, non-genders, multi genders, of fluid gender, queer gender, and other related self-denominations". Too see more: GROSSI, A. (2010) *Transexualidade e movimento transgênero na perspectiva da diáspora queer*. p.2.

According to the 2019 dossier on murders and violence against *travestis* and transsexuals in Brazil, “90%¹⁶ of the population of *travestis* and transsexual women use prostitution as a source of income” (Benevides & Nogueira, 2020, p. 31). A high number that finds reflections of why in Kulick's studies:

Instead of considering prostitution as a degrading form of sexual exploitation, the *travesti* sees it as a job just like any other - with the difference that on the street they have no boss, except themselves - and that guarantees access to much more money than they would be able to earn in other salaried jobs. In addition, prostitution is the only sphere of Brazilian society where *travesti* can be admired and recognized (2008:151)

Bringing the concept of prostitution as an institution, we should avoid some aspects practiced in common sense among them: to see prostitution as an immutable caricature and to confuse the figure of women in situations of sexual exploitation of women working with sex. First, we must take into account the individuality of prostitutes. As Monique Prada brings us, the universe of prostitution is very broad, with sex workers living in multiple realities and not all with similar life histories. According to the author:

But, in a society like ours, become whores the ones who need it. I say professional whore, prostitute, with time and goals to meet. And these, some like sex, some have their talents there, and others, don't. (Prada, 2018, p. 41)

When we visited a famous nightclub in Curitiba to interview the president of the organization Liberdade, there were many stories about the women who were working. As I entered the interview place, a young woman in her 20s approached me and questioned what I was doing there. I quickly commented on the research, and she spoke to me with proud eyes that she was collecting money to finish paying her pedagogy faculty and that she dreamed of teaching. Another, a novice lawyer who during college worked as a prostitute to pay the bills, when she graduated, refused to leave prostitution because here she earns more money than with the law, and with that money, she was paying for her master's degree. Others were there to meet specific goals, such as saving

¹⁶ “Travestis appear to exist throughout Latin America, but in no other country are they as numerous and well known as in Brazil, where they occupy a strikingly visible place in both social space and the cultural imaginary” (Kulick, 2008).

money for their own home or supporting their husbands and children. Thus, as Ribeiro and Silva say, it is evident that for those who live in prostitution, the activity has a strategic dimension of survival and improvement of their living conditions and that of their families. At the same time, it cannot be denied the ability of people to choose, whose entry into prostitution can overcome economic reasons. (2019.) As Kulick (2008) demonstrated, money is a crucial factor for prostitution, but it is not unique. According to him, in the cases of *travestis*; money and pleasure are seen as antonyms. The sexual market is one of the few areas of Brazilian society where they feel admired, that is, in other social contexts, *travestis* provoke “embarrassment, consternation, persecution and abuse” (Kulick:201). Gabriela Leite (2009), several times in her biography, reported the pleasure of being in prostitution and that several women came in out of curiosity and pleasure.

I say all this because as Monique Prada (2009), Amara Moira (2017) and Gabriela Leite (2018) bring in their books, respectively, people enter prostitution for various reasons, whether due to financial need, out of curiosity, or for the quick remuneration that other activities cannot bring. In the case mentioned above, the lawyer and student continued selling sex because it was financially advantageous. Or, as Prada (2018) and Moira (2018) brings, they prefer sexual service to precarious work in a supermarket or telemarketing, which pay little. Moira says: “Before slut. I prefer that to listen to insult eight hours a day on the phone or do a nail and hair of madam with a king on her belly” (Location 278).

The situation of women working in the so-called nightclubs will be specified in a relevant topic. However, it is already important to note that the reality of the prostitute varies greatly with the place where she works. The nightclub we visited in Curitiba is considered to be “first-class” of prostitution. Thus, the problems faced by these workers may diverge from workers in more precarious nightclubs or on the streets. In this nightclub, the workers appear to have a healthy relationship with the manager, and the organization Liberdade attends the place weekly to attend to various needs of the workers. On the day we visited, the group was vaccinating the prostitutes against the flu.

This reality is put into shock when we visit the prostitution buildings in Belo Horizonte, capital of the state of Minas Gerais. The famous Brazilian Street Guaicurus is where we interviewed the president of the prostitute’s organization-APROSMIG. The street is made up of 25 prostitution hotels, and more than three thousand workers pass

the street every day. At the same time, the business around them also survives through the prostitutes' buildings, like pharmacies that sell condoms to workers, restaurants that deliver lunch boxes to hotels, independent musicians that play in the streets, several street vendors selling clothes and make-up. Prostitution is what gives life to that street, despite the fact that the buildings are illegal if analyzed from the Penal Code. There is a clear class separation between the buildings. Some are considered to be "luxury whores", where younger women are found, with higher prices, and other buildings with older women, with the lowest program price. The reality of the owners of the buildings is not as healthy as that of the nightclub in Curitiba. For a prostitute to work in the buildings is necessary to pay a fee for the room, and it is common for some women to not get enough programs to pay for the rent or for moving from their homes to the buildings that are in a central region of the city. Also, unlike the nightclub in Curitiba, the Guaicurus buildings did not used to be such safe places for prostitutes. However, the struggle of movements organized by prostitutes with APROSMIG managed to get the owners of the buildings to put security at the entrances of each building, as well as metal detectors after a case of a sex worker murdered by a client, as Cida Vieira, the president of ARPOSMIG, told us.

That said, too, Prada (2018), Smith and Mac (2018) and Mara Celemente (2017) in each of their works deconstruct the image of the "happy bitch", "unhappy bitch" and "ideal type of prostitute" respectively, running away from the fact that every prostitute speaks from the same place, and enters, is in prostitution by vocation or something similar. For Prada, these perspectives serve to escape the notion that all prostitutes are unhappy with their jobs, using the mandatory happiness of a job to deny labor rights. And taking as an example the case of domestic workers, who probably no one would oppose the guarantee of their rights due to the fact of job happiness, and adds that most people in precarious or non-precarious work situations would change professions (2018). These examples also serve to avoid falling into the individualization that every form of sex work is the same for each worker. The definition brought up at the beginning of the topic is merely formal to be discussed in political-legal forms, not being exhausted in the letter of the law, and from the definition, to avoid an ideal type of prostitute, or to see them all as in situations of sexual exploitation, even trafficking.

Faced with this scenario, we are against the uncritical and positivist thoughts that prostitution is the oldest profession in the world, and all prostitutes are equal, and so,

we try to centralize our object of study. Therefore, we do not intend to study prostitution in all historical phases or countries. The focus of this work is prostitution in Brazil and from the constitution of the current Penal Code.

Before going specifically to the topic, we need to dissociate between prostitution and sexual exploitation. According to the studies of the anthropologist Pistelli: “The repression of prostitution has spread by mobilizing other rhetorical resources, in addition to human trafficking. They involve sex tourism and, above all, sexual exploitation”. (2014).

2.1. Prostitution x sexual exploitation

“Where everything is violence, then nothing is violence. That is the question about the myth that sex work would be ‘paid rape’.” (Prada, 2018, p. 48)

Andrea Dworkin, a North American anti porn activist, previously mentioned, gained relevance in the 1980s among Brazilian feminists. The activist reportedly engaged in so-called “survival sex¹⁷” (Prada, 2018). We cannot ignore that this situation does not constitute prostitution, but as a form of violence and sexual exploitation, and in the case of Dworkin, in the light of Brazilian law, a clear analogy to slavery and sexual exploitation. As we will see in the analysis of Brazilian parliamentary opinions, in which, several of them confuse prostitution with sexual exploitation and deem every prostitute a trafficked victim. However, the issue of trafficking will be addressed in the final chapter. Now we will look at the use of the term sexual exploitation in the legal field.

In Brazilian law, the expression “sexual exploitation” was used in Chapter V, Title VI, of the Penal Code, which contains the following text: “*Chapter V, Title VI - Pimping and human trafficking for the purpose of prostitution or other forms of sexual exploitation*” (Greco, 2011, p. 110). Beyond Penal Code, the term is also present in the Statute of Children and Adolescents from the 2000s, and according to Piscitelli, since 1980, it has been used in international conventions and among activists (Piscitelli, 2014).

It is possible to analyze that the current legislation prostitution fits as a form of sexual exploitation because the legislator when bringing the word “or” in “*prostitution or another form of exploitation*”, implies they are in the same category (Piscitelli, 2014;

¹⁷ “The direct exchange of sex for home and food” (Prada, 2018, p. 48).

Greco, 2011). Piscitelli goes further and explains the lack of legal definition leads to other interpretations:

The legal vagueness of the notion of sexual exploitation allows it to be read, when it comes to people over 18, according to different interpretations: sometimes as forced prostitution, sometimes as retention of part of the income of the people who practice prostitution, or as a profit obtained by intermediation (2014).

The concept of sexual exploitation is not clear and definitive, and the position of the treaty on “consensual” prostitution is not explicit, leaving it to the mercy of each country to decide how to treat the activity, that is, whether it criminalizes, permits or regulates¹⁸ (Clemente, 2019; Piscitelli, 2012). Based on the Palermo Protocol, the expression appeared in 2009¹⁹ on the Penal Code²⁰ with the provision to combat pimping and human trafficking (Piscitelli, 2012). Article 3, point “b”²¹ of the Palermo Protocol provides that the consent given by the “victim” is irrelevant for the farms described in point “a” if it occurs by trickery determined by the protocol.

The lack of distinction between sexual exploitation and prostitution in the Brazilian legal system results in several analyzes without any critical reflection. Analysts interpret prostitution as sexual exploitation without taking into account the person's consent and the possible professional link between the prostitute and third parties, whether maintaining a place for the activity or favoring it. As an example of these analyzes, we have the former prosecutor Luiz Flávio Gomes, who in his comments on the reform of the Penal Code of 2009, defined sexual exploitation as any domination and abuse of the bodies of children, adolescents and adults by third parties, such as pimps or sex buyers (2016). As for the criminalist Prado, in his Course on Brazilian Criminal Law,

¹⁸ As emphasized by Dottrige (2007) in her analysis of the main international instrument on trafficking, the Palermo Protocol addresses sexual exploitation only in the context of trafficking, without prejudice to how different states deal with prostitution in their respective domestic laws. To see more: Clemente, 2019. Is sex trafficking no (longer) sexy? Actors, definitions of the problem and policies in the Portuguese field of counter-trafficking.

¹⁹ Before the 2009 legislative changes, the term sexual exploitation did not include people over 18.

²⁰ “In these modifications, articles related to prostitution that, in the past, were grouped under the title “Dos Crimes Against Customs” started to be included in the title “Dos Crimes Against Sexual Dignity”. And, the articles that, in the 1940 version, dealt with “Do Lenocínio and Trafficking in Women”, as from the 2005 amendments, started to deal with “Do Lenocínio and Trafficking in Persons” 3 and, in 2009, “Do Lenocínio and Trafficking in Persons for the End of Prostitution or Other Forms of Sexual Exploitation” (Piscitelli, 2012, p. 2).

²¹ **Definitions for the purposes of this Protocol:** a) The term “human trafficking” means the recruitment, transportation, transfer, accommodation or reception of persons, using the threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of authority or situation of vulnerability or the delivery or acceptance of payments or benefits to obtain the consent of a person who has authority over another for the purpose of exploitation. Exploitation will include, at a minimum, exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs. To see more: <http://www.planalto.gov.br/ccivil_03/_ato2004-2006/2004/decreto/d5017.htm>

defines it as "to dominate, abuse, or take advantage of the sexual act of others" (2013, p. 887).

Adriana Piscitelli summarizes that there are three different notions of exploitation linked to the theme of prostitution. The first, coming from the feminist and abolitionist current (and some of the aforementioned criminalists) who consider any exercise of prostitution as a form of violence. The second notion comes from the understanding of prostitution organizations that consider prostitution as work, and exploitation occurs in economic terms. And finally, the definition of exploitation in the ILO Global Report 2005 (2012). The first notion of exploitation does not consider prostitution as a form of work, and throughout the research, we will analyze in more detail the consequences of this view. However, for this introductory topic, we need to know that the abolitionist view denies any form of free prostitution (Piscitelli, 2012).

Some feminist currents and sectors of society, especially the more conservative ones, consider prostitution an unworthy act of selling the body. In some cases, they see it as violence in itself, the prostitute being always a victim of patriarchy. In other cases, these groups are also joined by the non-conservatives (Prada, 2018; Matthews, 2008). Such a reading is shown to be wrong, and does not analyze the historical moment we are living. Prostitution must be observed according to the system in which in this case capitalism. In general terms, the socioeconomic condition is a determining factor in the individual's professional choice and within this context, they are presented with work options that they can perform. In this perspective, the prostitute has the freedom to dispose of her body as a work option, with prostitution being one of them. Silvia Federici, a famous Marxist feminist, tells us that within the capitalist patriarchal society, three jobs are reserved for women without receiving anything in return, domestic work, sex and reproductive work. (2017). From this perspective, sex workers break with patriarchal logic by placing a price on sex work.

Such a view of exploitation is not unique. The second definition brought by Piscitelli is the movements of prostitutes who consider prostitution as work, and the exploitation that occurs would be within the economic field. I emphasize here that this second understanding of exploitation is the perception of sex workers. I would like to point out that this discussion deserves unique research on how the exploitation of capital is adapting to new means of exploitation, going beyond the classic vision of direct

exploitation of the boss, detaining the means of production and exploiting the workers.²² In a tight synthesis of the theory of exploitation, it is through the exploitation of absolute and relative surplus value that the boss makes his profits. The capitalist gains as the worker loses:

Capital, therefore, is not just command over work, as A. Smith said. It's essentially command over unpaid work. (...) The secret of self-expansion or capital appreciation is reduced to its power to dispose of a certain amount of unpaid work by others. (Marx, 2016, p. 617)

Still on economic exploitation, Nancy Fraser, Cinzia Arruza and Thihi Bhattacharya (2019) remind us in their manifesto to Feminism for the 99% that capitalist society is composed of two imperatives that are mutually opposite and inextricably intertwined. The system is sustained through the process of obtaining profits against the need for human beings to sustain themselves through processes that the authors call “people production”. They bring Marx's work to their readers, bringing exploitation as the injustice that capital inflicts on workers. In this scenario, workers should receive enough to cover their living expenses, although they actually produce more, according to authors:

In a nutshell, our bosses demand that we work longer hours than necessary to replicate ourselves, our families, and the infrastructure of society. They appropriate the surplus we produce in the form of profit for the benefit of owners and shareholders. (2019, p.109).

Piscitelli quotes Angela Araujo (2008), arguing that workers are exploited by capital lords as they work longer than necessary to ensure their survival, and thus produce a surplus for the owners, allowing accumulation. Piscitelli adds that the question of exploitation is not defined by the profession itself but by the relationship between worker and employer:

It is also emphasized that the situation of forced labor is not defined by the nature of the activity carried out or even by its legality or illegality. The defining element of the forced labor situation is the nature of the worker's relationship with the “employer”. (2012, p. 12)

²² As an example, we have application delivery workers in Brazil who do not directly have a boss. To see more: Scapini, E. Z. (2020). Uberização: uma nova forma de controle e de subordinação. *Revista Contraponto*, 7(2).

Among the examples, in the eyes of sex workers, Pistelli cites the excessive retention of percentages of income, abusive charges for accommodation, or purchase of exclusive foods only at the workplace (2012). In our field interview in Belo Horizonte, the perceptions of exploitation reported by the president of APROSMIG were related to this idea of exploitation. Prostitution was seen as work, and as work, it was the object of economic exploitation. In the case of Belo Horizonte hotels, the payment of daily rates could have negative aspects in the perception of women who might not be able to get enough programs to pay the rent or have money to travel to hotels and to buy condoms²³. In these cases, sex workers had the perception of exploitation.

The third definition of sexual exploitation is pointed out in the ILO Global Report 2015. The term is applied to people who enter prostitution, or any commercial sexual activity in an involuntary way, or who enter freely but are prevented from abandon. It also considers sexual exploitation in all cases where children and adolescents engage in commercial sexual activities. In this sense, André Estefam separates sexual exploitation from sexual violence. According to the author, both concepts are not to be confused. It is, sexual violence occurs when a sexual crime is committed, such as rape, in which the passive subject suffers violence. And he highlights that sexual exploitation is distinguished from mere sexual satisfaction. In his words:

Sexual exploitation differs from mere sexual satisfaction (obviously lawful activity). The concepts of sexual violence and sexual satisfaction represent the frontiers, or, in other words, the opposite extremes that delimit the interpretive field of “sexual exploitation”. It is also decisive to note that the elementary was expressly equated by the legislature with prostitution. In this regard, the so-called analog interpretation method was adopted, using a generic formula, followed by a case-by-case example. When this happens, genus and species are self-limiting, that is to say, they cannot be understood without the other. In case, sexual exploitation is the genus and prostitution, the species. (2012, p. 7)

The issue of consent in part has already been analyzed with regard to work choices according to their economic need and the conditions they offer, however the conditions that generally lead to the exercise of prostitution are not imposed by someone who demands its practice, but yes due to a system that ends up forcing, for economic needs, sex workers to keep working and as Molly Smith and Juno Mac say:

²³ During the interview several women were looking for condoms at the APROSMIG headquarters.

"capitalism cannot be eliminated with liberal or prison solutions" (2018). Therefore, the problems that cause prostitution and that therefore allow the existence of intermediaries, who are criminalized by law, have a systemic origin. Sex work is paid precisely because workers depend on it and, precisely because of this, the criminalization of sectors that engage in prostitution helps to reinforce the labeling of its activity by associating it with crime, enhancing its stigmatization and marginalization and it is not possible to end such economic activity only by criminalizing them. In addition, according to Inês Ferreira Leite, the criminalization of activities related to prostitution creates an effect of "unlawful contamination" that causes the effect of exclusion from society for people who prostitute themselves, leaving spaces for the performance of agents or criminal associations (2016). And as we will see throughout the dissertation, the solution sought by criminal policy, which includes the criminalization of simple pimping, ends up creating spaces for the continuation of criminal activities related to prostitution, such as sexual exploitation and human trafficking.

In the first part of the work, we will analyze prostitution in light of the current Penal Code. The criminal law considers it incapable of having autonomy over its destiny and freely choosing the activity as a profession due to the morally reprehensible content that hangs over the sexual mercy. Given the definitions of exploitation, for the present work, we do not align ourselves with the current mentioned by Estefam. Therefore, when the term sexual exploitation is used, it is not referring to prostitution work.

Based on the methodological premises that guide this work, we move on to the research itself, which is divided into three main parts. The first, on the beginning of the movements of prostitutes in Brazil, as well as legal and political analysis of prostitution in Brazil. In the second part, we analyze the different policies on prostitution. And at the end, the stigma of prostitution in the scenario of moral panic of international trafficking.

2.2. Through Gabriela's Eyes

"Eu sou mulher, mãe, filha, avó e puta." ²⁴(Leite, 2019)

A prostitute that marked Brazilian history was Gabriela Silva Leite. She was born on April 22nd, 1951, in São Paulo. During the military regime, she attended the Faculty of Social Sciences of the University of São Paulo and worked as a secretary in an office in downtown. She felt particularly privileged to be part of the high society of the capital.

Gabriela left the university program and, with the feeling of "making her own revolution", began working as a prostitute in the 70s and 80s at "Boca do Lixo"²⁵ [Mouth of Trash] in São Paulo, and over the years she moved to Janeiro's prostitution zone known as "Vila Mimosa"²⁶ (Leite, 2019). In 2009, she wrote the book titled *"Filha, mãe, avó e puta: a história da mulher que decidiu ser prostituta"* ["Daughter, mother, grandmother and whore: the story of the woman who decided to be a prostitute"]. It reads on the first page:

I love men, I like being with them, and I do not know an ugly man. Another thing I love is to speak my mind, I don't mince words. Whoever reads this book will realize this. There is a third thing that I value a lot, perhaps the one that I most value, in fact, that is freedom, freedom of thinking differently, of dressing differently, of behaving differently. (Leite, 2009, p. 1)

The quote briefly summarizes the objectives of Gabriela's struggles, which went beyond the defense of the sex workers: the protection of individual freedom. To her, movements should not be restricted to the prostitute's rights although this is the main flag raised by her. It should go further, upholding the right of everyone to be happy in any way they wish. Gabriela passed away in 2013, with the hope that one day her humanitarian guidelines would be introduced into Brazilian law. However, until the present day little has changed in relation to the laws of sex workers. Nevertheless, it was an important spark that culminated in various discussions in Brazil.

²⁴ Translation: "I am woman, mother, daughter, grandmother and whore"

²⁵ "Mouth of Trash" is a peripheral area in Sao Paulo, which was known for the large number of prostitutes.

²⁶ "Vila Mimosa" is a peripheral area in Rio de Janeiro, which was known for the large number of prostitutes.



Picture 1: Gabriela Leite, poster at APROSMIG headquarters.

It is important to emphasize that Gabriela Leite, as a prostitute and activist, was far ahead of her time when seeking to build a discourse of affirmation of the prostitute as a category and prostitution as work, thus going against the “principles” hegemonically defended by society generally. This led her, as the main representative of the social movement, to gain notoriety and space on the political level, opening a voice to an unprecedented debate, by adhering to a politicized connotation of the discourse.

The beginning of these discussions took place in 1987, at the First National Meeting of Prostitutes, in the city of Rio de Janeiro, where strategies were discussed to ensure public recognition of the profession and citizenship of sex workers, through the creation and legalization of associations in different states. During the II National Meeting of Prostitutes in 1989, the National Network of Sex Workers was born. Which gave strength to the following years as a set of entities were created in the various Brazilian states (Barreto, 1995; Leite, 1995; Brasil, 2002). The movements initially adopted the expression “sex workers”. More recently, some leaders have preferred to use the term “prostitute” because they understand that the terminology adopted, in a way, masks rather than tackles the stigma that always comes with prostitution (Prada, 2018). According to the Brazilian Network of Sex Workers, using the name “prostitute” means, in this sense, confronting stigma and discrimination, while valuing women who survive prostitution, without euphemisms. (Alvarez; Teixeira Rodrigues, 2001; Azeredo 1995).

The story of Gabriela Leite represents the reality that will be most discussed in the present work, since thousands of “Gabrielas” scattered throughout Brazil are

harmed, or even killed, because of the criminalization around prostitution, their main victims being women, cis and trans of disadvantaged social strata (Prada, 2018). Challenges to understanding the depth and complexity of the phenomenon of prostitution are abundant (Ribeiro, 2008). The ones described above are just some of the obstacles. This thesis intends to address these and other serious issues, starting with the Brazilian scenario.

As noted below, many people, especially women, are only looking for recognition of their profession, just like anyone else, but are often pushed to the fringes of society, most of the time for fear of repression by state agents themselves.

From this perspective, prostitution will be discussed when treated with repression, filled with obscurity, prejudice, taboos and what it would be like if translated by the orbit of Human Rights²⁷, that is, when prostitutes are recognized as workers with their guarantees of citizenship, individual rights and freedoms.

2.3. Alice, “Where to go?” And the Brazil of various “Gabrielas”

In the tale "Alice in Wonderland", at one point the protagonist Alice comes across a crossroads, and, not knowing where to go, asks the cat that was there "Where should we go?" And the cat replies that "if you don't know where you want to go, no matter which way you go".

Facing this questioning in the problem of the obscurity of prostitution in Brazil, is it necessary to know what to achieve, to continue on the path of criminal repression or to choose the path of the human rights? Currently, Brazil follows the “regulationism” (or abolitionist/partial criminalization)²⁸ model of prostitution, placing the profession in a true “social limbo” (Ribeiro, 2008). While the practice of prostitution as a private matter is not formally criminalized, its commercial exploitation is penalized. For example, the crime of favoring prostitution, or the ruffians, all provided for in the Brazilian Penal Code (1940). Such positioning ends up being marked by strong exclusion and stigmatization, because, as Ribeiro points out, the abolitionist model does not contribute

²⁷ A great milestone of conquest is the Declaration of the Rights of Man and the Citizen of August 26, 1789. The Preamble of the first French Constitution lists the fundamental rights of citizens: freedom, property, security, the right to resist oppression, and political rights, being valid rights to all humanity. This can be seen in art. 1^o [...] Men are born and are free and equal rights [...] (Moraes, 1997, p. 120).

²⁸ The different nomenclatures and legal models of prostitution will be discussed in the second chapter.

to reducing the forms of exploitation (2008). And, consequently, it does not give voice to “Gabrielas” and their claims for social rights, including citizenship.

These voices not heard by the State denounce discrimination and police violence, which are constant in the daily universe of Brazilian’s sex workers. The *travesti*, PhD student at the Universidade de Campinas (Unicamp) Institute of Language Studies and author of the book “*E se eu fosse puta*” [And if I was a whore], Amara Moira famous for her activism, and her reports on the daily life of sex workers in a known region of São Paulo, in some interview she denounced state policies (or lack thereof). In your words:

The government never even offered a job alternative for these professionals. In the case of Campinas, the solution was to send the problem to a remote place, away from the eyes of the traditional Brazilian family. However, the "ghetto" has taken on a life of its own. (2016)

Unlike the aforementioned “Alice”, organizations know the way they want to go, that of prostitution in the field of citizenship - emphasizing in particular the question of whether activity refers to sexual and labor rights rather than the current path followed from a criminal perspective, after all, it is a profession, implying rights, provided for in the Brazilian Labor Code. Incidentally, Brazilian labor law, outlined in the Consolidation of Labor Laws (CLT), does not recognize prostitution as work. On the contrary, among the existing laws in the country, the one that most deals with the theme is the Penal Code, in which it is a crime to facilitate, profit from or exploit the practice of prostitution, as will be explained more carefully in a specific topic.

2.4. Contextualization. Gabriela's Brazil

“We can be like them, announces the gigantic luminous advertisement on the development path of the underdeveloped and the modernization of the backward. (...) The third world will become the first world, and it will be rich and cultured and happy as long as it looks good and does what it says, without squeaking or making a fuss.” (Marini, 2013)

This reminder from the author of *The Open Veins of Latin America* brings us the reflection that we should not analyse the countries of Latin America with the same rule of "first world" countries that are responsible for much of the damage in the countries in the Global South. Brazil fits as a country of dependent capitalism, which makes it an easy target for imperialist policies, and as sociologist Sabrina Fernandes puts it, which deepen the exploitation of workers and their natural resources, as ways of transferring values for interventionist developed countries (2020).

So, here, it is necessary to draw minimally the context in which Brazil is inserted. Brazilian history can be described in different ways. Gabriela Leite experienced the end of the Brazilian military dictatorship, saw closely the bloodstains left in our young democracy, a time that was also marked by the great disrespect for human rights. During Brazil's military²⁹, sex workers suffered strong repression. In 1971, state agents closed prostitution houses in Belém-Pará, where more than two thousand women worked (Feijo & Pereira, 2014). Lourdes Barreto (2012) worked as a prostitute for 53 years, was one of these two thousand women, being arrested several times, caught and led the movement for the reopening of prostitution houses in Belém's city. Barreto, who today chairs the Pará's State Prostitute Women Group, says that prostitutes were strongly persecuted during the dictatorship (Zibbel, 2013). During this period, it was much more dangerous for *travestis* to publicly appear in women's clothing. Male individuals who took risks were arrested and often subjected to long sessions of humiliation and torture, such as being forced to sit on a truncheon inside a police van while the car speeded through the streets (Kulick, 2008:158).

²⁹ The military action against prostitutes was continuous in the lead years. A crackdown not only on the military but on other sectors such as the Civil Police, which applied the term loitering to arrest these professionals. See more at Feijo & Pereira, 2014.

In the early 1990s, Gabriela experienced the beginning of the current Constitution. She saw the rise of the Workers Party in the 2000s with the government of former President Luiz Inácio Lula da Silva – which was pursued by Operation Car Wash, being arrested and preventing him from running for the 2018 elections, in 2021 the case was annulled due to all the illegalities³⁰ perpetrated by the former judge, former minister Sérgio Moro and other members of the Task Force Car Wash³¹ - and his policies of social inclusion. Over the years, a lot has happened in Gabriela's Brazil, and very little in relation to the rights of prostitutes. In 2016, the Workers' Party government collapsed because of the “impeachment” / coup of former president Dilma Rousseff, generating enormous instability in the young Brazilian democracy. Since then, Brazil has been experiencing unequal and unstable stagnation, rising inequality is the reverse of what had happened over the past two decades. Since the mid-1990s, wages became less unequal, however it occurs that after 2015, the trajectory was reversed, for Medeiros and Barbosa one of the main factors that led to this scenario is unemployment, added to instability government policy (Intercept, 2019). According to the Single Sex Workers Center after the coup “perpetrated by Michel Temer³² and his Gang”, the attacks were intensified due to the rise of conservatism that was established in that congress, they also believed at the time that the labor rights of all workers were in danger (2016). It is symptomatic that sometime after writing this, a labor reform occurred, affecting several workers. In the words of the Central:

I also talk about labor rights. Rights being threatened, rights being taken away, rights being denied. The trend towards greater oppression of minorities, reducing opportunities. Yes: opportunities. Because for you who read me thinking that, since most of us cannot choose between being a doctor and being a prostitute, then this is not an opportunity, a choice, I tell you: on this side, the choice is often between the food on the table or an empty pot, between stretching the salary until the end of the month and a life a little less undignified (Cuts, 2016).

³⁰ Lula could never have been sued by the Federal Court of Paraná, because Guarujá is located in the state of São Paulo and because former judge Sergio Moro himself admitted that such reforms in the triplex were never related to Petrobras. His lawsuit jumped the queue at TRF-4 because Lula's enemies, led by Globo organizations, made a final bill so that his second instance conviction – which would withdraw his political rights – could happen before the 2018 presidential elections. the precision of a Swiss watch. Lula was therefore arrested for not being president - which confirms that he is a political prisoner”. To see more: Lava Jato, um projeto de poder. Por Marcelo Seme <https://racismoambiental.net.br/2019/08/20/lava-jato-um-projeto-de-poder-por-marcelo-semer/> and <https://www.brasil247.com/blog/acao-politica-de-dallagnol-demonstra-que-lula-e-um-presno-politico>.

³¹ To see more: AAJ (2019). *The American Association of Jurists recognizes Lula as a political prisoner*. <http://www.asociacionamericanadejuristas.org/declaraciones/2019/Lula_Presno_Politico.pdf>

³² Michel Temer was vice president Dilma Rousseff.

Despite being among the 10³³ largest economies in the world, there are currently over 8 million people in extreme poverty and 25.8 million in poverty. There are 33 million underprivileged Brazilians, a larger population than Portugal (Andrade, 2018). According to research by sociologist Marcelo Medeiros, the poorest 50% of Brazil appropriates only 12% of national income in 2015 while the richest 10% had 55% of the wealth produced in these lands. The richest 1% group gets 28% of national GDP (gross domestic product). This is in a country where half the population has no sewer system or treated water. Basic elements of advances in civilization pass far from half of Brazilians (Medeiros et al, 2015). Morbidity and mortality from accidents and violence comes first among the underprivileged, due to working conditions, traffic accidents in large urban centers, rising inequalities, unemployment, lack of prospects for work and life, crime, police brutality, homicides, among others (Marsigliani *et al*, 2004).

The problems caused by inequalities are endless. The likelihood of someone having their lives end by violence is strongly correlated with the amount of melanin on their skin and the average income of their growing neighborhood as shown by the State Policy Studies Institutions and Democracy (IPEA, 2010). According to the document: “Black people are doubly discriminated against in Brazil, for their socioeconomic situation and for their skin color. Such combined discrimination may explain the higher prevalence of black homicides vis-à-vis the rest of the population” (IPEA, 2010).

All the processes mentioned above occur most markedly in the metropolitan regions, due to the increasing processes of social exclusion and abandonment, which is the relegated place for sex workers to perform their activities as reported by Amara Moira (2017), Monique Prada (2018) and Gabriela Leite (2009) several times in their books. In these regions, the number of homicide deaths already exceeds that of traffic accidents. Also, the low-income population is more exposed to neoplasms associated with environmental factors, subhuman working conditions and early non-detection due to difficulties in accessing health services, even in these regions (Minayo, 2000). Discrimination increases as we add the intersectional cut of gender, race, class and profession by analyzing the situation of sex workers.

³³ These data are prior to the covid-19 pandemic.

2.4.1. Inequality also measured by sex workers: the non-recognized workers

“But at a certain point in my life, my scholarship did not reach the end of the month, my son and I lived in favor with friends and I thought we deserved more. My choice was as worthy as.” (Cuts, 2016)

There may be different interpretations of Brazilian history, but there is a consensus around the importance of the obstacles represented by inequalities in their various forms. One of the ways to analyze the growing inequality in Brazil is through the eyes of sex workers, a group that since the beginning of Brazil has been neglected by the state, having their human rights denied, belonging to a legal limbo and forgotten and neglected/abandoned/ignored, as will be dealt with in a specific topic. Inequalities symbolize and entail a tangle of things that influence the daily life of all of society. And in the specific case of sex workers, being treated as an "equal" on many occasions becomes a daily requirement that they should have. When asked about the regulation of the profession, a prostitute from the capital of Minas Gerais (Brazil) said the following: “Cleusy: I think it's not just retirement, right, it's not just retirement, but all the rights that ordinary people have, that we are also common” (Barreto 2015, p. 70).

It is clear to all of us who live in Brazil that there is an unequal society, just look at the structuring of cities and with a closer look we see the various sex workers laboring in the ghettos and peripheral streets, with overwhelming prejudice, always left aside. This inequality results in the violation of basic assumptions of social rights, existing in the employment relationship, stigmas that prevent professionals from enjoying rights, and therefore of being included equally in the project of society.

A more pragmatic view may question that in the political, economic and social level being a prostitute does not interfere with anything, because no Brazilian prostitute is prevented from voting, buying real estate, having access to universal health care system or public school. Thus, at least in the abstract, in the political, economic, and "social" aspects, sex workers have/should have the same rights as the other thousands of autonomous professionals in Brazil, as provided for in Article 6^o³⁴ of the Brazilian Constitution.

³⁴ Art. 6^o Education, health, work, housing, leisure, security, social security, maternity and child protection, assistance to the destitute, as provided for in this Constitution, are social rights.

The problem of the pragmatic view, and to disregard the aspects that involve the precepts of equality, of individual and collective empowerment relations, of allowing freedom, of self-recognition of identity, which does not end in a mere legal formalism of a supposed duty to be. The positivist view of the law ignores a real understanding of the law, leaving aside ethical, political and economic aspects that are not always contemplated in the legal norms (Almeida, 2019). Equality goes beyond the letter of the law, it is necessary to guarantee and give voice to the multiple faces of the social scope, to have a sense of foreboding and community, in which all are complete and collectively equal and distinguish, according to intersubjective paths of shared criteria. The equality of the prostitute must also be measured by the strength of her voice as a sex worker, while her essence at all decision-making levels, recognizing her humanity and her endeavor like any other worker, has the freedom to attend the same places without having to hide your identity.

In this sense, it is important to stress that, as sociologist Roberto DaMatta argues with regard to the existence of phenomena in Brazilian society, it concerns the relationship between formal work and the individual's social appreciation. DaMatta does not deny it, signaling that “in Brazil, citizenship is linked to an occupational stratification system and not to a code of political values” (DaMatta, 2003). This stratification, historically, in the sense expounded by him, has always been closely linked to formal work, given the importance of the Work Portfolio for the exercise of some rights in Brazil.

In Brazil, as in other Latin American countries, poverty and inequality are structural phenomena that persist throughout historical and social development. Such phenomena become more extensive and profound by the way the region enters the globalization process, that is, with the main characteristic of economic dependence of the central countries - non-development of its technological park, imposition of rigid and recessive economic rules determined by the multilateral institutions, the imposition of the superfluous need to diminish the state, precarious work, among others, are examples of these determinations (Singer, 1997). And within the scope of precarious work, we must include the Prostitutes, or as Deputy Fernando Gabeira first mentioned in Brazil: *Sex Workers*³⁵ (Leite, 2009). A Profession that “exerts itself in anonymity, amid

³⁵ The decentralization process of the Single Health System (SUS), along with the consolidation and expansion of the Brazilian Network of Prostitutes from the III National Meeting of Sex Workers in 1994 - when Fernando Gabeira suggested the adoption of the

shame and fear.” As described to the VICE newspaper by prostitute, activist and *travesti* Amara Moira (Delcreq, 2016).

It is not new that in many parts of the world sex workers are constantly exposed to abuse. Nor is it new that they belong to a group of people who are often forced to live outside the law. Furthermore, Gabriela Leite describes in her book the money that pimp spend on corruption, to “buy the silence” of police so that it does not denounce, in her words “money that the bitch will never see” (Leite, 2009, p. 61). Sex workers are exposed to various human rights violations such as physical and sexual violence, arbitrary detention, extortion and persecution, human trafficking, HIV testing and forced medical interventions, and they are excluded from health and housing services, and other social and legal protection (Ribeiro et al, 2018).

The Brazilian state continues to neglect them as these workers are still exposed to risks that come together from the criminalization of the workspace. According to Moira, the current scenario is to work and live daily with aggression, rape and death, in addition to all stigma and marginalization. (Declereq, 2016). As long as it remains in the underworld of unworthiness, prostitution can be a “nostalgic” place for the exercise of paternalistic male chauvinism that comes as a concession to the man who enjoys the service the way he wants: without law, without limit, without equality.

2.4.2. Right’s and prostitution: "Woman of Life, Need to Speak"

The legal and socio-cultural framework within which sex workers live and work in Brazil, often embodying criminalization, stigmatization and human rights violations, provides a challenging context for resistant an organization. Yet Brazil struggle for rights and recognition has emerged, evident in the work of sex worker rights-based organizations and campaigning groups.

While international Anglo-Saxon feminists struggled in the "sex war" over prostitution, in Brazil, the struggle was in opposition to the military regime, the struggle for democratization and amnesty, but also, as Piscitelli points out, "struggles" against male domination, violence against women and the right to pleasure (2012). In the late 70's in São Paulo occurred the first major mobilization of prostitutes claiming their rights, the date was marked by strong police repression that culminated in the death of a

term “sex workers” to cover different genres - contributed to the introduction of consortium projects as a way to facilitate the receipt of federal funds by smaller organizations (Leite & Lenz).

transvestite and two women (DaVida).³⁶ This was the great flame for the prostitutes and *travestis* to organize themselves to denounce the arbitrariness of the agents of the Brazilian State. As said at the beginning of this work, led by Gabriela Silva Leite, the first national meeting of prostitutes took place in Rio de Janeiro in 1987, with the motto "Woman of Life, We Need to Speak". After this event several organizations are created in other Brazilian states (DaVida).



Picture 2: [Mulher da Vida é preciso Falar]. Source: Viviane Rocha / AJB – 1987. Taken from the book "Mulheres da Vila" (Moraes, 1996).

The universe of prostitution in Brazil is forged within discrimination and police violence, in previous periods and recent history, served as the decisive impulse of the struggle for the emergence of the first organizations. The social organization of prostitutes was born in the context of the democratization of Brazil, after 25 years of military dictatorship. Formally meeting for the first time in 1987, prostitutes from 11 regions denounced above all police violence, but also the historic association of prostitution with disease, which was then updated by the discovery of AIDS. (Leite & Lenz; Leite, 1995)

Among the various organizations, the one that reflected nationally was the one created by Gabriela, the institution DaVida: Prostitution, Civil Rights Health, in 1992. The group is responsible for organizing and promoting regional and national meetings,

³⁶ To see more: <<http://memoria.bn.br/DocReader/Hotpage/HotpageBN.aspx?bib=194018&pagfis=410&url=http://memoria.bn.br/docreader%23#>> and <<https://f5.folha.uol.com.br/saiunonp/2016/01/1728282-saiu-no-np-carrasco-da-seringa-leva-prostitutas-a-parar-a-noite-de-sao-paulo.shtml>>.

advising the formation of the various associations, discussing about public policy, culture, citizenship, human rights and health for sex workers (DaVida). The non-governmental organization was created in the city of Rio de Janeiro with the objective of fighting for rights linked to citizenship, such as the struggle for class labor rights, the recognition of the profession, winning better working conditions, breaking barriers imposed by prejudices, denouncing and facing stigmas, from the construction of new representations in the social environment (Blanchette & Silva, 2018; DaVida Year?).

With these movements came the first partnerships with the Ministry of Health, and the creation of the project “Previna” (1988-1990). The project inaugurated the partnership with government, in the provision of services in prevention activity, with selected populations, highlighting the participation of activists in the program. Thus, it was possible to use peer-directed education methodologies in STD / AIDS prevention actions for specific groups (Brazil, 202, p. 61-62). From the project “Previna” were born prevention manuals directed at prostitutes, *travesti* working in the commercial sex and with pimps, the manual respectively named “Speak, woman of life, Star of Night and Boy of Night” (ISER, 1989). Thus, in 1994, the “Previna II” project, through resources Acquired loan agreements with the World Bank (AIDS I, 1994-1998, and AIDS 2, 1998-2002), guaranteed the maintenance of activities with sex workers, by supporting projects promoted by prostitutes and NGOs / AIDS working with sex workers (Leite & Lenz). Adopting again the methodology of education, which consisted of training prostitutes as “multipliers of information”. The “Previna II” program was in charge of distributing male condoms, educational materials designed by NGOs and produced with resources passed on through the National STD / AIDS Program, and in some regions the associations introduced workshops on human rights and citizenship (Leite & Lenz).

As mentioned at the beginning of the work at the III National Meeting of Sex Workers in 1994, Deputy Fernando Gabeira suggested the adoption of the term “sex workers”, which facilitated the receipt of federal funds³⁷. Thus, in 2002, three major actions were carried out in partnership with the health sector: National AIDS Seminar and Prostitution; the National Campaign “*Shameless girl. You have a profession*”; and the research ‘Evaluation of the effectiveness of prevention actions directed to sex workers in three Brazilian regions’” (Brasil, 2003).

³⁷ Congress suggested giving the term to cover women, men and trans who also work with prostitution. The adoption of the term “sex workers” to cover different gender has contributed to the introduction of consortium projects as a way to facilitate the receipt of federal funds by smaller organizations. Thus, in 2002, the “Esquina da Noite” project mobilized more than 50 associations from the five regions, with one consortium leader per region.

Over the years the partnerships with the government were weakening, in 2011 several prostitutes gathered in Belém/PA, decided to abandon their partnership with the Ministry of Health, such decision, according to Gabriela Leite, was taken to draw attention of the State and Society, due to the restriction of public policies in the health field and ignoring the other agendas (Leite & Lenz). The campaigns were consolidated around the development of actions aimed at preventing and combating HIV / AIDS, which caused a resizing of state violence, although the incidents, involving discrimination and police violence, continued to happen (Rodrigues, 2009; Leite & Lenz). In 2013, there was an attempt to rapprochement, while the campaign "I'm happy being a prostitute" was censored. The project was developed with sex workers, bringing images of the prostitutes themselves highlighting fundamental elements of the right to happiness, citizenship, the fight against violence and the use of condoms (Feijo & Pereira, 2014).



Picture 3: [I'm happy being a prostitute] Respectively in the campaign attached above, we read: “the biggest dream is that society sees us as citizens”, “I am happy being a prostitute”, and “not accepting people the way they are is violence”³⁸.

After a strong controversy, created mainly by the religious legislative bench, the campaign was suspended, and Dirceu Bartolomeu Grego, director of the Department of Sexually Transmitted Diseases, was dismissed (Feijo & Pereira, 2014). In a repudiation note, the Network of Prostitutes pointed out that there was a sanitation process, purely objective and mechanical, dissociated from subjectivities, rights and vulnerabilities (Rede, 2013; Feijo & Pereira, 2014).

In the next chapter, we will look at the process of decriminalization in New Zealand. Sanders (2013) advises that other countries must listen to prostitutes in order

³⁸ To se more: <<https://marchavadiascampinas.milharal.org/2013/06/13/nota-da-rede-brasileira-de-prostitutas-em-7-de-junho-de-2013-sobre-censura-intervencao-e-alteracao-de-campanha-de-prevencao-de-aids-pelo-governo-federal/>>

to achieve decriminalization. As we realize here, Brazil has not always ignored the voices of the protagonists, but it was not enough.

2.4.3. The Issues

The history of rights is linked to the very history of the prostitute movement in Brazil. The big milestone was when in 2004, a prostitute was elected delegate at the National Conference on Human Rights, held in the Brazilian capital. The DAVIDA [for-life] movement has categorized the main rights violations faced by prostitutes into three categories of workers: 1° Women who work in the street; 2° Those who work in saunas; 3° Those who work in confined area. According to the report, the first group of female workers are subject to:

Customer defaults; denial of police help, physical aggression in unsafe workplaces; violation of the rules established *a priori* with customers; violation of their physical and moral integrity; male refusal to use condoms; part of the revenue from pimps; multiple forms of discrimination; violation of the right to come and go practiced by police officers. (DaVida, n.d)

For the second category of workers, the most common are the following violations:

Indebtedness and control over income; different collection mechanisms (fines) related to the conduct of the worker in the workplace; have no control over your workday. (DaVida, n.d)

And for the third category:

Drug use coercion in the exercise of prostitution; unhealthy workplace; loss of time between day and night. (DaVida, n.d)

In the most attentive eyes, we noticed several violations of rights that should already be ensured for the entire Brazilian population, including:

- Right of being remunerated for work;
- Right of having one’s occupation properly recognized;

Right to establish the terms of the deal and to assure they are maintained;
Right of being respected as a woman, established by the World Conference of Human Rights Vienna, 1993;
Right of receiving the complete remuneration obtained with her work;
Right of freedom of movement;
Right to working conditions free from the involvement of third parties;
Right of deciding about the duration of each service with each client;
Right to control her own time.

Importantly, again, these rights should already be guaranteed to the entire population as our Federal Constitution provides, however, their applicability suffers several barriers, especially for the most stigmatized groups of society, including prostitutes. The institution DaVida receives reports from various organizations throughout Brazil, with the main difficulties faced in these cities. In Curitiba/PR Liberdade Group revealed that police action in the city center is one of the largest forms of repression, along with/followed by the high indices of private prison (DaVida, n.d). In Belo Horizonte/MG, ASPROMIG reported that the main difficulties are in verbal violation and physical aggression of the population and attempts to sanitize the city (Davida, n.d).

At this point, abolitionist thinking unites radical feminism and the evangelical stand (Estefam, 2015), as both believe in the need to save prostitutes from their workers, as if there were no happy men and women with their work choices, always being exploited, or as Ribeiro (2008) pointed out just like Almeida (1995), the “bitch is not free”. Such a view ends up losing focus on the abuses that this law brings, previously reported by organizations. It is necessary to give visibility to this violence, to give voice to this risk group, to understand how the experience of violence is, what these people feel, especially women and trans people, and how public policies and health services can bring them closer and do more to develop health promotion and violence prevention work in the daily routine of this activity.

2.5. Brazil: 1890-2019 a neglecting past and present. The legal limbo

“It's silly to say that only a whore sells the body! And sell your head, how much does it cost? The worker sells the arm, how much does it cost? Everyone sells their workforce, which is with their body” (Leite, 2009p. 14).

It is important, at this moment, to discuss how the Brazilian legislator over the years treated prostitution. The country has been adopting, let's say, its own policy: despite being legally considered a country with abolitionist polices , we see that in practice, there are several contradictions, that is because it is not totally abolitionist, we have not even criminalized the client as the Swedish model. Also, we do not follow the regulatory model. Although, in 2002, the profession is recognized as an occupation, while several houses of prostitution work with the knowledge of society, as we saw in Curitiba and Belo Horizonte. Then we will discuss these points, the Brazilian abolitionist system keeps this group of workers in a gray status, which constitutes true legal limbo.

The year 1850 was marked by a strong clash at the Imperial Academy of Medicine between groups that defended the sanitary regulation project of prostitution (Rago, 2008) and those that supported abolitionism (Engel, 2004). For the first group, the more limited the space of prostitution, the easier it would be to watch over, and ultimately to carry out social control (2004). Controlling sexuality through sanitary measures was common, medicine penalized, and police arrested sex workers for medical examinations (Mazzieiro,1998). For the abolitionists, prostitution, defined as a disease caused by identifiable elements (ignorance, misery, lack of religious orientation), would be an evil not attackable by regulation, creating conditions for the activity to perpetuate (2004). The clash between these two groups culminated in the 1897 resolution, which, under the influence of regulatory policies, provided rules for police intervention to repress public prostitution, and demanding several draconian rules for private prostitution, as we can see below:

- a) That hotels or conventicles are not allowed, and public women may only live in a private home, in number never exceeding three;
- b) The windows of your houses should be fitted, inside double curtains and outside blinds;

- c) It is not allowed to call or provoke passers-by through gestures and words and engage in conversation with them;
- d) From 5 in the afternoon to 6 in the morning from April to September, inclusive, and from 7 in the afternoon to 7 in the morning, the shutters must be closed, so that passersby do not search the interior of the houses, they are not allowed to remain at the doors;
- e) They must keep all decency in the dress once they show up at the windows or go out into the street, for which they must wear clothing that completely protects the body and the bust;
- f) In theaters and public amusements that they attend, they must be modest, not allowed to engage in conversation with men in the corridors or places where they can be observed by the public (Rago, 1985).

For Magali Engel, these discourses between groups that defended the sanitary regulation and abolitionists reveal a project of hygienic normalization of the body in several ways, in an attempt to set boundaries between normal being and disease. In his words:

In the field of sexuality, always trying to sanitize bodies, conceived not only in a physical sense, but also in a moral sense and in a social sense. Looking at prostitution through revealing lenses of each of these dimensions, the doctor builds the basic categories of classification: perversion (physical illness); depravity (the moral disease); and the body trade (the social disease). In making a thorough diagnosis, the doctor plays his role by incorporating several characters: the scientist, the educator, the moralist, the economist, the legislator, the politician. (2004. p. 60-70)

The medical discourse focused on the venereal danger posed by prostitution in an attempt to defend public health by forcing patterns of behavior between the honest woman and the slut (Rago, 2014). In this context, Brazil in the late nineteenth and early twentieth century witnessed the takeoff of proposals for sanitary regulation of prostitution, consolidating the model of “abolitionism”, classifying some the conduct around prostitution as crimes. As we saw, lawmakers of the time did not go so far as to criminalize sexual services, but such decisions paved the way for harassment by state agents to curb "sexual exploitation”.

The measures adopted in the last century were not having the desired effects, as clandestine prostitution only increased, similar to what happened in European countries

and, regarding the spread of diseases, contrary to what the norm predicted, prostitutes did not show up for visits Sanitary. Thus, years later, in 1940, under the context of the Estado Novo [New State] governed by Getúlio Vargas, Decree-Law No. 2,848 is enacted. (Rago, 1985).

Despite the various legislative reforms that have taken place, the Brazilian Penal Code currently in force is December 1940, and since its inception until 2009, the offenses in Title VI of the Penal Code were considered as crimes against “customs”³⁹. In the Explanatory Memorandum of the Special Part of the Penal Code is inconclusive (item 69), establishing that crimes against moral may also be called “sex crimes”, that is, those recognized by the previous code (1890) under the extensive "from crimes against the security of honor and honesty of families and public outrage to shame"⁴⁰.

So, today, the practice of prostitution is not considered a crime under Brazilian law, but sex workers do not enjoy benefits or labor protection⁴¹. There are only five articles in the Penal Code related to prostitution that would constitute a crime. Articles 227, 228, 229, 230 and 231 deal respectively with the promotion of prostitution; the maintenance of prostitution houses; taking advantage of the prostitution of others, sharing directly in their profits or making themselves supported by those who exercise it; and human trafficking. (Andrade et al, 2001) Some notes and criticisms are needed about these articles.

The first offense referred to above in Article 227 reads as follows: "Inducing someone to indulge another's lust", with the penalty of imprisonment for one to three years. Crime itself is not about prostitution, but in its justification the legislator argues for an attempt to avoid encouraging prostitution (Prado, 2004). The core of the article is to “Induce” the sexual satisfaction of another person, being the taxable person any person, different from the favor of prostitution (Article 228) the victim does not demand payment for the satisfaction of pleasure.

That is, crime typification leaves loose ends that lead us to the following question. If person “X” introduces person “Y” to person “W” as follows: "My friend ‘Y’ is interested in a meeting with you (w)" and “W” and “Y” agree on a meeting, and end up satisfying

³⁹ The word "customs" is used here to mean (restrictive meaning) the habits of sexual life approved by practical morality, or, what is true, sexual conduct adapted to social convenience and discipline. What the criminal law proposes to protect, in subject matter, is the public interest concerning the preservation of the ethical minimum demanded by social experience around sexual facts. (Hungria, 1956, p. 103)

⁴⁰ Available in: <https://www.diariodasleis.com.br/busca/exibelinke.php?numlink=1-96-15-1940-12-07-2848-CP>.

⁴¹ One of the rights foreseen in the Gabriela Leite bill is to have the work card signed, which would imply a series of rights arising from them: demand a fixed salary every month, unemployment insurance, maternity leave, sick leave, thirteenth salary, paid vacations, respect for the workday with overtime pay.

each other's lust. Has person "X" committed the crime of Article 227? The legislator's attempt to abolish prostitution in addition to being poorly grounded did not delimit the object well.

Next, Article 228 the legislator typified the favoring of prostitution as "Inducing or attracting someone to prostitution or other forms of sexual exploitation, facilitating it, preventing or hindering someone abandoning it" with a prison sentence of two to five years. The legislature did not bother to differentiate sexual exploitation from prostitution, placing them both on the same level.⁴² Nucci defends the abolition of this article because, according to him, Criminal Law in a Democratic State of Law is based on minimal intervention, respecting the dignity of the human person, which does not happen when we legislate intimacy (2014). We can also say that such an article can be seen as unconstitutional. It goes directly against the provisions of article 174, paragraph 2 of the Federal Constitution, which guarantees every worker the right to organize himself in cooperatives. According to the understanding of article 288 of the Penal Code, if two or more sex workers rent space to work, they would be committing a crime, as one would be "exploiting" the other. From the moment that prostitution became an occupation in the CBO in 2002, sex workers are seen as an occupation, with the possibility of a cooperative being liable (Cuts, 2016).

Following, we have article 229 which reads as follows: "Maintain, on their own or third parties, establishment in which sexual exploitation occurs, whether or not for the purpose of profit or direct mediation by the owner or manager" with imprisonment ranging from two to five years. This article is also strongly criticized by criminologists. For Greco, the criminal type of article 229 is outdated, because part of society tolerates the existence of prostitution houses. The author still cites as an example the existence of numerous advertisements in magazines and television that are not curbed in any way. Even courts have failed to apply the penalty for this crime because they consider it atypical⁴³. And let's face it, as mentioned by Gusso (2013), the criminalization of prostitution houses had not prevented the existence of establishments, and in addition, neither did the owners stop exploiting sex workers.

⁴² See introductory topic for more.

⁴³ Crime Appeal No. 2.352174-4, 4th Criminal Chamber, Court of Justice of the PR, Rapporteur: Antonio Martelozzo, Judged 10/19/2006. CRIMINAL APPEAL - PROSTITUTION HOUSE - ART. 229 OF THE CRIMINAL CODE - ABSOLUTE SENTENCE - APPEAL BY THE REPRESENTATIVE OF THE PUBLIC MINISTRY - CONDENATORY CLAIM - IMPOSSIBILITY - LOCATION SITUATED IN THE AREA OF CONDUCT - ABSOLVING CONDUCT 386, INC. III OF THE CRIMINAL PROCEEDINGS CODE - UNFUNDED APPEAL. The crime of prostitution house is not characterized, when the nightclub destined for romantic encounters operates in the so-called red-light district, with the full knowledge and tolerance of the administrative authorities as well as the local society.

Then comes Article 231, which criminalizes *rufianismo* [pimp]: “Taking advantage of the prostitution of others by directly participating in their profits or being supported, in whole or in part, by those who exercise it” with imprisonment of one to four years. Here, the legislator was as abstract as in Article 227. The crime provides for imprisonment for those who “make a living in whole or in part, for whom they exercise.” So, is the prostitute's family who is up for the profit of prostitution committing a crime? The whole family has to be arrested? We understand that the legislator here sought to criminalize the pimp figure, yet it was too abstract.

And lastly, Article 231 of the Penal Code, which typifies international trafficking. There are several laws in Brazil dealing with the subject, such as Decree 5.017, 2004, which promulgated the Additional Protocol to the United Nations Convention against Transnational Organized Crime relating to the Prevention and Suppression and Punishment of Trafficking in Persons, Especially Women and Children.

The issue of prostitution is strongly linked to human trafficking, even often used as synonyms. We will return to this subject in the topic about stigmas. Gabriela Leite (2009), commenting on the Brazilian Penal Code and the articles on it that refer to prostitution, cited above, would aim at protecting the prostitute, but which, according to her, have the opposite effect: “The prostitute is over in the midst of total marginality because those around her are considered criminals and somehow transfer this condition to her” (Leite, 2009, p. 61).

With this, we realize that prostitution, despite being legally considered a country with abolitionist polices, materially we see it is neither abolitionist nor regulative. We have a Brazilian regulation, there is a certain tolerance of prostitution houses, that is, in other words, to the businessmen who run the places, being the individual freedom of the owner of the brothel respected and not that of prostitutes. Although prostitution is not a crime, it is stigmatized and discriminated against. There are no technical norms in our legislation to guide state agents, who often arrest, assault and prosecute sex workers. It is symptomatic that the negative effects of the abolitionist system entail the routine of sex workers, fomenting a spiral of corruption (Leite, 2009), allowing the police to demand from the pimp's bribes, ensuring that their business continues to operate within a normality (Zafaroni et al, 2011). The legislator in criminalizing the environment of prostitution, in practical terms, can be considered a “*useful delinquency*”, concept created

by Foucault (2014) to explain how certain criminalization serve to profit from a repressed sexuality, generating other types of illegalities.

As detailed at the beginning of this dissertation, in the early 1980s, prostitution movements began to organize and fight for more rights, led by the Brazilian Prostitute Network and the NGO Davida, the protests demanded that sex work be seen as work like any other because sex work like other work is carried out with the use of their labor forces aiming at a useful result (Colman, 2009). Thanks to the activism of these groups the prostitute entered the Brazilian Code of Occupations (CBO), in the 2002 version of the Ministry of Labor and Employment, in the item "Sex Worker" which also features: "Call Girl, Call Boy, Whore, Messalina, Michê, Woman of life, sex worker"⁴⁴.

With the legal norm putting prostitution as an occupation, the worker who enrolled was able to contribute to social security and retire through the National Institute of Social Security (INSS)⁴⁵. Until 2014 few workers were registered, according to data from the Ministry of Labor. In the Brazilian capital, only two entries were made in 10 years. Prostitution associations throughout Brazil organize events and campaigns to encourage sex workers to seek registration. Cida Vieira, president of the Minas Gerais Prostitutes Association (Aprosmig), in an interview with the newspaper *Correio Braziliense* said: "We have 65-year-old prostitutes who have not retired due to lack of regularization. Several ladies started at 18 and are still active." (2014) In addition to the legal guarantees, the organizations hoped to break the image that the client would own their bodies because just like in other jobs they were selling their workforce, not their bodies (Colman, 2009). About this, Gabriela Leite is assertive when she says that prostitution is nothing more than the sale of the labor force, focusing on the independent body of the profession, as former congressman Jean Wyllys also pointed out when I asked him about the subject, the same was affirmative in saying that he sells his head and the difference for all this stigma was the sexual intercourse. Prada in her book, bring u a similar thought:

Still, unpaid sex is infinitely more respected in this society than sex for money overtly. The way our society deals with sex and money is

⁴⁴ "The Ministry of Labor regulated the profession through CBO 5198, creating rules for its practice, such as: self-employment, on the street, in bars, hotels, highways and in mines. The profession is free for people over eighteen. Areas of activity are: battling programs, minimizing vulnerabilities, serving clients, accompanying clients, managing budgets, promoting category organization and conducting educational activities in the field of sexuality." (Feijo & Pereira, 2014, p. 13)

⁴⁵ The contribution will be 20% of the income. Thus, for every thousand reais it is necessary to collect 200 reais. Anyone who wants to contribute on the minimum wage (R \$ 545) can have a lower rate of 11% (R \$ 59.95). But, in the latter case, it is not possible to ask for retirement due to contribution time, only due to age. To see more < <https://www.gov.br/acessoainformacao/pt-br>>.

contradictory: they are both venerated and persecuted to the extreme, but the idea that they can go together is frightening. (Prada, 2018p. 75)

Concerning this, CUTS says when asked about the sale of the body:

For the rest ... in a world in which our LIVES are commodities - mine, yours, theirs - this exhaustive repetition about the commercialization of the bodies of those who really do not sell any bodies may not find the desired echo among us, sex workers (2016).

The recognition of prostitution as an occupation by the Ministry of Labor and Employment was an important step for sex workers being understood as part of the category of service providers under the terms of the law. However, such legal recognition allows sex workers to act only independently and autonomously, as the information regarding the characteristics of the job, more precisely the general conditions of exercise, contained in the Consolidation itself elucidates. As the Single Central of Workers and Sex Workers (CUTS) argues, “including sex work in the CBO was undoubtedly a great victory for the Brazilian prostitute movement in the past decade. However, it is useless to be able to act individually if our workplace is illegal”. As previously mentioned, the current legislation prevents workers from renting a space and working together, something that, according to CUTS, would reduce the risk involved in working in isolated and alone places (CUTS, 2016).

There are isolated cases of prostitutes who have won compensation from club owners in court, including recognizing the employment relationship, without the support of specific legislation. However, it is a minority that will be able to go after justice and be lucky to win the cause. In 2013, prior to the presentation of the Gabriela Leite project, one case gained some national repercussion. A prostitute suffered an accident while working, the court decision recognized the employment relationship, which determined the payment of vacation, christmas bonus and guarantee fund.⁴⁶

Prostitution in Brazil is a social reality that needs to be seen beyond the lens of criminal law. As we wrote in this topic, the Brazilian State continues to subject sex workers to repressive and punitive tutelage, marginalizing them, leaving them in a legal limbo that prevents them from having access to the rights and guarantees that should already be guaranteed to them. While recognizing prostitution as an occupation, we

⁴⁶ To see the case: <https://noticias.uol.com.br/cotidiano/ultimas-noticias/2013/07/05/depois-de-morta-prostituta-tem-vinculo-empregatico-reconhecido-com-casa-noturna-de-piracicaba-sp.htm>

have other laws that prevent them from accessing such guarantees and rights⁴⁷. As Marlene Teixeira Rodrigues summarizes, “The continuity of this approach is fundamentally due to the prevalence, until the present day, of the tendency, of a large part of Brazilian society, to debate such issues within the framework of morality.” (2004p. 160)

From the last quarter of the twentieth century, there has been the emergence of organizations made up of prostitutes that claim not only the social rights of citizenship, but also the recognition of prostitution as a job like any other, which entails rights and duties. The inclusion of the sex worker within the Brazilian Classification of Occupations (BCO) and the presentation of the bill of Deputy Fernando Gabeira, which will be examined below, are processes that demonstrate these articulations, as well as the gains and impasses found until then (Brazil, 2002, 2003a).

2.5.1. The frustrated Brazilian attempts (Tamble 1)

In post-1988 Brazil, that is, after democratization, only three deputies introduced bills aimed at the benefit of sex workers. In 2003, Deputy Fernando Gabeira (PT / RJ [Worked Party- Rio de Janeiro]), with the support of the organized movement of prostitutes, filed Bill N. 98/2003. After four years in Congress, the case was filed in January 2011. In 2004 Federal Deputy Eduardo Valverde (PT / RO [Worked Party- Roraima]) introduced Bill N. 4.244 / 2004, which aimed to establish the profession "workers of the sexuality", the project had a short life, after three months the deputy himself requested the withdrawal of the procedure. And finally, in 2012, it was the turn of the deputy Jean Wyllys (PSOL / RJ [Socialist and Liberdade Party of Brazil- Rio de Janeiro]), to make a new attempt and to present another bill, the one of N. 4.211 / 2012.

⁴⁷ For an employment relationship to be characterized, it is essential to fulfill requirements, which are provided for in art. 3rd of the Consolidation of Labor Laws (CLT), in line with the understandings of labor doctrine. As pimping is criminalized in Brazil, prostitution does not have the status of the “employment relationship” that needs i) alterity, ii) subordination, iii) personality, iv) onerosity, and v) non-eventuality. For these reasons we use the term “legal occupation”. And consequently, prostitutes do not have access to certain rights provided for in the Consolidation of Labor Laws. To see more: Gomes, 1990.

2.5.2. First project: payment for services provided⁴⁸

The Bill of Congressman Fernando Gabeira, inspired by German law (Ribeiro, 2008), brings with its justification the difficulty of regulation due to the hypocrisy that usually has on the subject, as the society that condemns, paradoxically, contributes to the maintenance of prostitution. The bill is limited to payment for the provision of sexual services, contains basically three articles, repealing arts. 228 (favoring prostitution), 229 (house of prostitution) and 231 (trafficking in women) of the Brazilian Penal Code. The first article of the bill article proposes the enforceability of payment for service of a sexual nature with the following wording:

Article 1 Payment for the provision of services of a sexual nature is required. Paragraph 1. Payment for the provision of services of a sexual nature shall also be due for the period in which the person remains available for such services, whether or not he has been requested to provide them. Paragraph 2. Payment for the provision of services of a sexual nature may only be required by the person who provided them or who remained available to provide them.

For the congressman, to flee from shallow and false moralistic discourses, to overcome the state of marginality, and to recognize that people who provide sexual services are entitled to payment for these services. Although it is very important to bring bills like the one mentioned, some criticism is necessary. The first article classifies prostitution as “provision of services”, thus understanding the activity with a contractual nature. That said, such relationship is bound by Brazilian Civil Law, since it deals with private autonomy (Rocha n.d) to provide the service, here in this case, the sexual. For the Brazilian legal understanding, private autonomy does not allow freedom without limits (Tabuchi, 2015), which would legitimize any offense against itself. (Rocha n.d) This question is the subject of great controversy in doctrine, in the attempt to find the acceptable line for individual autonomy.

It is common, then, that there is a foundation of broad private autonomy with the freedom and equality of the subjects of law, who can and should freely choose over their lives. It turns out, however, that we know that this formal equality is a utopia of law. In

⁴⁸ Available in: <<https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=104691>>

cases where there is a weaker, vulnerable part, your freedom of choice is always impaired (Tabuchi, 2015). As Tabuti points out, it is somewhat problematic when to resort to the 'autonomy of will' argument to characterize the contractual nature in the provision of sexual services. This is because the vast majority of prostitutes are in an unequal relationship - socially and economically - with the service taker. To demand that someone be autonomous without being able to be autonomous is autonomy without autonomy (Boaventura, 2018).⁴⁹

Another problem with Congressman Fernando Gabeira's bill is the simple removal of articles dealing with prostitution. Article 228 criminalizes the conduct of "inducing or luring someone into prostitution, facilitating it or preventing someone from abandoning it". In other words, by proposing the repeal of that article, the legislator would tolerate conduct that implies serious embarrassment to the initiation of prostitution and preventing the abandonment of the profession. Also, the project itself fails because it only deals with payment and sets aside such things as: lack of access to justice (as a rule, it is not possible to legally claim the amount of the unpaid services); violent attitudes on the part of customers and police and, just with the suppression of criminal articles, we do not have a legal definition differentiating prostitution from sexual exploitation.

2.5.3. Second project: "sexuality workers"⁵⁰

The Bill of Deputy Eduardo Valverde aimed to establish the profession "workers of sexuality". In the short justification, the deputy explains that several people practice prostitution in Brazil, being necessary to provide the competent organs with better conditions of control and abuse, taking as inspiration the legalization in the Netherlands.

The first article of the project brings the definition of the sex worker, defining them as: adult person, who usually and freely submits his own body to have sex with third parties, through remuneration previously agreed. In the subsequent articles, other categories of these workers are listed, from the prostitute to the prostitution house manager, that the provision of services may be subordinated, and that the working conditions must be contractually established (art. 2-4). Article 4 is noteworthy because it innovated by providing free access to preventive public health programs and actions

⁴⁹ Available in: <<https://www.youtube.com/watch?v=9MhE-OaBBss>>

⁵⁰ Available in: <<https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=266197>>

to combat sexually transmitted diseases, a right that should already be for everyone, according to the principles of the Single Health Care System (SUS)⁵¹, which provides for universal access and equal health care, without prejudice or privileges of any kind. (art. 7, I and IV, of Law no. 8.080 / 90).

Comparing with the project by Deputy Fernando Gabeira, Eduardo Valverde's project is more developed on the regulation of the profession, and highlights that Brazil is a country with thousands of professionals away from the system⁵². According to Amara Moira, "The most urgent, therefore, is to fight for better conditions so that those who are in the activity can safely exercise it and be better paid, without the weight of stigma" (Moira, 2018 p. 141). In this way, choosing the path of legalization, taking prostitution out of the scope of criminal law, and bringing it into labor law, seems to be a less hypocritical option and more in keeping with the struggle of prostitute movements.

Despite advances in relation to the Gabeira project, some criticism is necessary. Again, we find here the conception of prostitution as a free contractual relationship protected by autonomy of will, disregarding the race, gender, class, and social status of prostitutes. In addition, sex workers may not be comfortable with a registration with the Labor Office, which is also a valid criticism of the need for periodic HIV testing, as if the prostitute was solely responsible for safe sex. Unfortunately, stigma and prejudice could cause the profession to continue to be clandestine, with no entry in the work card.

2.5.4. Third project: protagonist of prostitute movements⁵³

The 2012 project honors activist Gabriela Leite, several times cited in the present work. Among its main propositions are: the prohibition of sexual exploitation, especially of minors, and the permission of sexual services provided autonomously or through cooperatives, as well as through the houses of prostitution, if proven there is no sexual exploitation. The text also presents the retirement proposal for sex workers after 25 years of work and signed work card. It is important to note that in Brazil, only workers with a formal contract may demand a fixed salary every month, unemployment

⁵¹ Single Health System, better known by the acronym SUS, is Brazil's publicly funded health care system. SUS which was created in 1989, is the largest (by number of beneficiaries/users : virtually 100% of the Brazilian population ; 220 million people) geographically (3.3 million square miles of contiguous land mass) by affiliated network/number of treatment centers (over 50,000 clinics) nondiscriminatory, government run public health care system in the world.

⁵² It is estimated that one per cent (1%) of the Brazilian female population between 15 and 49 years old (almost half a million people) is engaged in commercial or transactional sex activities. To see more: Pinho A (2012). *Affective-sexual and economic exchanges and AIDS on the border between Angola and Namibia* [thesis]. Ensp / Fiocruz.

⁵³ Available in: <<https://www.camara.gov.br/proposicoesWeb/fichadetramitacao?idProposicao=551899>>

insurance, maternity leave, sick leave, thirteenth salary and paid vacation (IBGE, 2012). Additionally, the issue of retirement is particularly cruel to prostitutes, as sex work is a busy and short career that ends without any guarantee of rest. Not by chance, the bill provides special retirement for the category.

The project of the then Federal Deputy Jean Wyllys, deserves to be highlighted in relation to its predecessors, because it was elaborated in conjunction with the Brazilian Network of Prostitutes⁵⁴ (RBP) listening to the protagonist voices of the prostitute's movement, discussing the regulation directly with the people involved (Barreto, 2015). Another highlight is the necessary differentiation between sex work and sexual exploitation, although it is somewhat vague. In the first article we find the concept of sex worker, which would be every person over eighteen⁵⁵ who voluntarily provides sexual services for a fee. And sexual exploitation would be when there is appropriation by a third party greater than 50% of the service provider's income; when payment is not made for the contracted service; or even if someone is forced into prostitution through violence or serious threat (Article 2). In justifying the project, the congressman points out that decriminalization would promote better working conditions, hygiene and safety, also avoiding the collection of bribes by the police, in exchange for silence and operation outside the law.

The biggest questioning with the bill is the possibility that the broker will profit from up to 50% of the income that the prostituted person earns from providing the service. With this, we again resort to enabling regulation for sex industry entrepreneurs, not their workers. When I questioned the associations on the subject in Belo Horizonte, APROSMIG was in favor of such an understanding, while the Liberdade de Curitiba Group was against it. In Cuts' (2016) analysis of the project, this point is questionable. "In practice, how many and which workers know what percentage of the company's profit on their work reaches their hands?" The bill provides the house cannot charge more than 50% of the value of the program. The other self-employed professions in Brazil, such as manicures and hairdressers, account for an average of 40% to 60% of the amount charged for their work, and usually, the workers take their own work material, something similar to what the Gabriela Leite Project proposes. According to CUTS (2016), the best houses no longer charge a percentage on the programs, earning money

⁵⁴ The project was written jointly with Gabriela Leite herself and the Brazilian Network of Prostitutes, at the time the only entity at the national level to defend the rights of sex workers (Cuts, 2016).

⁵⁵ The age of majority in Brazil is 18 years, unlike the United States, which is 21.

through the consumption of drinks from customers and renting rooms. Also, the profit comes from the "fines" paid by the workers. Each house imposes certain rules that, if broken, the worker must pay a fine, including tardiness, swearing, complaints about hygiene, or for missing work, something that is often reported by Leite (2019), Moira (2018), and Prada (2018). Still according to Cuts, with the regulation of houses, hopes that such abusive measures will have an end (2016).

The bill also brought the benefit so that prostitutes can work autonomously or in a cooperative, without links to the houses of prostitution. Jean Wyllys told us that this forecast was aimed at preventing sex workers from having to sell sex against their will and preventing the employer from charging X hours of sex services per week. According to CUTS (2016), some sex workers consider the lack of a link with the houses of prostitution as something positive because workers often change houses several times. However, on this topic, there is a certain divergence, as there are some movements such as women from the North-Northeast Articulation of Sex Professionals, who consider that employment relationship would be necessary, as they usually work for long periods in the same nightclub. According to the Sex Workers Center:

The project sins in not having been designed for these situations, which are frequent in smaller cities or even in large metropolises when it comes to working in massage clinics, spas, saunas. Even in houses where we spend a few hours, we have a maximum entry and minimum exit time, which already characterizes some kind of greater obligation on the part of the worker than the part of the house - which provides us with a warm and safe place to work, guarantees movement and publicity without, however, paying us a minimum amount for the 'salon' ((in ancient times, some good houses paid a basic amount, which was enough for the worker to take a taxi to her house on a zero-movement night)(Cuts, 2016).

One of the rights foreseen in the Gabriela Leite bill is to have the work card signed, which would imply a series of rights arising from them: demand a fixed salary every month, unemployment insurance, maternity leave, sick leave, thirteenth salary⁵⁶, paid vacations and respect for the workday with overtime pay. In addition, only persons with a formal contract are contributors to the Term of Service Guarantee Fund, which provides compensation for the extinct right of resignation after ten years working in the same place.⁵⁷ It would also be possible to contribute to social security and to secure

⁵⁶ Additional month of salary in the end of the year-thirteenth salary.

⁵⁷ CLT.

retirement, some of the guarantees of mutual interest - professional and state - overlooked by the insane ban. It is no coincidence that the bill provides for special retirement for sex workers.

And for the pimps? Being recognized the profession of sex worker, we reflexively recognize the status of employer. As employers, pimps are required to pay all the benefits mentioned above, under penalty of fine and other penalties applicable by the Ministry of Labor and Employment. If they fail to comply with these obligations, they may be prosecuted, as in New Zealand, where there are no legal provisions against prostitution, a prostitute filed a sexual harassment lawsuit and won (Abbel, 2014). How would this be possible in Brazil that prohibits its existence? Prostitutes today cannot defend themselves from their pimps without harming their livelihoods, first because calling the police or justice will mean closing the brothel, then because they depend on their agents to charge clients and provide them with security. Once they are employers, pimps will have to pay their taxes regularly and will face regular visits from tax auditors in their establishment, which in itself discourages their business from deriving sexual exploitation.

The bill Gabriela Leite presented in 2012 by Federal Deputy Jean Wyllys was filed in 2019, because, according to the Internal Regulations of the Chamber of Deputies "when the legislature is closed, all propositions that have been submitted to it will be closed"⁵⁸. The author of the bill, a federal deputy three times in the state of Rio de Janeiro by the Socialist and Liberdade Party of Brazil (PSOL), was known for his liberal struggles and in the defense of human rights. It turns out that the former deputy was forced to leave Brazil, as well as his legislature, in the light of several death threats he received. Since the brutal assassination of Councilwoman Marielle Franco (PSOL / RJ) in March 2018⁵⁹, the former deputy has lived under police escort. Currently, Jean Wyllys was teaches at Harvard.

Human rights are essential for social well-being, and decriminalization has been shown to be the best way to empower sex workers and protect them (Pyett & Warr, 1999). By giving sex workers such protection, they can even better choose which clients they really want to work with (Abel, 2010). Because it is a topic that stirs ethical and moral notions, "public opinion" has been driven by ideals rather than putting itself in the

⁵⁸ Available in: <<https://www.camara.gov.br/proposicoesWeb/fichadetramitacao?idProposicao=551899>>

⁵⁹ Available in: <https://brasil.elpais.com/brasil/2019/01/24/politica/1548364530_154799.html>

state position and debating it on the pragmatic level that public policy demands. What I propose in this topic was to analyze what would happen if Human Rights were respected, that is, what could happen if the Gabriela Leite bill were passed, what would happen to prostitutes, to pimps, to clients, for civil society and the state. The sale of sex should be recognized as an employment situation, as pointed out by Lucio Alves de Barro:

The body is the working instrument. Sexual practice is the working relationship itself. It is for it that women receive the money. We can call this relationship the work process, because that's where we find the forms, rules, and ways of customer satisfaction. (2002)

Also, according to Cuts, if the law had been passed, it would benefit sex workers, in addition to the aforementioned rights, with the regulation of nightclubs, places tend to be safer and female workers would have legal mechanisms to collect what is owed by brothel owners, something similar to what happens in New Zealand, where prostitution is decriminalized. And, as Cuts well remembered, not only sex workers benefit from the regulation of brothels, other workers will: "there are people exercising different functions in the establishments - doormen, waitresses, security guards, cooks, cleaning assistants ... not working in a clandestine establishment is advantageous for all these professionals". As we mentioned at the beginning of the work, the social environment of prostitution overwhelms sex workers, as we saw in Belo Horizonte, where there is whole commerce around and inside the prostitution buildings.

Still, being recognized by profession by the Brazilian Labor Law Code, prostitutes counted on the formation of their own unions, which ensured the improvement of working conditions, also serving as an entity of building class consciousness and empowerment. In addition, as in New Zealand and Nevada (USA), where they follow the decriminalized model and legalization respectively, it is arguable that the less precarious experience of sex workers they are in the countries that follow legalization and decriminalization policies. Providing rights-based approaches to selling sex in environments that are safe, secure and respectful of the workers (Sanders & Campbell, 2009).

In the next chapter, we will analyze these models, as well as full and partial criminalization.

3. The main Prostitution Legal Models (table 2)

Government policies on sex workers have historically been full of contradictions between law and reality (Sanders, 2014). Researchers have used several different concepts when categorizing, analyzing and comparing prostitution policies. Basically, there are four most famous systems of legal framework for prostitution: “regulationism”; “legalization”; “decriminalization” and “prohibition” (Abel et al, 2019; Matthews, 2008). Sex workers, activists and writers Molly Smith and Juno Mac instead distinguish between ‘full criminalization’, ‘partial criminalization’, ‘legalization’ and ‘decriminalization’ (2018).

Before analyzing each system, it is necessary to highlight some points. First, as discussed at the beginning of the text, we analyze prostitution as an institution, as a human activity capable of being carried out by any individual (capable, of legal age) regardless of the gender to which it belongs. However, special attention has been given to female prostitution, given that women are the majority in the profession, but the issues are not exclusive to this group as such trend shapes the governance of transgender and male sex work. Another point to be highlighted is that the classifications may contain variation in the name, depending on the researcher. For example, the term “regulationism” is used by some researchers as a synonym for “abolitionism” (Sanders & Campbell, 2014).

Matthews explains that this occurs because:

Some countries have closed down brothels and operate a form of regulations, while abolitionism is sometimes used of to refer to the abolition of brothels and in other cases the abolition of laws controlling prostitution. (2008, p. 97)

It is also necessary to clarify that, in practical terms, some countries can be characterized as “legalization” or “regulationism”; however, they operate in a mix of different categories (Smith & Mac, 2018). For Piscitelli this happens because no policy operates in a pure way, in her words:

They do not operate in a pure way, because in practice aspects of both are mixed, and converge in stating that three of them, the regulatory,

prohibitionist and abolitionist models, share the moral condemnation of prostitution. (2012, p. 4)

For example, England normally is seen as a “regulationist”, that is, it does not criminalize prostitution itself. However, there are several state interventions that harm the sex industry. Besides, as happens in Brazil, in England, there are several “saunas” and “massage parlors” spread throughout the country, which are formally illegal but are tolerated by the government and the population (Mathews, 2008). Here, it is necessary to quote the famous Brazilian Street, Guaicurus, in Belo Horizonte/MG, where we interviewed the president of the prostitute’s organization, ARPOSMIG.

Another point to be highlighted is that some countries have a policy model occurring in the federation, and another in different states or cities. In the United States, for example, a large part of the states criminalize prostitution. However, in Nevada, the profession is legalized in certain closed places. In Canada, prostitution is controlled by the federation in the Penal Code. However, specific cases may be controlled by the municipality or province (Smith, 2018; Wagenaar et al, 2013; Mathews, 2008; Ribeiro, 2008). This means that a country can have quite different, even contradictory, laws and practices operating. It is also important to note that some authors tend to use “legalization” as a synonym for “decriminalization”. However, they are different policies, which have different practical effects. Directly, Smith and Mac claim that this error is one of the biggest frustrations of sex worker’s advocacy, pointing out the main differences:

Decriminalization position worker within the sex trades as primarily rights-holders whose need additional support, while legalization or regulationism position prostitute as unruly, alarming, and needing to be controlled through specific punitive measures. That flow from the perspective of decriminalization is a system where the knowledge, safety, and rights of people who sell sex are prioritized - and, in order to this, the regulations placed on the sex industry are shape by sex workers themselves. (2018)

The recognition of these variations reaffirms what was mentioned by Abel et al. at the beginning of the topic. We must bear in mind the complexity of the debate, as well as the differences between the theoretical debate and the material reality of policies, without forgetting that the debate on prostitution is charged with moralism and the use of common sense (which were evidenced in the first part of the research). To use several categorical concepts is not problematic in itself. Although a review of studies in

prostitution policy reveals that scholars define, combine and apply them in such diverse ways, making it difficult to employ them as analytical categories and classification devices (Pistteli, 2012; Matthews, 2008).

Finally, Matthews (2008), troubled by the ‘slippage’ and overlap in how basic categories are used in the prostitution policies, suggests retaining four of the current classifications. Yet, to treat them as ‘ideal types’ that, according to him, will entail ‘qualifications, overlaps and contradictions’ (2008, p. 97). That said, we pass the individual analysis of each policy, highlighting that each location that applies a different policy has its historical/cultural reality/construction, so we should avoid oversimplifying just transferring a policy to a different country. Additionally, as Ribeiro argues, worldwide, the debate about the sex industry is strongly influenced by groups that consider prostitution as an evil to be combated, minimized, and treated as an incompatible social practice with human dignity (2008).

As we said before, there is more than one way of naming policies, as we see in picture 3. And in picture 5 we have the nomenclature used by Molly Smith and Juno Mac (2018) which we think is more adequate to the material reality, which goes beyond formalism.

Picture 4. Prostitution Legal Models 1

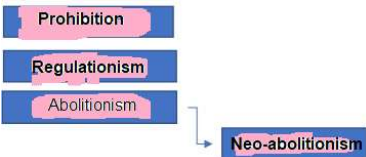


Table 5. Prostitution Legal Models 2

Full criminalization
Parcial Crimnalization
Legalization
Descriminalization

3.1. Full criminalization or “prohibition”

“As explained by María Luisa Maqueda Abreu, the prohibitionist system makes the situation of prostitutes even worse, increasing their insecurity and invisibility and leaving them in charge of the police’s discretionary power” (Abreu, 2017).

In the prohibitionist (full criminalization) system, all conduct resulting from prostitution is criminalized, from the client’s activity to that of the prostitute, including taking advantage of the prostitution of others and the maintenance of an establishment in which economic exploitation of the sex trade takes place, such as managers, drivers, or landlords. (Ribeiro, 2008; Smith, 2018; Mattews, 2008; Sanders & Campbell, 2014) Groups that follow this policy use as justification their moral concerns. Although transmission and victimization risks associated with sex markets are highlighted, they also defend the belief that the prostitute is a threat who must be off through punishment or even the utopia of ending prostitution by arresting everyone involved⁶⁰ (Smith & Mac, 2018; Quinn, 2006). Such policy aims at the “utopia” of eliminating prostitution through measures of a punitive nature, that is, through police surveillance and the condemnations of the courts targeting the entire sex industry (Prada, 2018; Ribeiro, 2008; Cunningham & Shah, 2014).

Full criminalization is strongly advocated by the most reactionary political sectors, ultra-Puritan segments and radical feminist movements (Smith & Mac, 2018). Prada prefers to classify them as “conservative feminists” (2018, p. 31). The writer questions such “solutions” offered by conservative and feminist political figures who do not recognize prostitution as work and struggle to extinguish the category. For him, such suggestions for a world without prostitutes would be a “dystopian utopia”. In Prada’s words:

The idea of eradicating prostitution is a dystopian utopia. And if I use that expression instead of simply dystopia, it is because I consider the utopia of ending prostitution in the struggle for a more gender-equal world, to some extent, valid. (2018, p. 34)

In this regard, Moira points out: “Nobody here believes, in good conscience, that they will live to see the end of prostitution” (Moira, Location 1201). According to

⁶⁰ There is little empirical evidence that prostitution diversion programs “help” sex workers or reduce rates of prostitution (Quinn, 2006).

Ribeiro, the system of total criminalization ignores the effects of economic structures on the lives of individuals (2008). Molly Smith and Juno Mac (2018) argue the freedom of social agents in choosing the way of their substance is relativized. At a time when austerity policies are strengthening around the world, it is a mistake not to expect that large numbers of women will not turn to prostitution to support their families. And in the case of transsexual women, job opportunities are more complicated, leaving only prostitution. (2017). Amara Moira points out:

Bitch because bitch, bitch because “who knows one day”. Have you ever seen a *travesti* teacher, lawyer, scientist, doctor? They want me to be the first, they want a medical degree to open the doors of the world to me, the only one different: “Come, lithe Amara, work with us, we want you so much”! And telemarketing, beauty salon? (2018)

Full criminalization is the model adopted by few countries, such as the United States (aside from the state of Nevada), South Africa, South Korea and Iran (Bessa, 2008; Matthews, 2008; Smith & Mac, 2018). For this research, we will look more closely at the criminalization policy in the USA. (See picture 4)

With a strong influence of the abolitionist movement coming from Europe at the end of the 19th century, groups of religious moralists, especially composed of women, organized themselves to end prostitution, as they considered prostitution a degrading activity to public morality and good social customs, under the theory that the State has the right to impose moral legislation on society (Altemime, 2013; Petherson, 2009). Over the years, in addition to the moral issue, society started to link prostitution to international human trafficking, especially of women. A moral panic ensued in the population that started to have an irrational fear of being trafficked and sexually exploited because it was created in the social imagination that all prostitution would come from some type of violence. After all, no one would choose to engage in such acts of their own free will (Altmann, 2012). In this context, the federal government approved the Mann Act in 1910, prohibiting the transportation of women across state borders for any purpose considered immoral⁶¹.

After, in 1986, the Mann Act text was updated, excluding the provision of “immoral purpose” and adding a ban on any transportation, by men or women, who intend to engage in prostitution or any illegal sexual activity. The poorly written text left

⁶¹ "Mann Act." Dictionary of American History (2003). <encyclopedia.com>

loopholes for various interpretations of the law, with several sexual activities outside prostitution being criminalized. For instance, Charlie Chaplin and Chuck Berry were prosecuted under that law and convicted of crossing the border with single women (Altmann, 2013). Moreover, within federal laws, the international trafficking law prohibits the importation of any immigrant for prostitution, as well as prohibiting the US or foreign citizens from engaging in illicit sexual conduct. The US Congress approved in 2003 a ban on illicit sexual conduct with minors abroad. The bill increased individual penalties for “sex tourism” activities, increasing the prison sentence from 15 to 30 years. Another federal law is the Trafficking Victims Protection Act (TVPA) of 2001, which provided for tougher penalties for human traffickers to combat “contemporary slavery” and “protect victims”.⁶² Abuse by the state itself and state operators is common. A recent report by the 36th Session of the Working Group on the “Universal Periodic Review of Human Rights Council” showed that US sex workers are still living in constant fear of law enforcement and other State agents. Abuses include assault, sexual harassment, illegal intimate searches, trafficking, rape, torture and degrading treatment of human beings (UN, 2019). For María Luisa Maqueda Abreu, this policy model makes the situation of prostitutes worse, in addition to increasing insecurity and invisibility, leaving it up to police discretion (2017). And as Horning demonstrates, “pimps who profit from sex workers under the age of 18 and those who move sex workers across state lines can be legally categorized and prosecuted as sex traffickers” (2012, p.2). In other words, despite trafficking being related to an international movement, TVPA expanded this concept to national borders.

As we wrote in the introduction to this chapter, the prostitution law can find variants within the same country being regulated by state laws. In the North American case, prostitution is protected by the states and trafficking by the federation. That said, some North American cities did not always criminalize prostitution. As the case of Boston- Massachusetts, which during the 60s/70s, had the “Combat Zone” areas, famous for hosting strip clubs and massage parlors, in which prostitution activities freely took place without any form of regulation. However, from the 1980s, a process of repression against illegal activities was initiated, which reverberates to the present day (Giorlandino, 1986; Kendel, 1991.). The State of New York has prostitution as a crime,

⁶² Government Publishing Office (28 OCT 2000) ‘Victims of Trafficking and Violence Protection Act of 2000’, report available at gpo.gov.

typified in article 230.00 and following the State Penal Code⁶³. The law provides for the application of a fine as a form of criminal sanction. The criminalization policy makes those involved in the sex industry public enemies, as they are in constant conflict with state agents. This makes the sale of sex much more dangerous, and in addition to being concerned with urban violence, sex workers need to be in constant care with the police, seeing that if they are caught, they can have their lives legally destroyed by court sentences. Thus, creating a contradiction, after being convicted, they are unable to find other jobs because of the criminal record and consequently have no money to pay the fine, leaving returning to prostitution as the best alternative (Smith and Mac, 2018; Sanders and Campbell, 2008).

One of the core aims of this issue is to draw examples of empirical cases to examine how the lives of sex workers have been affected by this punitive moment in the governance of commercial sex. In New York, Sarah Marchan was arrested seven times in two years for selling sex, and since she got a criminal record, she did not get any other jobs, aside from selling sex.⁶⁴ (Smith and Mac, 2018; *D.H. v. City of AN.Y.*, 309 F. Supp. 3d 52). Two other cases demonstrate the achievements of full criminalization in the United States. Although they occurred with different people and places, some similarities are striking. Alisha Walker, a black cis woman, and Gigi Thomas, a black trans woman, both sex workers in different situations, had to fight to save their lives against attackers. The two were unjustly arrested for using legitimate defense against their aggressors. It is not a coincidence that both are minorities based on race and gender. As Molly and Juno (2018) explain, both lost the right to self-defense, which should already be a guarantee for the entire population. That said, criminalizing also means abolishing the sex worker's right to seek legal justice and protection.

In the United States, prison means probably losing custody of children, not getting a "legal" job, and in some states, not being able to vote and being barred from social programs (2018). As Fernadez (2016) wrote, criminalization is often a revolving-door of arrest and prosecution. And according to Molly Smith and Juno Mac, State-inflected vulnerability transfigures into what looks like a 'justified' permanent disgrace (2018). In practice, such laws as dismantled by Gira Grant, are used as a pretext

⁶³ New York State. The New York State Senate. Section 230.00: prostitution. Available: <<https://codes.findlaw.com/ny/penal-law/pen-sect-230-00.html>>

⁶⁴ Gira Grant, M. (2016, 22 November). The NYPD arrests women for who they are and where they go — now they're fighting back. *Village Voice*. <<https://www.villagevoice.com/2016/11/22/the-nypd-arrests-women-for-who-they-are-and-where-they-go-now-theyre-fighting-back>>

to target black and Latina women, who, presumably, because they are dressed in “tight jeans”, were classified as prostitutes, which was not the case for white women in more affluent areas (2016). In 1970, the American Civil Liberties Union demonstrated that Black Women were seven times more likely to be arrested for prostitution-related crimes (Ritchie, 2017, p. 149). And since the 1980s, the incarceration rate has grown exponentially. Such prisons are home to disproportionate numbers of ethnic minorities (Davis, 2020). The race disparity does not disappear over the years. Between 2012 and 2015, 85% of people charged with "loitering for the purpose of prostitution" in NY city were Black or Latino or Latina and they only make up 54 percent of the city's population. In other words, the full criminalization of the sex industry results in increased incarceration of non-white women or BIPOC⁶⁵. For Wacquant:

The irresistible rise of the penal state in the United States manifests the implementation of a policy of criminalization of poverty that is the indispensable complement to the imposition of precarious and underpaid wage labor as a civic obligation for those trapped at the bottom of the class and caste structure. The prison has thus regained a central place in the panoply of instruments for the government of poverty, at the crossroads of the deskilled labor market, the collapsing urban ghetto, and social-welfare services “reformed” with a view to buttressing the discipline of desocialized wage work (2008).

Correctly critical Arruza et al. (2019) claim that criminalization and punishment should be questioned, as they believe that laws, police and courts maintain sufficient autonomy relating to the capitalist power structure. Also, Almeida points out that the prison system with the purported objective to contain crime is actually designed to control poverty and, more specifically, it is created with the express purpose of racial poverty control (2019, p.81). Today, the US has the second-largest incarcerated population in the world (Noma & Boiag, 2016). The US, despite being known as a country that values individual freedom, is a country that arrests and fines tens of thousands of sex workers every year, limiting autonomy, mainly of the migrant and BIPOC⁶⁶ population, based so only for moralistic aspects, criminalizing anyone who acts in the sex industry, or appears to be, even if there is no direct offense to third parties (Smith & Mac, 2018; Altemime, 2013).

⁶⁵ Black, Indigenous and people of color.

⁶⁶ Abbreviation for Black, Indigenous, and people of color: used especially in the US to mean Black people, Indigenous American people, and other people who do not consider themselves to be White.

These criminalization policies, around the world, have left sex workers vulnerable to violence, and especially human rights violations, as demonstrated in the case of Sarah Marchan, Alisha Walker and Gigi Thomas. In addition to these violations, more recently in the US, the Stop Enabling Sex Traffickers Act (SESTA) and Allow States and Victims to Fight Online Sex Trafficking Act (FOSTA) were approved, further contributing to social marginalization by limiting the online sharing of vital safety information for the health of sex professionals (UN, 2019). Because of this, sex workers have lost online platforms and are forced to take to the streets, becoming more vulnerable and dependent on pimps (Smith & Mac, 2018).

Rather, we believe that targeting people for arrest under the guise of helping them violates numerous ethical standards as well as the humanity of people engaged in the sex industry. Despite the criminalization of the sex industry, prostitution remains a prolific industry in the USA (Matthews, 2008). Criminalization does not fulfill the initial “utopian” objective of fighting exploitation and ending prostitution. As we can see, it makes exploitation easier, as it leaves the prostitute a clandestine figure, who increasingly needs to work in more isolated and dangerous places to escape the eyes of the police, thus legitimizing the stigma of the prostitute as a criminal who needs to be arrested or a victim who needs to be saved. The prohibitionist system is the most inadequate and flawed among the legal possibilities as it is based on the preventive purpose of the penalty, that is, the legal understanding that criminalization works as a preventive measure (Souza, 2006). And what happens in practice is the prostitute hiding from the criminal justice system, and its control agencies, for exercising illicit activity.

This full criminalization guideline ends up reinforcing and legitimizing all the violence and abuse suffered by prostitutes. In this context, the North American experience shows that criminal policy affects mainly black and foreign women, increasing the number of non-white populations deprived of their freedom.

3.2. Partial criminalization, abolitionist and the "Swedish approach"

"And so, when you talk to me about the wonders of the Nordic or Swedish model, I can only think about the difficulties in getting clients and how this reduces our negotiating power". (Cuts, 2016).

Countries that adopt an abolitionist model criminalize all activities around pimping, and the prostitute is seen as a victim and not a criminal. In addition to Brazil, countries like Portugal, Italy, the United Kingdom, Spain,, adopt this model (Smith & Mac, 2018; Matthews, 2008, Ribeiro, 2008). The model was better detailed in the first chapter using Brazil as an object of study, so at this point, we will briefly analyze the derivation of the 'abolitionist' model on the international stage. Then, in the next chapter, we will analyze the Brazilian legislative attempt to criminalize customers.

In summary, the abolitionist movement defends the fight against prostitution, as it is an expression of gender violence against women and its objectification, which would be subordinated to male sexual desires, even when she acts in a consensual manner (Matthews, 2008; Smith & Mac, 2018; Ribeiro, 2008). Within the abolitionist model, we can find a kind of derivation, called by some authors "neo-abolitionist", which consists of, in addition to the criminalization of pimping, the criminalization of customers (Sanders and Campebell, 2014; Ribeiro, 2008). A model that has been gaining prominence in Europe, known as the "Swedish approach".

In 1999, the Nordic country pioneered in penalizing prostitution clients, who could face up to a year in jail. The latest country to adopt it was France, which passed after a long parliamentary procedure, a law providing for a fine up to 3.750 euros (about 15.000 *reais*) for those who pay for sex (Bruckert & Hannem, 2013). The main argument adopted in Sweden was that, by criminalizing demand and the pimp, there would be a decrease in people in the sex industry and redressing the power imbalances that make sex workers vulnerable (Smith & Mac, 2018; Sanders & Campbell, 2014). Ribeiro adds that, like the prohibitionist model, this policy focuses on the eradication of prostitution (2008). The starting point is that prostitution should be abolished, as it is a social evil that oppresses women, representing a form of violence that hurts their dignity. It is a model that has strong support from some currents of feminism, being adopted by most European countries (Abel et al, 2009). Several feminist groups defend the Sweden model as an example to be followed, of a utopia, in which patriarchy was defeated (Smith, 2018). However, as pointed out by Molly and Juno, there is no utopia, but a state that

targets people of color, migrants, transgender, among those who Swedish state has a tendency to surveil and police, perceived as are to fall outside "Swedishness" (Smith & Mac, 2018; Sanders & Campbell, 2014).

The Swedish model has been a powerful influence in government debates. And as Sanders and Campbell point out: "while the public discourse around the Swedish model insists it aims for gender equality, others have underlined how the fear of migration to the Nordic countries originally pulled the ban on commercial sex" (2014, p. 537). Furthermore, we have to consider the influence of feminist groups that consider all prostitution a derivation of gender violence and end up claiming what Arruza and Fraser call "carceral feminism", that is, the demand for criminalization and punishment, ignoring power structure in generating gender violence. Carceral feminism disproportionately affects men from poor ethnic minority groups and the working class (2019). The criminalization of prostitution clients has already been approved in Iceland, Canada, Singapore, Northern Ireland. (Smith & Mac, 2018; Ribeiro, 2008; Matthews, 2008)

Canada has also been influenced, as having adult sex in exchange for remuneration is not and has never been illegal. However, activities that involve it, such as communication about the exchange, are illegal. According to section 213 of the Penal Code, communicating or attempting to communicate in a public place or in public with another person to obtain sexual services in exchange for remuneration is illegal and may be punishable by a maximum fine of \$ 2.000 and/or imprisonment of up to 6 months (Bruckert & Hannem, 2013). Under section 210 of the Canadian Penal Code, it is also punishable to keep an "obscene" house, which may lead to a maximum sentence of 2 years in prison. Similarly, living in a prostitution house, being there without legal excuse or being the owner, lessee, agent or otherwise renting or using facilities knowing that it is for prostitution, is punishable by a maximum fine of \$ 2.000 and/or imprisonment of up to 6 months (Bruckert & Hannem, 2013). In 2012, the Ontario Court of Appeal (OCA) in Canada ruled that its current laws affected the safety of prostitutes and still unconstitutionally acknowledged articles that criminalized "living on the avails of another prostitution" (Bruckert & Hannem, 2013).

In general, groups that defend the "Nordic Model" are driven by progressive concerns such as gender violence, racism, and with a view that Nordic countries are generally more feminist societies than, for example, the United States. However,

prostitution law, or any other law, is always ideologically capacious, and that law, in particular, has room to please progressive and conservative (Smith & Mac, 2018).

This point is well summarized by Amara Moira:

From the point of view of radical conservatism (a movement better known as radcon), it is absurd for someone to defend that women can sell pleasure to a man, negotiate that pleasure, put a price on it. (...)And it doesn't matter the values of the negotiation, fifty, one hundred or five hundred *reais* an hour, because, for the "radcon", the prostitute will always be a victim, always "exploited" by the wicked man, aka her client. For this feminism, sex can never be considered a service, sex can never deserve a value, even if it is one of the most essential human experiences, most compelling. (2016, p. 141)

In fact, prostitutes do not need salvation. They need the same thing as all other workers: the power to dictate the terms of their work. For Sanders and Campbell, "the Swedish model", with its clear focus on 'demand', has been promoted globally across Europe and beyond, pushing principles of abolitionism and sex work as violence against women, with the primary utopian goal of eradicating sex work" (p. 537, 2014). Smith and Mac demonstrate concern about this model, as this approach presents an act of structural violence against individuals who already frequently report negative, discriminatory, and often violent encounters with law enforcement, including people with precarious migratory or citizenship status, poor, youth, transgender, and people of color (2018). And according to Galtung: "Structural violence is a form of violence perpetuated by institutions and systems that harms people such as racism, classism, sexism, heterosexism, and ableism, nationalism, and adultism" (1998).

Regardless of what social workers think about the form of violence, the rhetoric of the feminist sex war cannot be reduced, it is necessary to grapple with the ethical considerations involved with social work practice focused on people in the sex industry. It happens that when criminalizing the client, the sale of sex is forced to marginal places. That is, the worker is not free to do the work in public places and are at the mercy of locations chosen by clients. And according to Smith and Juno, "sex workers also report fears of being subjected to police surveillance (since this is how police find their customers), a fear of losing child custody, as well as a general distrust of authorities" (2018).

In England, where we have the first abolition model mentioned at the beginning of this topic, it is illegal for sex workers to have a flat and work in the same space, so

they are often subject to going to unknown places with clients (Matthews, 2008). Molly Smith and Juno Mac show a case of five sex workers who were killed when the client drove to a location that would be for sexual service (2018). Kinnell (2006) argues that the law in England and how it was applied is directly linked to and shapes the violence and stigma experienced by sex workers. Elsewhere, Sanders and Campbell (2007) have argued that it is largely the ways in which sex work is managed that affects the levels of safety and protection sex workers are afforded and that alternative solutions that “design out violence” are necessary. Under this form of policy, paying for sex is illegal, making prostitutes’ bodies at the scene of a crime. While sex workers themselves are formally “decriminalized” under this model, they are materially criminalized. Under the “Nordic Model” or “classic abolitionist”, convictions for maintaining a brothel are usually defined simply as a premise in which more than one person works in the same place resulting in sex workers being evicted from homes, stigma flourishing and none of them reporting feeling safer.

As highlighted by Smith and Juno, this model is closer to prohibition, which is why they call this policy “partial criminalization” (2018). The prohibition of demand, or pimping, is nothing more than veiled prohibitionist, which informally criminalizes prostitution, ignoring its existence, and leaving female sex workers, just as in the prohibitionist model on the margins of society.

3.3. Regulationism or legalization

Moving beyond the full/partial criminalization agenda, we have to explore the alternatives to the punitivist, such as legalization and decriminalization and the impact and outcomes of these politics.

The first thing to be said here is that legalization and decriminalization refer to distinctly different things. Regarding the mantle of legalization, some sex workers work in legality. In part, this makes prostitution continue to be seen as vectors of disease or symbol of disorder that needs control. In decriminalization, it describes a situation where sexual service is legal as the default position (Smith & Mac, 2018; Matthews, 2008). Within this model, the sex industry is legally regulated. However, it remains criminalized for people who do not follow the required administrative bureaucracies, such as mandatory health testing, employment in certain venues, or registering publicly

as a prostitute. Countries like Germany, Netherlands, Venezuela, Chile, Tunisia and Nevada in the US are some places that follow this model (Smith & Mac, 2018; Matthews, 2008) (See picture 6).

Germany in 2002 introduced the Prostitution Act intending to leave behind the view that the sale of sex was immoral behavior and to bring the issue of work to the center of the debate (The German Federal Government, 2007). The Act made it possible to work independently as a sex worker or at a sex work premise, and it provided prostitutes with the right to social insurance. In other words, the legalization of prostitution corresponds to the creation of licenses for brothels and specific zones for the practice. However, the act was not introduced into the federal system, leaving some regulatory powers on the sector to local administration, such as housing and trade laws. The problem also exists because not all local policymakers agreed with the Act's intentions. This has led to a spectrum of bylaws and practices, making it difficult for the sex work sector to operate legally. For instance, some states do not recognize sex work as a profession, cities create zoning laws prohibiting sex work in certain areas, and there is room to interpret sex work advertisements as 'disorderly' and thus be subjected to fines (Smith & Mac, 2018; Pates, 2012; Czarnecki et al, 2014; Hunecke, 2017).

Despite the lawful nature of the activity, a stigmatized and suppressive logic prevails concerning those who prostitute themselves. At this point, André Estefam's criticism is opportune:

It seems to us, however, that the harshest criticism that such a system deserves is from its segregationist character. The imposition of harlots to register periodically, carry out compulsory medical examinations, confine themselves to hospitals and exercise their activity only in certain regions of the city would only reinforce the existing patterns of domination due to class and sex. (2015, p. 184)

As much as this policy improves on the previous ones analyzed, some points must be adopted for a full guarantee of prostitutes' rights. As summarized by Estefam: state enforcement is weak and compromises the application of rights; simple legalization does not prevent workers from remaining informal and therefore anonymous; it also does not intentionally prevent pimps from complying with labor ties, to avoid compliance with labor and tax obligations (2015, p. 222). To be a legal sex worker in Germany, the Prostitutes Protection Act of 2017 requires that all prostitutes must be registered and issued with a sex worker ID card, and for that, it needs to fulfill some requirements,

among them testing for pregnancy, STIs, and drug use, as well as mandatory counseling (Hydra Berlin, 2016). Smith and Mac (2018) find fault with these models as well, describing them as creating barriers to independent work forcing workers into the capitalist oligarchy of regulated brothels:

Trans women, for example, are barred from work in the state-run brothels of Turkey. Many sex workers in Germany live far from the narrowly designated 'prostitution zones' and so work outside them. Many Australian sex workers cannot risk losing their privacy by adding their names to the government's official register of prostitutes. Those in Nevada with a criminal record – often for survival crimes like shoplifting – cannot work in the legal brothels. Sex workers close to the poverty line have no means to pay the rent on a Dutch red-light window (about €80 to €160 per shift, payable in advance). Married women in Greece are barred from work in state-regulated brothels. (Smith & Mac, 2018, kindle)

I add that the need for public registration is negative, for the simple fact of having legal status still leaves prostitution a stigmatized profession. Some workers may feel uncomfortable having their names on a register, and it may negatively influence the future search for other jobs or judicial guard battles. The most socially vulnerable people are forgotten by legalization. Some examples can be cited as: if a prostitute lives far from the area determined for the commercialization of sex, she may be forced by economic and temporal constraint to practice the activity elsewhere, illegally⁶⁷ (Koster, 2017). Another example, a prostitute with a criminal record cannot register as a sex worker, a necessary condition for her legalization. In the Netherlands, after legalization, more than forty percent of these venues have lost their license (Daalder, 2015). Additionally, of course, any undocumented migrants in these countries are unable to work legally, regardless of the location or conditions in which they do so (Matthews, 2008; Prada 2018; Smith & Mac, 2018). Hydra Berlin shows a case of a migrant, trans street worker in Germany who commented on the 2017 Prostitute Protection Act, saying: "I have ... no health insurance and often no place to sleep. Now I should get registered? How should that work?"

⁶⁷ "In the Netherlands, people sell sex legally in brothels and sex clubs, red-light-district windows, tippelzones (street sex work zones), sex cinemas, and massage parlours, and these are licensed at the municipal level. Elsewhere, it's still illegal". To see more: Smith, M. & Mac, J. (2018). *Revolted prostitutes: The fight for sex workers' rights*. Verso.

Smith and Mac find fault with these models as well, describing them as creating barriers to independent work, forcing workers into the capitalist oligarchy of regulated brothels (2018).

3.4. Moving beyond the criminalization: full decriminalization

Revealing how the UK context of criminalization and the legalized system in the Netherlands can produce the same effects of alienating sex workers, in this issue, Pitcher and Wiljers argue that decriminalization of sex work is a precondition to secure sex workers' labor and human rights. Decriminalizing prostitution is a process of annulment of criminal laws and administrative or civil orders that punish and target sex workers. That is, it is legal to be a prostitute, a client, and third parties such as managers (Smith & Mac, 2019).

As we saw earlier, the other legal models on prostitution do not fulfill the original objective. Criminalizing prostitution, the client and third parties does not end prostitution and much less generate positive results for sex workers. Total criminalization pits sex workers against the state. The Nordic model continues to deny rights and lead sex workers to the margins of society. Or, like the Brazilian and sex worker, Monique Prada writes:

It pushes for clandestine and social isolation. These laws have been incapable of ending the activity, but they are very effective in making the lives of prostitutes more precarious, and even in countries where the activity, provided it is carried out independently, does not constitute a crime. (2018, p. 97)

New Zealand and New South Wales took a different path. They took all the penalties for street work and brothel-keeping, allowing collectives of sex workers to work together or in managed brothels. Employers are accountable to sex workers through labor law (Smith, 2019; Abel et al, 2009-2014; Matthews, 2008). New Zealand in 2003 pioneered the fight for the rights of sex workers through the Prostitution Reform Act (PRA), which promoted significant change by repealing laws that had been used to criminalize prostitutes and make them vulnerable (Abel, 2014). The purpose of the Prostitution Reform Act was to decriminalize prostitution, to protect the human rights of sex workers and to help protect them from exploitation. The law also defines the

importance of promoting the well-being, safety and health of those in the activity. The New Zealand Prostitution Reform Act (PRA) vote was fierce, being approved by a vote of difference. Among the main arguments against it was a possible increase in the number of prostitutes. However, this was not the case. According to a survey conducted 10 years after the approval of the PRA, as well as before the law, sex work is widespread and discreetly predominates in the small and large cities of the country. Still, the sex industry has not grown in the last 10 years (Abel, 2014).

Some points of the PRA deserve to be highlighted:

a) Indoor sex workers can work with friends and share a flat in an informal co-operative without having to jump through bureaucratic hoops or fear raids or arrest. Indoor and outdoor prostitutes can communicate directly with the customer regarding services, condom use, and money without having to risk (Smith & Mac, 2018).

b) "Managers are accountable to labor laws designed to protect sex workers, and reporting a manager will not mean the loss of an entire workplace and job" (Smith & Mac, 2018).

c) Assaulting or abusing a sex worker - as an employer or client - remains criminalized (as does the assault or abuse of any worker), but the worker of sex work is instead governed by the same labor laws and employment protections that apply to many other workplaces (Smith & Mac, 2018).

d) With the implementation of PRA, sex workers feel more assured in saying "No" to a client. A managed sex worker in Wellington says, "From what I hear from women... who worked before the law changed, it's a lot better for us, and it's a lot more open, and girls aren't having to fight their own battles every night between client and employers" (Abel, 2010).

e) A sex worker who wants to leave the environment can apply for Social Security support immediately, and this decision is not considered as a voluntary abandonment of work, which would prevent her from having immediate access to financial support (Smith & Mac, 2018; Abel, 2010).

Total decriminalization is highly praised by several international human rights associations, like Human Rights Watch, Amnesty International, and the World Health

Organization⁶⁸, due to the negative effects that punitive policies have on sex workers, mostly poor women, and the only financial maintainers of their families (Prada, 2018). Although the legal model is an improvement over those previously analyzed, only the law is not necessary to achieve an “ideal status”. As Molly (2018) and McClury (2017) point out, the austerity measures adopted by the right-wing leave vulnerable populations over-political and under-protected. Some of the most marginalized prostitutes in New Zealand are among those who are: Maori, trans, undocumented migrants and homeless. Inability to have full access to the guarantees approved by law, being still over-policed and under-protected. The lack of trust in the police does not cease to exist with decriminalization because, at the structural level, the police work remains to harass, surveil and incarcerate the vulnerable and the poor (Smith & Mac, 2018).

The Global Alliance Against Traffic in Women (GAATW) classifies the New Zealand model as being "contradictory". On the one hand, it decriminalizes and protects sex workers. On the other hand, it prohibits migrant prostitutes from legally engaging in sex work. In response to such contradiction, the interactional organization says that a strategy is needed that extends rights to migrant workers (2018). We must also take into account that trafficking, as well as prostitution, constitute a complex policy field characterized by integrated relations with migration, prostitution and labor exploitation (Clemente, 2019).

We live in a capitalist society with great social inequalities, on top of that there is the issue of attractive illegal immigration of people from peripheral countries and, due to this, there is a large contingent of the population in poverty that can be considered to be made up of people in situation of vulnerability. However, it cannot be generalized that every sex worker only chose this life because they are in a vulnerable situation, our economic and social system makes them more likely to choose these professions as alternatives for women to obtain a means of subsistence. In this regard Molly Smith and Juno Mac argue that prostitution is a survival strategy for those who have nothing, be it training, qualifications or equipment and, furthermore, that people turn to prostitution because they need money, as a consequence of necessities materials, but that can be other factors such as better conditions and better pay than the other jobs that the

⁶⁸ For more information: Amnesty International (2015). *Global movement votes to adopt policy to protect human rights of sex workers*. <www.amnesty.org>; Human Rights Watch (2014). *World Report 2014*, 47; World Health Organization Department of HIV/AIDS (2012). *Prevention and treatment of HIV and other sexually transmitted infections for sex workers in low-and middle-income countries: recommendations for a public health approach*.

person could perform. Also, reiterate their call for harm reduction without delusions of elimination, including many examples in which workers continue to suffer due to gaps in support services. The harm of austerity policies is cited as increasing economic insecurity for the most vulnerable members of society (2018).

That said, each country has its specificities and material-historical constructions. Criticisms are necessary to improve and transform the local scenario. Nonetheless, as a starting point, the model demanded by Brazilian sex worker organizations is the New Zealand model. Monique Prada defends in her book "*Putafeminista*" [Slut-Feminist] that the model of total legalization is the best to be followed, including citing a case in which a worker won a lawsuit that she filed against her boss for moral harassment. Just as it is strongly demonstrated against the criminalization model (work, workplaces or clients) being the least desired and the one that causes the worst conditions for the whole sex industry, especially for prostitutes (Prada, 2018; ARPOSMIG, Grupo Liberdade).

New Zealand's decriminalization model still carries some elements of the criminalization of other countries. Though, the criticisms presented here clearly are about any type of criminalization and not about the decriminalization itself that occurred in the country (Smith & Mac, 2018). As pointed out by Gillian M. Abbel, New Zealand is a small island with a small population, and there is no guarantee that decriminalization will have the same effects in other countries (2014). However, some steps followed by PRA should be an example for any other country, as demonstrated by Gillian M. Abbel himself. Two aspects of the PRA process are recommended for effective improvement in the pursuit of the rights of sex workers. The first recommendation is to use the term "exploitation", not sexual trafficking/forced prostitution because exploitation is something that could lead to an analogy with other professions and not just prostitution. The second step would be to give voices to the protagonists of the struggle, namely the sex workers. According to Abel, the contribution of the New Zealand Prostitutes' Collective (NZPC) was extremely important for the development of the PRA. In the words of Gillian:

New Zealand is small, and therefore there is little place for more than one sex worker organization. In countries like the USA, Canada and Australia, there are several sex work-related organizations; some peers run another out. There is, therefore, not one unified approach to regulatory change. (2014, p. 3)

There was also a communicative release. Prior to the reform of the law, the sex industry hid behind a series of deceptive facades, such as massage parlors, cheating on sex trading activities. This dynamic made it impossible to promote health strategies that prostitutes and brothel owners now use to build a safe sex culture (Gillian, 2014). Importantly, note that both of these recommendations were used in the bill Gabriela Leite. The author Jean Wyllys differentiated exploitation of prostitution and wrote the project with Gabriela Leite and her institution of prostitutes. There is no magic cake recipe to be followed, where all the problems of prostitution have ceased to exist after a change of legal model. Molly Smith and Juno Mac signal that: "For that to happen, however, it would have to actually be one singular problem rather than a matrix of oppression that act together" (2019).

When we interviewed him, Jean Wyllys pointed out that changing the law is just a first step in the development of public policies to improve the living conditions of everyone involved in the sex industry. Prada adds that "The fact is that regulation does not aggravate stigma, just as illegality has not prevented women from adopting this work" (2019, p. 101). Amnesty International, while continuing to seek prosecutions on crimes such as human trafficking, adults involved in child prostitution and crimes against sex workers, have taken the step to consult on the proposal to adopt a policy of decriminalization of sex work because:

We have seen evidence to suggest that the criminalization of sex work leads to social marginalization and an increased risk of human rights abuses against sex workers. The evidence also suggests that decriminalization could be the best means to protect the rights of sex workers and ensure that these individuals receive adequate medical care, legal assistance and police protection.⁶⁹

The legal model chosen by the countries to deal with prostitution will be linked to the degree of social inequality and the nature of the dominant sexual ideology. However, in addition to these two determinants, we must add the nature of public policy. In effect, whether prostitution' policy is subject to regulations, decriminalization, legalization or prohibition, this will significantly influence the conditions that workers are inserted. The evidence on the impact of major policy options suggests that the most positive approached influent elements of legalization and decriminalization. Both the

⁶⁹ For more information: <<http://www.amnesty.org/en/sex-workers-policy>>

criminalization practiced in the United States, or the partial criminalization practiced in Sweden, appears to be the least attractive option. In places such as New Zealand and Wales, where no criminalized models of governance exist, it is arguable there is less precariousness in the experience of sex workers. Finally, it is important to emphasize that in this model, we can highlight the concept of “self-ownership” more strongly, which according to Ribeiro (2017; 2019), is the right of each individual to decide about his/her life without being subject to norms and rules imposed by the State⁷⁰. It is highly important for the State to resort to labor law to legalize sexual services, leaving criminalization behind and considering it as an economic activity, not resulting in any relaxation relating to action against trafficking and exploitation based on forced prostitution.

Picture 5 Full Criminalisation.⁷¹



Picture 6 Partial Criminalisation⁷².



Picture 7 Legalisation.⁷³



⁷⁰ “although in the economic field left-libertarians admit the introduction of limits to the appropriation of resources by individuals, in order to guarantee the achievement of equality.” To see more: Ribeiro, F. B., & Silva, M. C. (2019). Perseguir ou reconhecer? Abolicionismo, autodeterminação e reconhecimento de direitos para o trabalho sexual. *Gazeta de Antropologia*, 35.

⁷¹ What do sex workers want? | Juno Mac | TEDxEastEnd WHAT sex workes wants [S.I:sn], 2016. 1 video (18 min). Published for the channel Ted x Talks. Available in < https://www.youtube.com/watch?v=VJRBx0jM_M >

⁷² What do sex workers want? | Juno Mac | TEDxEastEnd WHAT sex workes wants [S.I:sn], 2016. 1 video (18 min). Published for the channel Ted x Talks. Available in < https://www.youtube.com/watch?v=VJRBx0jM_M >

⁷³ What do sex workers want? | Juno Mac | TEDxEastEnd WHAT sex workes wants [S.I:sn], 2016. 1 video (18 min). Published for the channel Ted x Talks. Available in < https://www.youtube.com/watch?v=VJRBx0jM_M >

4. Between stigmas, prejudices and trafficking saga

“Save us from our saviors. We’re tired of being saved”. (Slogan of VAMP, a sex workers’ collective in India) (Seshu & Bandhopadhyay, 2009, 14)

Prostitution remains beyond the pale in Brazil. Indeed, the sex worker is being increasingly marginalized and criminalized as a result of the efforts of a robust moral crusade. The crusade initially targeted sex trafficking but then expanded its targets to all-sex workers in the world (Weitzer, 2010; Smith & Mac, 2018). Most of the narratives used about trafficking describe them as "modern slavery" and focus on the figure of the trafficker. In a "de-politicization of the debate," Clemente (2017) posited that such narratives do not take into account the structural causes of the systemic exploitation of migrant workers through migration and labor policies, or, as Horning brings to the debate, this theme has many unknown layers, and despite the growing interest in the discussion on trafficking, it still lacks empirical research (2012).

As we demonstrated in the first chapter, on November 7, 2007, the Brazilian Chamber of Deputies Constitution and Citizenship Commission rejected Fernando Gabeira's project to establish better work regulations. The position contrary to the approval came from the left and the most conversational wing of the congress, Maria do Rosário, who was the leader of the workers' party at the time, justified that such a law would lead to an increase in the trafficking of women (Ribeiro, 2008). The same narrative was adopted in 2012 when the bill Gabriela Leite received contrary opinions from the women's wing of the workers' party and the more conservative deputies using prostitution as a synonym for sex trafficking. Human trafficking, in particular, of women, has aroused growing interest on the part of States, international bodies, non-governmental organizations, the media, and also, researchers. Worldwide, billions of dollars have been allocated for organizations to combat human trafficking (Horning, 2012).

Despite not denying the existence of the phenomenon, several scholars denounce that there is an alarmist misrepresentation of the number of trafficked people due to the adoption of anti-trafficking rhetoric financed by lobbyists, activists and corporations

linked to "modern-day slavery". As we have seen and will see again later, many of these narratives lack empirical research and treat prostitution as something inseparable from human trafficking for sexual exploitation, which creates an alarmist and stereotyped narrative of the phenomenon (Clemente, 2017; Horning, 2012; Blanchette & Silva, 2012; Ribeiro, 2017).

The greater visibility given to this phenomenon occurs, at the national and international level, in combat and prevention policies whose effectiveness is debatable and generally end up targeting migrants. Policies include a lack of knowledge of the specifics that trafficking women for sexual purposes assume (Horning et al, 2013; Ribeiro & Clemente, 2017). Such visibility has ignored current global socioeconomic trends that lead to considering trafficking as a current migratory response. According to Clement:

In particular, the trafficking experience can intervene within mobility pathways that aspire to respond to complex economic expectations and emancipatory aspirations. Trafficking in women for sexual exploitation can be read, first of all, as a case of migration involving sex work in the context of unequal relations between the global North and South (2017).

And as Blanchette and Silva bring us, there is an affliction with this growing individual mobility, especially of women and the poor, creating a binary vision between those groups that can travel and those that must stay at home for their own good. In this false duality, non-whites, women, *travesti* and other groups of people traditionally marginalized and deprived of human rights are transformed into "vulnerable" social actors and must be subject to the tutelage of the State to have their rights to come and go assured (2011). The 'vulnerability' discourse can be mobilized by States to justify certain restrictions of law for specific population groups:

The Myth ignores the everyday facts of the migrant experience in the 21st century and, especially, the particularities of the migrant sex worker. He turns these individuals into caricatures, objectifying and infantilizing them, depriving them of any agency or power. By emphasizing a mythological and questionable view of "trafficking," capable of mobilizing public emotions and creating a sense of moral panic, it covers a growing wave of practices that penalize prostitutes and irregular migrants, turning them from citizens into subjects. (Blanchette; Silva, 2011).

In this regard, prostitution and trafficking are a much more complex phenomenon than it is sold to us through the media and politicians, going far beyond binary polarization and having several gray layers. This scenario is very well detailed by Thaddeus Gregory Blanchette and Ana Paula da Silva in their article “Myth of Mary”, about the false perception of international trafficking with the purpose of sexual exploitation. Once false polarization gets the spotlight, we forget that not everything is as clear as it seems. As Jennifer Chacón (2006) by Bernstein (2010) noted, the traffic as defined in current federal law and international protocols could conceivably encompass sweatshop labor, agricultural work, or even corporate crime, but such trafficking is much less discussed by conservative Christians, feminist activists, and the press (2010). Ribeiro also points out that there is traffic for various purposes⁷⁴, but human trafficking is a social problem at the international level (Silva, Ribeiro & Granja, 2013).

In this chapter, we will demonstrate how Brazilian legislative discussions around prostitution are fraught with prejudice/stigma and reduced to binary discourse, but first, we will give a theoretical overview of prejudice and stigma.

4.1. Prejudice is not *a priori*

In the early nineteenth century, prostitution was not seen as it is today, as with sexuality, issues related to prostitution were not agendas that mobilized intense debates in society⁷⁵ (Rodrigues, 2003; Matthews, 2008). At that time, prostitution was predominantly practiced within four walls. The domestic confinement to which women were referred to as their families and the incipient urban sociability were the determining factors of this situation. According to Rodrigues (2003), this scenario changed due to urban-industrial transformations, the conquest of certain public spaces and civil rights by women, and the processes of deterritorialization of subjectivities associated with them. The process of the hypothetical equalization of the sex condition led to a series of conflicts and made the creation of spatial and symbolic barriers that made the hierarchy of the sexes become a key issue (Rodrigues, 2003). In this scenario, the behavior of female sexuality and as part of this, the division between good and bad

⁷⁴ According to the author, trafficking comprises various types of arms and human trafficking, namely organs, for labor purposes and for sexual exploitation (Ribeiro, 2013, p. 7).

⁷⁵ According to Ramalho (2012) the practice of prostitution and its actors has been perceived in various ways throughout the history of humanity, thus finding various framing processes: political, economic, religious, moral, human rights, scientific, among others. As a result, these actors have been viewed in different ways: sometimes accepted, sometimes rejected, sometimes viewed as a "minor evil," and often as an evil to be suppressed.

women, as well as the sanitization of prostitutes, have become crucial. (Menezes, 1992; Lombroso & Ferrero 1983).

This Brazilian period was known for adopting medical-state intervention in the family to implement a new model of family organization. Hygiene has stimulated contact between individuals and families and family privacy, as well as between city and state. The next century marked the arrival of foreign prostitutes and their association with modernity, forged mainly from luxury courtesans, gave them an aura of power that only isolation, exteriorization and stigmatization could effectively combat (Rodrigues, 2003). Stigma, here as a language of relationship, while at the same time emphasizing the "negative" aspect, strengthens the supposed normalcy of those in which they are absent, so the stigma of prostitutes was central to the need to protect "family's women" against the fantasies of prostitution (Goffman, 1982). Rodrigues points out that foreign prostitutes have taken the same place as black slave women, as a symbol of sexual immorality (2003).

Another aggravating factor in the case of the stigmatizing view of prostitutes was linked to increasing discrimination due to the emergence of the HIV/AIDS epidemic. This period also marked the rise of prostitutes' political organizations in response to the growing repression of state agents. The emergence of the epidemic at the end of the last century has brought sex workers, which suffered due to the initial perceptions of AIDS, back to the center of the health spotlight, causing an increase in discrimination and prejudice (Roberts, 1998; Matthews, 2008).

Prostitution today is also marked by a strong stigma/prejudice and shame. According to Juliano, the problem lies in the prestige and respect denied to sex workers, considering stigmatization as the central axis of the definition of sex work (2000). In analyzing prejudice, we must consider it as a relationship between psychic and social aspects. Prejudice is not *a priori*, its development is the product of the relations between psychic conflicts and the stereotype of thought. Stereotypes attached to certain objects are distortions of reality, often linked to historical facts, becoming inherent in those objects (Crochik, 1996). Crochik points out that the stereotype takes several forms, not being the same concerning homosexuals and black people. For the author, the elements of prejudice are attributions of characteristics, behaviours and judgments inherent to objects (stereotype), where they are not really. Another element is the generalization of

the characteristics assumed by a group, which is accepted by all individuals, even if they are unreal, configuring a perception and a distorted understanding of reality (1996).

In this sense, Horning (2013) writes that risk assessments are also influenced by individuals' perception of groups such as, in some essential ways, different from one's own group. Hazards are often attributed to these marginal groups, such as sex workers and/or trafficked women. Furthermore, as Sacramento and Ribeiro (2014) point out, that stigma is also inseparable from relational processes, being influenced and determined by its historical space, by which one group of subjects projects certain attributes on another group of people. Marginality as a means to justify their exile in the social fabric. For Becker (1977), stigma is not an intrinsic characteristic of the person, but the result of applying rules and sanctions to a "transgressor". Ribeiro and Sacramento (2014) add that it is a symbolic production that certain individuals or social groups apply to others through social interactions.

We can perceive such prejudice and stigma through the words of Gabriela Leite (2009). For her, the big problem of being a prostitute is prejudice against sex, and she points out that we all sell part of our body in some way.

The biggest prejudice is because we work with sex. Sex is the big problem, it's the big ban on people. And we work, fundamentally, with sexual fantasy, that is the real reason for the existence of prostitution. It is a huge field. It's silly to say that only a bitch sells the body! And sell your head, how much does it cost? The worker sells his arm, how much does it cost? Everyone sells their workforce, which is with their body. (Leite, 2009, p. 14)

In this sense, Jean Wyllys adds that any work that involves the body is a form of commercialization of it. However, sexuality is linked to several taboos. In an interview with the portal "*Carta Capital*" he reports:

If sex work is a form of commercialization of the body any work that involves the body also is! What is it that differentiates the penis, vagina, or anus from the parts of the body that we use in other works considered "manual", not be the taboos that prohibit sexuality and want to hide it under a dark dome and guarded by demons?⁷⁶

⁷⁶ Available in:
<http://assetsinstitucionalipg.sfo2.cdn.digitaloceanspaces.com/2013/12/cartacapital05122013_asprostitutastambemsaomulherestrabalhadoras.pdf>

In fact, we are unaware of bills being filed in Brazil to prohibit the work of models or even pornographic actresses and actors. All these kinds of work, which also deal with the body as a commodity to be exposed and explored, do not cause such discussion and persecution by conservative and fundamentalist politicians. Referring to sex, Foucault states that “sex is simultaneous access to the life of the body and the life of the species” (1997, p. 148). According to Foucault, this reason is that today sex is a target for a power that is organized around the control of life and is therefore present in politics, in economic interventions, in ideological campaigns of moralization and accountability whose object is always the discipline of the body and the regulation of populations (1997). This power tries to control the aspects of the subjects' sexuality, which is used as a repressive mechanism to categorize identities based on phenotypes, determining immutable identities, classifying and ordering deviant sexualities. Thus, producing the ideal kind of family, the heterosexual monogamous and classifying sexuality at an age, a place, a taste and a type of practice (Foucault, 1997; Sacramento & Ribeiro 2014; Ribeiro 2008).

The sex worker Monique Prada goes further. According to the author, the stigma under prostitution is linked to the maintenance of patriarchy, and as this is a constant fact for the whole class, going beyond Brazilian borders:

Stigma has been one of the most effective strategies for patriarchal domination; in order to maintain its efficiency, it is necessary to delegitimize the words of whores who do not look like the “imagined whore”. We should not be heard because we would not be representative of most prostitutes. That happens to me, it happens to Amara Moira, to Indiana Siqueira, to Lourdes Barreto, to Gabriela Leite, to Pye Jackson in Sweden, to Margpie Corvid in England, to Morgame Merteuil in France, to Georgina Orellano in Argentina... (Prada, 2018, p. 36)

According to Amara Moira, before being a sex worker, she was already seen as being a “whore”, just as all *travesti* are seen.

In her words:

Why. It's like the word bitch is tattooed on my forehead, and long before I hit the street the first time. They see me as a *travesti* and already imagine me a whore, and what is the price? if I'm active, harassment like I've never seen it before, goes crazy. (...) transphobia excludes us, prostitution embraces us and putaphobia expands the exclusion to

which we are already subject just for merely existing. (Moira, Location 140)

As Goffman (1982) points out, it is an attribute that does not fit the normative expectations that regulate identity constructions and the definition of social roles. In this sense, Foucault argues that sexuality is inserted in the dynamics of power, being produced and reproduced in order to guarantee hegemonic expressions, which are constructed as legitimate, in counterpoint to subaltern identities, creating a heteronormativity, which becomes a norm multiplier of power relations, guaranteeing the production of an economically useful sexuality for a politically conservative population (Foucault, 1997, Sacramento & Ribeiro 2014).

This normativity will guide the policies of the state administration, establishing fixed identities, classifying and ordering deviant sexualities and such influence is felt in the Brazilian legal system. The concept of sex is used as a classification criterion of the subjects⁷⁷ within the biological perspective, that is, “only” with two possibilities, either men or women (Resadori, 2016). Compulsory heteronormativity ultimately relegates sex workers to second-class citizens, a stigmatized class. A fact is that the stigma/prejudice of prostitution ends up linking groups of antagonistic political spectra on various topics. While Ribeiro (2008) relates through the lens of the criminalization of prostitution that unites radical Marxist feminists of orthodox roots with liberals⁷⁸ of different orientations, Bernstein (2010) points to the similarity of the neoliberal thinking of conservative Christians and radical feminists, both seeking neoliberal solutions to contemporary social problems, with trafficking or the so-called “modern slavery”, in such a way as to represent the antithesis of low labor wages in the supposedly free market.

In Bernstein’s words:

I have sought to demonstrate through my discussion, “liberals” and “conservatives” have tended to agree on the underlying carceral politics that have defined the issue of trafficking from the outset (with debates revolving around the narrow question of whether severe criminal penalties should extend beyond sex trafficking to other forms of trafficking as well). (2010, p. 66)

⁷⁷ See more details on Master’s Dissertation Resadori, Alice Hertzog (2016). Antidiscriminação e travestilidade no Brasil: critérios proibidos de discriminação e auto declaração.

⁷⁸ Importantly, the use of the term liberal in Portugal is similar to the conservative term in the United States.

It should be noted that trafficking in women for sexual exploitation is not synonymous with prostitution or aiding illegal immigration, even if, in certain situations, they may be linked (Silva, Ribeiro & Granja, 2013). In other words, it is extremely important to go beyond the myth, and to differentiate the exploitation of human beings with a sexual purpose from sex work, as pointed out in the first chapter in the genesis of the Gabriela Leite Bill. When not properly differentiated, as pointed out by Ribeiro (2008) citing Santos et al (2017, p. 13), a new means of moral panic appears when they do not make the necessary and unambiguous distinction between trafficking for sexual exploitation and prostitution, subsuming all the forms that it takes in that. In 1972, Cohen coined the term Moral Panic, which had as its premise to characterize the collective fears and yearnings created by imaginary situations of destabilization of public order. The expression's origins come from what common sense determines as immoral, in this case, sexual behavior or a particular social group, like sex workers, which cause discomfort in public order (Horning, 2012; Silva, Ribeiro & Granja, 2013; Ribeiro 2017).

Several comments note the similarities between the moral panic around sex trafficking as “modern-day slavery” in the current context and the white slavery scare in the postbellum years of the nineteenth century (Saunders, 2005; Soderlund, 2005; Augustin, 2007). There is a big problem in carrying out reports on hidden populations. With regard to people involved in sex trafficking, as Horning says, there is an amplification of those rallying around the sex-trafficking discourse. This amplification can be explained by the following reasons: 1) anecdotal evidence about hidden populations that becomes more prone to generalizations without a research base 2) unreliable estimates of the number of people trafficked, with a wide divergence in the numbers reported by organizations⁷⁹; and 3) a legal expansion of sex trafficking and academic reformulations of who qualifies as a sex trafficker (Horning,2012). Bringing this hypothesis and taking into account that different groups do not differentiate human trafficking for sexual purposes from prostitution, we have an amplification of moral panic and a falsification of the real number of people involved in trafficking (Clemente, 2017; Blanchette & Silva, 2012; Ribeiro,2017).

⁷⁹ “Lyod provides the UNICEF estimate of 1.2 million children who are commercially sexually exploited children, and the University of Pennsylvania study estimates from 200,00 to 300,000 children at risk in the United States. However, she does not specify what these risks are, whether the average ages of these children are 17, 11 or something in between, and there is no mention of the fact that UN global trafficking estimates have bulimicly varied between 600,000 and 27 million over past decade.” (Horning, 2012).

Bernstein (2010) points out that the evidence suggests that the vast majority of women are not in forced prostitution. According to Clemente: “Conventions and declarations, laws and action plans are not always based on solid evidence and received a weak collaboration from trafficked men and women”, something that is since that there are several limitations, starting with the lack of a common definition of trafficking and methodological transparency. (2017). As Ribeiro and Clemente (2017) rightly point out, such positions are supported by articles, sensationalist newspapers mirroring the moral panic, something that was strongly present in Brazil during the voting on the bills referred to in the first chapter.

4.2. Legal Procedures

In the first chapter, we described the three bills that tried to decriminalize prostitution in Brazil. At this point, we will comment on how the voting on such bills went and demonstrate the stigmatized speeches of voting deputies and their exposures to deny the rights of sex workers. Though first, we will discuss the Brazilian attempt to follow the Swedish model⁸⁰.

4.3. The stigma and the Brazilian attempt of the Swedish Model

The Bill 377/2011⁸¹ was presented by the Deputy of the Evangelical Bench, former police delegate and author of the “Gay Healing” Bill, João Campos, with the purpose of criminalizing the hiring of sexual services. According to the deputy's advisers, the bill was inspired by the Swedish Law to correct what they perceive as a “failure in the penal code”: “It is a failure of the penal code that only those 'people', male or female, are punished, and he who hires has no punishment” (Villela et al, 2013, p. 67). Justifying the bill, the deputy describes its purpose to protect people and combat sexual oppression, writing that the sale of the body is not something tolerated by society and not subject to contractual object. Without providing any evidence, it states that the activity of prostitution is harmful to society, for being linked to organized crime, personal injury, sexual exploitation of children and adolescents, and drug trafficking.

⁸⁰ Customer Criminalization: Bill's nº 377/2011.

⁸¹ Available in: <<https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=491833>>

After two years, there was a favorable opinion by the Committee on Constitution and Justice and Citizenship (CCJC), and the vote of the rapporteur Federal Deputy Marcos Rogério (PTD / RO), reproduced arguments first used by João Campos, affirming that prostitution must be fought by the Brazilian State to reduce the damage caused to people and society. During these two years, was annexed in 2013, the PL 7.001 / 2013 authored by Acelino Popó (PRB / BA), aimed at increasing the penalties for the crime of favoring prostitution or other forms of sexual exploitation. However, in 2014, the project was archived according to art. 105 of the Rules of Procedure of the Chamber of Deputies (RICD)⁸². Then, in 2015, João Campos pleaded for the unarchiving, again the project was sent to CCJC. Federal Deputy Cristiane Brasil (PTD / TJ) voted for the unconstitutionality of the bill, and consequently, for the rejection, concluding that one should not hinder the rights of sex workers to use their bodies for work.⁸³ Against the deputy's vote, in 2016, Federal Deputy Marcos Rogério (DEM / GO), a member of the CCJC, voted for the constitutionality of the bill. Interesting to note that the deputy migrated from the party and presented practically the same opinion of 2014, with minor changes.

The bill in question reveals several points of how most Brazilian congressmen deal poorly and stigmatized with the complex theme of prostitution. Most of the justifications are short, with no mention of research in the field, much less listening to the protagonists of the subject under discussion. The writing of the project is full of common sense, false value judgments with generic statements, mixing concepts, which can generate moral panic, and always reaffirming stigmas. To Miranda, “[...] false value judgments characterize prejudice, insofar as the pragmatic character of everyday activity is guided by elaborate judgments, reception schemes for the social whole” (2013, p. 6). False value judgments are formed by the ruling classes, being assimilated by the other classes, avoiding the formation of new thoughts and behaviors (Feijo & Ferreira, 2014).

Among the fallacies presented by the bill author, Brazilian society does not tolerate sexuality. However, 21st century Brazil has one of the most tolerated behaviors regarding sexuality, considering the fashion and pornography industries. Furthermore, as Romfeld points out, after the promulgation of the Federal Constitution of 1988, sexual integrity is an available asset as long as they are over eighteen (18) years old and the

⁸² Article 105. At the end of the legislature, all proposals that have been submitted to the deliberation of the Chamber and are still in process, as well as those that open up additional credit, with opinions or without them, shall be filed.

⁸³ Available in: <https://www.camara.leg.br/proposicoesWeb/prop_mostrarintegra?codteor=1414748&filename=Tramitacao-PL+377/2011>

practice is consensual (2018). The author's argument that strikes the eye is that prostitution would always be linked to a crime. However, such a statement lacks empirical studies, which ultimately reinforces false value judgments. Nucci's investigations with law enforcement officials showed that 17% responded that they had reported occurrences encompassing prostitution and any form of organized crime, while 40% reported incidents involving prostitution and drug trafficking (2014). As Romfeld points out, such data do not represent the totality of Brazilian prostitution but serves as an element of demystifying common sense about the link between prostitution and crime (2018). In common sense, as opposed to the social figure of the "ideal" wife, mother-wife, sex workers are represented as easy-going, shameless, and immoral women (Ribeiro et al., 2007).

Another point to be criticized is the attempt to criminalize as a strategy to solve social issues. In a democratic rule of law, criminal justice has the function of guaranteeing a just social order, aiming to protect legal assets (Cirino dos Santos, 2010). However, as Baratta demonstrates, the criminal system is built on a bourgeois-individualistic culture, emphasizing the protection of private property and making individuals from the lower social classes more vulnerable targets (2002). Brazil is an example of how the criminalization of something does not solve violence problems. There are hundreds of typifications in the Penal Code, which were not able to curb or prevent criminal behavior, and much less contain the screaming numbers of incarceration. Currently, Brazil has the third biggest prison population, only behind China and the United States (Cirino dos Santos, 2010; Waiselfisz 2016a; CNJ 2014). According to Vera Magaluti (2003), in the preface of Wacquant's *Punish the Poor*, the Brazilian prison system serves as an aggravating factor for the instability of families whose members are kidnapped to increase criminality due to the scandalous contempt of the law, the culture of others and the refusal of the authorities that it promotes. As Foucault teaches, psychiatry arose to study "sexual perversions, pedagogy to teach proper standards, criminal law to curb crimes" against nature (1997).

The criminalization of prostitution clients would serve to reinforce the selective and class character of our criminal justice, not affecting the clients of luxury prostitution, and possibly only lower-class clients, which would serve to increase the number of the prison population where most are black and poor. Besides, another problem with the Swedish model is that several sex workers would lose part of their clientele, leaving

many workers without their pay, or in other words, the money that often supports their families (Leite, 2009).

In addition, the profession already carries the stigma, criminalized clients, prostitution would be pushed further to marginality. With prostitution immersed in a clandestine sphere, women who engage in this activity continue to occupy the status of potential victims, exposed to the will of the subjects who orbit the profession (Romfeld, 2018; Leite, 1992; Sanders & Campbell 2014).

4.4. The speeches that silence the “Gabrielas”

“With the Congress we elect? Never! For the general tranquility of the Nation and the security of the Brazilian family, no: I do not believe this PL⁸⁴ will be approved” (Cuts,2016).

In the first chapter, we wrote about the three legislative attempts to change the Brazilian legal system regarding prostitution. The first of these in 2003 by Congressman Fernando Gabeira, the second in 2004 by Congressman Eduardo Valverde, and the last in 2012 by Congressman Jean Wyllys. Despite each particularity of these projects, they have some points in common. Positively all tried to improve the situation of sex workers, and negatively all had the same fate, the archiving and voting loaded with stigmatized speeches.

The project authored by Fernando Gabeira resulted in three different opinions among the Constitution and Justice Commission (CCJ). The first opinion was given by the Federal Deputy Chico Alencar, then deputy by the Rio de Janeiro Workers Party. Alencar stressed the contradiction of society in condemning prostitution for moral reasons, contrasting to how much it consumes, which ends up preventing the guarantee of rights that every worker should have⁸⁵. The second opinion, against the first, was prepared by Federal Representative Alosyo Nunes Ferreira. He stated prostitution would limit private autonomy to social interest and respect for public order and that it cannot be understood from the perspective of Civil Law. Ferreira agreed from a criminal

⁸⁴ PL Gabriela Leite.

⁸⁵ Available in: <http://www.camara.gov.br/proposicoesWeb/prop_mostrarintegra?codteor=167741&filename=Tramitacao%20-PL+98/2003>

perspective to repeal Article 229 of the Penal Code⁸⁶ since society tolerates the houses of prostitution and disagreed with the withdrawal of other penal types.⁸⁷

The last CCJ member's opinion is from Federal Deputy Antonio Carlos Magalhães Neto (DEM / BA). His vote resembles that of Nunes Ferreira as he described that it would be an illusion to think of the extinction of prostitution through police repression and highlighted the importance of public policies so that the population does not seek prostitution but a more "productive" activity. The congressman also expressed concern that children are forced into prostitution and indicated his rejection of the bill. Thus, in 2007 the project was filed. Shortly afterward, Fernando Gabeira filed for the unarchiving, being forwarded again to CCJC. On this occasion, Federal Deputy Régis de Oliveira (PSC / SP) presented a separate vote, opting for the total rejection of the bill. According to the deputy, the bill would be unconstitutional and of bad legislative technique. In his opinion, sociologically it was not yet the time for the law to change, and he also expressed concern about the contracting party and the project's many loopholes. Oliveira believed it would be impolite for clients to have their intimacies discussed in court, ultimately citing that the good morals and the average morale of society would not accept such changes⁸⁸.

In 2007, the bill was debated in the Committee on Labor, Administration and Public Service (CTASP). Again on that occasion, Federal Deputy João Campos issued an opinion for the rejection of the bill⁸⁹. His justification reports that Brazil adopted the abolitionist system and is a signatory to the Convention for the Suppression of Trafficking in Persons and Pimping (1950), in addition to "highlighting" the unworthiness of prostitution. In this sense, in summary, he argued that the hiring of sexual services legally does not promote the "reintegration" of the prostitute, nor did it contribute to a fairer society, offending Brazilian morals and the dignity of the human person. At the end of the vote, it links the legalization of prostitution with the sexual exploration of children and youth, as well as increasing drug trafficking, domestic violence, alcohol consumption, increased crime, and the destruction of families.

⁸⁶ Criminalization of the Prostitution Houses.

⁸⁷ Available in: <http://www.camara.gov.br/proposicoesWeb/prop_mostrarintegra?codteor=253652&filename=Tramitacao%20-PL+98/2003.%20A>

⁸⁸ Available in: <http://www.camara.gov.br/proposicoesWeb/prop_mostrarintegra?codteor=518382&filename=Tramitacao%20-PL+98/2003.>

⁸⁹ Available in: <http://www.camara.gov.br/proposicoesWeb/prop_mostrarintegra?codteor=825922&filename=Tramitacao%20-PL+98/2003>

The second draft discussed in the first chapter was by Congressman Valverde, here we do not have much to talk about, as the deputy requested the withdrawal of the procedure, having no opinions from other available deputies. Thus, we will proceed to the processing of the third project, Gabriela Leite, presented by Former Congressman Jean Wyllys.

When we interviewed Wyllys, he told us that in the 2010 elections he made an agreement with Gabriela Leite (who was also running for election), in which one would assume the agenda of the other in case one of them was not elected. He added that there were no elected deputies to take on the prostitutes' agenda. Gabriela was not elected deputy, so Wyllys, in contact with prostitutes' organizations in Brazil, especially Davida, set up the Gabriela Leite project. The former parliamentarian pointed out that, at the time, he suffered strong resistance from the feminist wing of the workers' party, who supported him in the project to decriminalize abortion, but concerning prostitution, sided with the most conservative wing of the Brazilian congress. It was something he also reported at the time of voting for the *Carta Capital* portal⁹⁰:

I believe that there is a part of the left and of feminism that has a conservative and moralistic position on the use of the body and on sexuality (moralistic and even sexist!), For which it commits the ideological contradiction of defending the right of women to abort but, at the same time, intend the State to protect her body when it comes to prostitution.

The bill was filed on the eve of the Olympics in Rio de Janeiro and the municipal elections, with the regulation of prostitution becoming a starting point for the campaign. According to Cuts representatives, the period was marked by the intensified use of moral panic concerning the regulation. As reported by Jean, the conservative feminist and evangelical caucuses used prostitution from the opposite discourse to raise votes and money, through an extremely moralist bias, uniting sectors of the left with right-wing evangelicals. (Cuts, 2016). In 2013 the project was on the Commission on Human Rights and Minorities⁹¹ (CDHM) and counted on the opinion of Federal Deputy Pastor Eurico (PSB / PR). In his vote, he states that the legalization of prostitution uses false assumptions, that there is no free choice to enter into prostitution, such choices would

⁹⁰ Available in: <http://assetsinstitucionalipg.sfo2.cdn.digitaloceanspaces.com/2013/12/cartacapital05122013_asprostitutastambemsaomulherestrabalhadoras.pdf>

⁹¹ Available in: <<https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=551899>>

be conditional on social, economic and cultural factors. In this sense, he argues that being treated as a commodity is incompatible with human dignity, a similar view of some feminist movements. Eurico states his thinking goes in the same way as the non-governmental organization Coalition Against International Trafficking in Women (CATW), as being contrary to the legalization of prostitution, given that it encourages human trafficking and increases street prostitution. In 2019, the Board of Directors of the Chamber of Deputies filed the bill under the terms of Article 105 of the House of Representatives Internal Regulations⁹².

4.5. Common point: The votes that silenced the workers and the traffic narrative

The view of prostitution as an immoral activity that makes women involved in this market vulnerable is still recurrent in the speeches of the Brazilian congress. Although not considered a crime in Brazil, prostitution is still subject to regulations and political maneuvers, as sex workers are treated as non-workers. In this sense, as demonstrated throughout the dissertation, the debate around prostitution as a way of life is far from presenting consensus. In particular, as long as the prostitutes involved in this environment remain without active voice and are stigmatized by the indissoluble context between sexual exploitation and human trafficking. Several of the votes made by the deputies mistakenly addressed the idea of the direct relationship between human trafficking for sexual exploitation and prostitution, often depicting each other as synonyms or “inseparable”, as pointed out by Ribeiro and Clemente (2017, p. 23).

As mentioned before, the three projects had similar procedures. Despite the time lapse between them, we see that few things have changed in the deputies' speech against the recognition of prostitution as a profession. For example, Federal Deputy Antonio Magalhães, in his vote on Fernando Gabeira's bill, states that sex work is "dishonest", that it is necessary to think of policies that encourage "productive activities". Repugnant also is the vote of Deputy Régis de Oliveira. The same states that the time is not ideal for approval of the draft of Gabeira, being dangerous, as if at some point there would be an absolute consensus on prostitution, in addition to using fallacious legal arguments. The vote of João Campos amazes the eyes. At some point, he uses the term "prostitute

⁹² Available in: <<https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=551899>>

reinsertion", as if they were a threat and need to be re-socialized. Or Deputy Maria do Rosário, making a direct connection between the regulation of prostitution and a possible increase in trafficking.

Eduardo Cunha chaired the Chamber of Deputies Congress during the presentation of the Bill of Law Gabriela Leite -the same administration in which President Dilma Rousseff's coup was articulated-. In 2007, he had already exposed his position on the Fernando Gabeira Project, according to former deputy Cunha: "In a little while they will want everything. All rights. They will even want a formal contract." -referring to sex workers- (Cuts, 2016). With such a positioning coming from the chair of the presidency, the bill was born with very little chance of being taken to the vote. Revolting also are the votes presented to the Jean Wyllys bill. In the same vein as his predecessors, Deputy Church Pastor Eurico treats sex workers as non-victims and uses trafficking and voluntary prostitution almost synonymously, denying the fact that the project was created through dialogue with prostitution associations. Eurico still uses the divergence between feminist currents to denounce the alleged inconsistency in the discourses, through reflections developed by the abolitionist feminist movement, in an intellectually dishonest manner. Even within the movement, there are several divergences, as Poulin points out, the current of liberal feminists defends the distinction between voluntary prostitution and sexual exploitation (2005). Amara Moira writes in her book "*E se eu fosse Puta*" ("What if I were a whore") that moralism influences the view that selling pleasure is wrong, in the words of the writer:

From the point of view of radical moralism, it is absurd to advocate that women can sell pleasure to a man, negotiate that pleasure, put a price on it. Give a boss a profit, okay; submit to terrible working conditions, ok; but, sell pleasure and still profit. (Moira, Location 1190)

As we can see, legislative discussions about sex workers mostly occur through stigmatization. Ramalho (2012) points out that victimization is repeatedly based on social representations that corrupt the phenomenon of prostitution, aiming at the social control of sexuality and the use of the body. The author adds that, nowadays, these discourses are silencing identities and drowning by the "moral panic" that involves the issue of sex (2012). The threat is imputed via the stigma to all those who manifest divergent characteristics of the hegemonic system of norms and values, symbolically assumed as foci of impurity and social pollution (Ribeiro et al, 2007). The stereotyped

narratives about human trafficking feed on the arguments used by politicians over the years, whether in the early 2000s with Fernando Gabeira's project or in 2012 with Jean Wyllys' project. Narratives are also present in the media and in certain humanitarian campaigns and interventions, which generally use a high number of people involved in the so-called "sex trafficking" even without an empirical basis, amplifying "moral panic" (Horning et al, 2013; Blanchette & Silva, 2012; Ribeiro, 2017).

According to Elizabeth Bernstein, this is something that has been going on for the last 10 years: "during the past decade, the term 'trafficking' has once again been made synonymous with not only forced but also voluntary prostitution, while an earlier wave of political struggles for both sex workers' and migrants' rights has been eclipsed" (2010, p. 10). Such an approach is strongly questioned by researchers and testimonies of technicians with field experience who deny an automatic connection between trafficking and sex work (Horning, 2013). Amber Horning also questions the direct relationship between human trafficking for sexual exploitation and prostitution. According to Horning et al. (2014), there are several inconsistencies in the Trafficking in Persons Report (TIP). Even though the measures continue to be updated annually, based on the guidelines established in the Trafficking Victims Protection Act 2000, they keep failing to combat exploitation. Besides, such imperatives established in Act 2000 end up negatively influencing anti-trafficking policies, not being possible to have a real quantitative notion of who is really in a situation of exploitation (2013). Also, according to Clemente:

The lack of methodological transparency, accompanied by the lack of a common definition about trafficking, contributes to popular assertions about the great and growing magnitude of trafficking or the profits that derive from it, which remain controversial and meet several criticisms. (2017)

Adriana Piscitelli, in her ethnographic research developed over almost a decade, presents us with a new perspective for the sex industry through the reports of Brazilian women who moved between Brazil and southern Europe, full of expectations and looking for different forms of personal fulfillment through prostitution. The reality of transactional sex allowed the researcher to establish a particular association between different cultures and interpretations of themes involved in the sex industry within different sociability scenarios in Fortaleza (Brazil), Spain, and Italy. Piscitelli reveals

that, at the beginning of his research, there was no intention of working on the theme of international human trafficking, but the context imposed itself on the research as the automatic approach between sex tourism and human trafficking was verified (2013). The researcher writes her interpretations of transnational prostitution between different categories, classifying them as sex market; sex industry; trafficking in persons; sex tourism and mixed marriage, and social agents classifying them as prostitutes; government institutions; feminist groups; sex industry entrepreneurs and clients.

Thus, it seeks to understand how some ideas about the sex market and marital/amorous relationships are activated and reframed between disjunctions of different cultural and geographical contexts. It also separates and regroups new associations within the sex market, establishing a clear connection and without falling into binary simplifications. According to Piscitelli, "ethnography has shown the relevance of treating the so-called 'sex tourism', prostitution and human trafficking as different problems" (2013, p. 55). Other researchers, who question the direct association, are Blanchete and Silva (2012), mentioned at the beginning of this chapter. In "The myth of Mary", they questioned, based on an ethnographic study in Rio de Janeiro, the simplistic view of the figure of the trafficked woman as being always deceived and persuaded by the "European man", including pointing out how brothels can serve as safe places for women prostitutes. As Teixeira points out, it is common among *travesti* to rent vacancies in pensions, places where they borrow money (with taxes) for travel, and bodily changes, as long as these services are not available to them in society. Following a legalistic logic, within the Brazilian legal system, such practices could be configured as "trafficking", and the result has been an increase in the number of actions in Brazil directed against pensions and prostitution points frequented by *travestis*.

The anti-trafficking rhetoric is fueled by activists, media and "celebrity humanitarians", who reinforce stereotyped representations of the "ideal victim", views that are criticized by the trafficked persons themselves. (Blanchete and Silva, 2012; Clemente, 2017). As mentioned at the beginning of this chapter, several organizations receive several large investments in the saga of "fighting trafficking", during the Bush Administration, more than 200 million dollars were authorized for TVPRA⁹³, money that

⁹³ Trafficking Victims Act.

was not invested in organizations that advocate for the legalization of prostitution. Horning brings us as an example the Polaris Project:

One of the largest anti-trafficking non-profit organizations in the United States, encourages companies and business to address trafficking. Technology corporations such Microsoft and Google have sought to address human trafficking by creating new technologies to combat it. Google provide a multi-year 1.8 million dollar grant to Polaris, International Justice Mission and Slavery Footprint “to implement a unified initiative focused on eradicating modern-day slavery (2012)

The discussion on human trafficking in Brazil has also gained strength through committees to combat trafficking that end up confusing the crime of trafficking with prostitution itself, something that fuels the repression against sex work and even restricting their mobility (Blanchette e Silva, 2011; Piscitelli, 2014). Piscitelli warns that the ambiguities in the Brazilian Penal Code and the Palermo Protocol allow for different interpretations of the migration of workers and the effects of these ambiguities, they are police interventions and judicial interpretations, which in principle would be aimed at repressing human trafficking in Brazil, but which in reality end up being used to repress prostitution. (2012). In this context, it is important to remember that Brazil currently follows two definitions of “human trafficking”. The first, mentioned above, is based on Articles 231 and 231A of the Penal Code, which defines “trafficking” as any movement of women, provided that it is helped by third parties (the article contains the written provision “woman” who comes to exercise prostitution). According to this definition, paying a UBER for a female prostitute to go to work can be considered “trafficking”. The second definition is the Palermo Protocol, an international UN treaty to which Brazil is a signatory. Such, treated trafficking as only in circumstances where migration results in “situations analogous to slavery” (Blanchette et al, 2013, p. 8).

And as Clemente points out, demonstrating the case of Portugal, the concern centered on the fight against trafficking in human beings, concerns such as the fight against crime, the persecution of traffickers and the control of emigrants prevail over the rights of trafficked persons. The rhetoric of focusing on traffickers as responsible for all the abuse erases the role of the state in migration and employment, exempting them from creating economic and social conditions that can reduce inequality, discrimination and exploitation: “The critique of the State's acquittal and the depoliticization of debate is accompanied by a harsh critique of the secondary approach in combating trafficking.”

(2019) Therefore, the focus on controlling and criminalizing the migratory process, especially women, *travestis*, the poor and non-whites, among other marginalized groups, diverts attention from the need to address the structural causes of human trafficking such as poverty, racism, wars, sexism, etc. Thus, policies to combat the crime of trafficking in persons should also be assumed by international organizations and States, through a perspective of social justice and human rights, in which the voice and desires of the most “marginalized” are an integral part of the construction of these policies, something that did not happen during the votes of the analyzed projects.

Another proximity in the votes is the lack of concern to dialogue with the protagonists, the sex workers, as they were made without any contact with the organizations of prostitutes. As Ribeiro and Clemente argue, supporters of prohibitionist policies do not take into account the interests or the reoccurrence of women living in prostitution and emphasize that this does not contribute to the reduction of violence, especially those suffered by migrants (2017). The absence of norms that legalize prostitution as a profession leaves such professionals on the sidelines, abandoned to their own devices. Given this, the State fails to implement one of the fundamental principles of the Democratic Rule of Law, the principle of the dignity of the human person (Feijo & Pereira, 2014). At this moment of extreme moralism, nationally and internationally, a process of disregarding the free will and conscience of sex workers began. It became very common to equate the prostitute with the figure of the person in a situation of exploitation, all would-be victims and should be rescued and re-socialized.

Arruza, Bhattacharya and Fraser (2019), when they talk about gender laws, remind us that legal emancipation is nothing more than a hollow eggshell if one does not turn a blind eye to the sexism, structural racism of criminal justice systems, police brutality, mass incarceration, threats of deportation, military interventions, harassment, and abuse in the workplace. I say that the same goes for a policy of decriminalizing prostitution, which would be a cruel farce if they do not deal with these situations in their specific localities, and in the Brazilian case, a greater focus on structural racism, mass incarceration, sexism and migratory flow.

5. Conclusion

“Sex workers don’t need saving. They need what every other worker needs: the power to dictate the terms of their labor.”⁹⁴ (Natalie Shure, 2019)

“We are an immense class of workers who remain on the margins of any recognition or right.” (Prada, 2018, p. 98)

Considering the conservative Brazilian political scenario, how will sex workers dictate the terms of their own work? As we have seen, the current political-legal model on prostitution in Brazil contributes to the marginalization and stigmatization of sex workers. Currently, Brazil follows the “regulationism” (or abolitionist/partial criminalization)⁹⁵ model of prostitution, placing the profession in a true “social limbo”. While the practice of prostitution as a private matter is not formally criminalized, its commercial exploitation is penalized. The punitive view of the sex industry lacks a foundation. Prostitution in Brazil is not prohibited by law and is even recognized by the Ministry of Labor as occupation. If the profession can be freely chosen by any adult and capable person, there is no reason to consider its free exercise equivalent to sexual exploitation.

Despite the disagreements about what prostitution means, it is necessary to take as a starting point the need for recognition of prostitutes as subjects of law and not classify them as a form of sexual exploitation, as we have in the current Penal Code. Prostitution, as well as any other work, can be subject to violations of rights. However, to deal with such situations, we should not use criminal law as a solution. And as demonstrated through international examples, a possible criminalization of clients of sexual services only makes evident the inefficiency of the neo-abolitionist model. Such positioning ends up being marked by strong exclusion and stigmatization because the abolitionist model does not contribute to reducing the forms of exploitation. And, consequently, it does not give voice to sex workers and their claims for social rights.

⁹⁴ See more: <https://jacobinmag.com/2019/05/sex-workers-rights-are-workers-rights>

⁹⁵ The different nomenclatures and legal models of prostitution will be discussed in the second chapter.

As an alternative to abolitionism, we have in other countries prohibitionism (full criminalization), regulationism (legalization), and decriminalization. Full criminalization is the most repressive model, considering prostitution a crime and penalizing all activities related to the sex industry, as well as labeling the prostitute as a criminal to be re-socialized. In the legalization model, prostitution is accepted. However, it is still seen as a threat to health and public order, not seeing prostitutes as a subject of law.

According to the positioning established in this dissertation, decriminalization should be seen as a starting point (not an arrival point), built from the experience and activism of prostitutes, with horizons for the formulation of a policy that guarantees the rights and guarantees for the entire sex industry.

Therefore, based on the research carried out, we can state that prostitution is a job, and as a job, it should be done freely, with dignified conditions, and that it deserves prevention against the risks involved, such as violence and marginalization. As it is now, the houses of prostitution continue to function in daylight and outside the law, workers from the most marginalized niches will continue to be the most exploited. In the same way as there will continue to be women whose only or best option will be sex work and they will continue to have their rights denied. The most urgent thing, therefore, is to fight for better conditions so that those who are in the activity can exercise it safely, with better pay, without the weight of stigma.

Also, there is an urgent need to establish a clear conceptual distinction between prostitution and sexual exploitation in the Brazilian legal system, which is characterized by elements such as coercion, violence, abuse of authority, etc.

The decriminalization of the sex trade is an essential demand made by people who sell sex around the world. Prison measures are oppressive and contribute to the marginalization and impoverishment of the same people they pretend to protect, in addition to being inefficient. The sex industry will not end with the arrest of sex workers or third parties and clients. Justice must come from the workers themselves, building their struggle to gain control over their working conditions and fighting the political context that pushes many of them to sell sex in the first place.

Monique Prada (2018) and Mac Smith (2018) provide, in their books, respectively, a robust economic analysis of the sex trade, bringing arguments that people sell sex for various reasons, and in the end, may be the same as that of several other workers, they need money and resources, and sex work turns out to be the best option.

Escaping from a moralistic view, this is the same reason why anyone else sells their labor power to survive under capitalism. And in sex work, there is a place that undocumented migrants, drug users, ex-prisoners, and the LGBTQI⁹⁶ + community, find a way to make money since the formal market is not available to those considered marginalized. In other words, the people most likely to sell sex are those who are already on the margins of society and whose material needs do not suddenly disappear when sex work is criminalized. In fact, as we have seen, including the police forces, the situation is made worse by pushing their trade underground and exposing women workers to greater violence.

That said, our reality is full of contradictions. Contradictions exist because there are structures embedded in society, and human actions, at the micro-level, can go towards or against these structures. Besides, contradictions are carried by history. This means that, for example, defending the regulation or decriminalization of the sex market does not exclude criticizing the ways in which capitalism and patriarchy shape individual relationships after decriminalization.

Understanding the contradictions is a fundamental step in learning to change them. In the prostitution model followed by Brazil, it is a fact that sex workers are being marginalized by legal means. And defending any type of criminalization, whether it be the client, the employee, or third parties, is beyond the objective of improving the situation of sex workers. Anyone fleeing this has little political imagination or too much dogma in their heads. Explaining contradictions is more difficult to deal with, even with political currents that see a historical phenomenon as being defined only with one position against and one in favor. It is like celebrating the victory of New Zealand's decriminalization but denying the contradictions that the system imposes on migrant workers when the victory brings much more prospects for correcting the problems than an anti-prostitution victory. Understanding the contradictions of decriminalization

⁹⁶ Lesbian, gay, bisexual, transgender and queer or questioning

policies is not advocating criminalization policies. It is carrying the conception that criminalization brings about the segregation of the undesirable.

“Brushing history against a counterpoint. The history of culture as such is abandoned: it must be integrated with the history of the class struggle”, is the contribution brought by Walter Benjamin (Löwy, 2011). This goes for how we tell the story of the prostitute movement in general. Integrating history requires dealing with contradictions. The conditions under which we make our decisions are inherited from the past, something that has been ignored by advocates of any form of criminalization within the sex industry.

Criminalization does not eradicate this institution's patriarchy. In fact, the word goes that people who sell sex exist outside the realm of personal and social security, human rights or justice. In relation to many other social issues, it started by solving or addressing smaller problems and then simultaneously thinking about more radical solutions that address the root of the problem. The same should apply to the case of prostitution. Decriminalization makes it possible to take into account the immediate material security and need of those who sell sex without impeding the discussion of the problem as a whole. It is not a legislative change that solves all the injustices in the world, but it can make the lives of many people today more secure. It is necessary to shift the discussion from the field of symbolism to first discuss pragmatism: the sex industry will not cease to exist, nor will sex workers.

There is a consensus among them that the decriminalization of prostitution is the right first step. And, considering that any model of criminalization works as based on the question “what can be taken from sex workers?”, It is time to start looking at the question through the lens that asks “what can be given to them?”. Thus, as stated at the beginning of the topic, decriminalization must be seen as a beginning, not an end in itself. It is necessary, after the decriminalization of the sex industry, as stated by Jean Wyllys and the others interviewed in this research, the construction of public policies for safety, health and education, based on the demands of the prostitutes' movements, and the notion of inequalities and vulnerabilities within the sex workers' own class, remembering that it is impossible to separate class without the other elements that organize people's lives based on their identities, such as race, gender, sexuality and most evident in

the cases of prostitutes, nationality. As Barretto brings in his teachings, capitalism is an inseparable system of inequalities and the domination of the other aiming at profit and accumulation and concentration of wealth (2018:395). We cannot deny the great inequalities imposed by capitalist societies, as well as the problems that arise from this system, therefore it is impossible to eliminate these problems with liberal or prison solutions.

6. References

- Abel, G.; Fitzgerald, L. & Brunton, C. (2007). *The impact of the prostitution reform act on the health and safety practices of sex workers: report of the prostitution law review comitte.* University of Otago. <https://www.otago.ac.nz/christchurch/otago018607.pdf>
- Abreu, M. L. M. (2017). La prostitución: el “pecado” de las mujeres| Prostitution: the “Sin” of Women. *Cuadernos electrónicos de filosofía del derecho*, (35), 64-89.
- Altemimei, D. (2013). Prostitution and the right to privacy: a comparative analysis of current law in the United States and Canada. *University of Illinois law review* 2. Recuperado de https://www.researchgate.net/publication/289810496_Prostitution_and_the_right_to_privacy_A_comparative_analysis_of_current_law_in_the_united_states_and_Canada
- Altman, M. (2013, 25 Junho) Hoje na História: 1910 - Congresso dos EUA aprova Lei Mann. *Opera Mundi*. <https://operamundi.uol.com.br/historia/29615/hoje-na-historia-1910-congresso-dos-eua-aprova-lei-mann>
- Alves, F. L. (2012). *Noites de cabaré: prostituição feminina, gênero e sociabilidade na zona de meretrício*. 2. ed. Arte e Ciência.
- Arruza, C; Bhattacharya. T. Fraser, N. Feminismo para os 99%: um manifesto. São Paulo: Boitempo, 2019.
- Armstrong, L. (2017). From law enforcement to protection? Interactions between sex work and police in a decriminalised street-based sex industry. *The British Journal of Criminology* 3(57), 570-88. https://www.scielo.br/scielo.php?pid=S1414-49802009000100009&script=sci_arttext
- Ausserer, C. (2007). O tráfico como problema moral. In *Controle em nome da proteção: análise crítica dos discursos sobre o tráfico internacional de pessoas* [Dissertação de Mestrado, Pontifícia Universidade Católica do Rio de Janeiro]. http://www.maxwell.lambda.ele.puc-rio.br/cgi-bin/PRG_0599.EXE/10177_5.PDF?NrOcoSis=32806&CdLinPrg=pt. Acesso em: 10/04/2008
- Baratta, A. (2002). *Criminologia crítica e crítica do direito penal: introdução à sociologia do direito penal*. 3. ed. (J. Cirino dos Santos, trad.). Revan.
- Barreto, L. C. (2013). *Prostituição: gênero e trabalho*. Multifoco.
- Barreto, L. C. (2015). *Somos sujeitas políticas da nossa própria história: prostituição e feminismos em Belo Horizonte* [Tese de Doutorado, Universidade Federal de Santa Catarina].

- Barreto, E.S. (2018). O capital na estufa: Para a crítica da economia das mudanças climáticas. Rio de Janeiro. Editora Consequência. Rio de Janeiro.
- Becker, H. S. (1997). *Outsiders: studies in the sociology of deviance*. The Free Press.
- Bernstein, E. (2010). Militarized humanitarianism meets carceral feminism: the politics of sex, rights, and freedom in contemporary antitrafficking campaigns signs. *Feminists Theorize International Politica Economy Special Issue 36*(1). p. 45-71.
- Blanchette, T.; Silva, A. & Bento, A. (2013). The Myth of Maria and the imagining of sexual trafficking in Brazil. *Dialectical Anthropology 37*. 10.1007/s10624-013-9296-z.
- Bobbio, N. (1992). *A era dos Direitos*. Campus.
- Cirino dos Santos, J. (2010). *Direito Penal – parte geral*. 4. ed. rev. e ampl. Conceito Editorial.
- ConJur. (2014, July 5). Brasil tem 3ª maior população carcerária do mundo, mostra levantamento do CNJ, *Consultor Jurídico*. <https://www.conjur.com.br/2014-jun-05/brasil-maior-populacao-carceraria-mundo-segundo-estudo>
- Criminológico, C. P., & Wacquant, L. (2003). Punir os pobres: a nova gestão da miséria nos Estados Unidos.
- Crochík, J. L. (1996a). Preconceito, indivíduo e sociedade. *Temas psicol.* 4(3).
- Clemente, M. (2015). Minors' Prostitution Experiences in the Dominican Republic. *Exploitation, Work and Game*.
- Clemente, M. (2017). Reservado o direito de admissão Discursos antitráfico, controlo das migrações e assistência a mulheres. *Bagoas-Estudos gays: gêneros e sexualidades*, 11(17).
- Clemente, M. (2019). O tráfico sexual (já) não é sexy? Atores, definições do problema e políticas no campo português de combate ao tráfico. *O tráfico sexual (já) não é sexy? Atores, definições do problema e políticas no campo português de combate ao tráfico*, (1).
- Correio
Brazilense
(2016)
<https://www.correio braziliense.com.br/app/noticia/brasil/2014/04/07/interna-brasil,421237/profissionais-do-sexo-conseguem-garantias-da-clt-em-tribunais-do-trabalho.shtml>.
- CUTS, 2016 “Não queira saber mais sobre prostituição do que as próprias prostitutas”
<https://azmina.com.br/reportagens/central-unica-das-trabalhadoras-do-sexo-nao-queira-saber-mais-sobre-prostituicao-do-que-as-proprias-prostitutas>.

- Davida – Prostituição, direitos civis, saúde (2009). *Saindo do escuro: Desvendando violações de direitos humanos na prostituição feminina*.
<https://www.fundobrasil.org.br/projeto/davida-prostituicao-direitos-civis-saude/>
- DaMatta, R. (2003). *A casa & a rua. Espaço, cidadania, mulher e morte no Brasil*. Rocco.
- Declercq, M. (2016, August 24). O projeto de lei Gabriela Leite é o melhor caminho para a prostituição no Brasil? *Vice*.
https://www.vice.com/pt_br/article/yym4zw/projeto-de-lei-gabriela-leite-pros-e-contras
- Duarte, E. E. C., & Pola, K. D. (2009). Trabalho em Marx e serviço social. *Serviço Social em Revista*, 12(1), 179-201.
- Engel, M. (1990). *Meretrizes e doutores: o saber médico e a prostituição na cidade do Rio de Janeiro (1845-1890)*. Brasiliense.
- Engel, M. (2004). *Meretrizes e doutores: saber médico e prostituição no Rio de Janeiro (1840-1890)*. Brasiliense.
- Engels, F. (1972). *The origin of the family, private property and the state*. Pathfinder Press.
- Estefam, A. (2009). *Crimes sexuais: comentários à Lei 12.015/2009*. Saraiva.
- Estefam, A. (2015). *Direito Penal, volume 3: parte especial (arts. 184 a 285)*. 3. ed. Saraiva.
- Fernandez, F. L. (2016, January). Hands UP: a systematized review of policing sex workers in the U.S. *Public Health Theses 1085*.
<https://elischolar.library.yale.edu/cgi/viewcontent.cgi?article=1084&context=ysphtml>
- Fernandes, S. (2018). *Se quiser mudar o mundo. Um guia político para quem se importa*. Editora Planeta.
- Fonseca, R. M. (2012). *Introdução teórica à história do direito*. 3. reimpr. Juruá.
- Foucault, M. (1997). *Resumo dos cursos do Collège de France (1970-1982)* (A. Daher, trad.). Jorge Zahar.
- Foucault, M. (2014). *Vigiar e punir: nascimento da prisão*. 42. ed. Vozes.
- GAATW (2018). Sex workers organising for change: self-representation, community mobilisation, and working conditions. *Global Alliance Against Traffic in Women*.
<https://www.gaatw.org/resources/publications/941-sex-workers-organising-for-change>

- Galtung, J. (1998). *Tras la violencia, 3R: reconstrucción, reconciliación, resolución afrontando los efectos visibles e invisibles de la guerra y la violencia*. Gernika Gogoratuz.
- Gira Grant, M. (2016, November 22). Interactive map: see where the NYPD arrest women who are black, latina, trans, and/or wearing jeans. *Village Voice*.
<https://www.villagevoice.com/2016/11/22/interactive-map-see-where-the-nypd-arrests-women-who-are-black-latina-trans-andor-wearing-jeans/>
- Gira Grant, M. (2016, November 22). The NYPD arrests women for who they are and where they go — now they're fighting back. *Village Voice*.
<https://www.villagevoice.com/2016/11/22/the-nypd-arrests-women-for-who-they-are-and-where-they-go-now-theyre-fighting-back>
- Gomes, L. F. (2009). Crimes contra a dignidade sexual e outras reformas penais. *JusBrasil*. <http://lfg.jusbrasil.com.br/noticias/1872027/crimes-contra-a-dignidade-sexual-e-outras-reformas-penais>
- GOMES, Orlando; GOTTSCHALK, Elson. (1990). Curso de direito do trabalho. 12ª Ed. Rio de Janeiro: Forense,.
- Goffman, E. (1988). *Estigma. Notas sobre a manipulação da identidade deteriorada*. Rio de Janeiro. Guanabara.
- Gusso, L. de C. S. (2013). *Carne e culpa: notas sobre a gestão penal do sexo*. Lumen Juris.
- Giorlandino, S. M. (1986). The origin, development, and decline of Boston's adult entertainment district: the Combat Zone (Doctoral dissertation, Massachusetts Institute of Technology).
- Hungria, N. (1956). *Comentários ao código penal*. Vol. VIII. Forense.
- Hydra Berlin (2016). *Information pamphlet about the "Prostitutes Protection Law"*.
hydra-berlin.de
- Horning, A., Thomas, C., Henninger, A. M., & Marcus, A. (2013). The trafficking in persons report: A game of risk. *International Journal of Comparative and Applied Criminal Justice*, 38(3), 257-280.
- Horning, A. (2013). Peeling the onion: Domestically trafficked minors and other sex work involved youth. *Dialectical Anthropology*, 37(2), 299-307.
- Instituto de Pesquisa Econômica Aplicada (IPEA) (s/d). *Pesquisa apresenta dados sobre violência contra negros*.
http://www.ipea.gov.br/igualdaderacial/index.php?option=com_content&view=article&id=730
- Juliano, D. (2005). El trabajo sexual em la mira: polémicas y estereótipos. *Cadernos Pagu* 25. ISSN 0104-8333.

http://www.scielo.br/scielo.php?script=sci_arttext&pid=S0104-83332005000200004

- Juliano, D. (2014, March 20). *Si la prostitución no fuera acompañada del rechazo social, podría resultar atractiva para más personas*. Interview granted to Itziar Abad. <https://www.pikaramagazine.com/2014/03/si-la-prostitucion-no-fuera-acompanada-del-rechazo-social-podria-resultar-atractiva-para-mas-personas/>
- Kandel, M. (1991). Whores in Court: Judicial Processing of Prostitutes in the Boston Municipal Court in 1990. *Yale JL & Feminism*, 4, 329.
- Kulick, D. (2008). Travesti: prostituição, sexo, gênero e cultura no Brasil. In *Travesti: prostituição, sexo, genero e cultura no Brasil* (pp. 279-279).
- Koster, K. (2017, December 6). Legal in theory: Germany's sex trade laws and why they have nothing to do with amnesty sex work proposal. *Huffington Post*. https://www.huffpost.com/entry/legal-in-theory-germanys-_b_8037820.
- Leite, G. S. (2008). *Filha, mãe, avó e puta: a história de uma mulher que decidiu ser prostituta..* - Rio de Janeiro. 2009.
- Leite, G. (1992). *Eu, mulher da vida*. Rosa dos Tempos.
- Löwy, M. (2011). "A contrapelo". A concepção dialética da cultura nas teses de Walter Benjamin (1940). *Lutas sociais*, (25-26), 20-28.
- Marx, K. (2016). *O capital-Livro 1-Vol. 1 e 2: O processo de produção do capital*. Editora José Olympio.
- Marini, R. M. (2013). *Subdesenvolvimento e revolução*. Insular.
- Marsiglian, R. M. G.; Silveira, C. & Junior, N. C. (2004). Políticas sociais: desigualdade, universalidade e focalização na saúde no Brasil. *Saúde soc.* 14(2), p. 69-76. <https://doi.org/10.1590/S0104-12902005000200008>
- Matthews, R. (2008). *Prostitution, politics and policy*. Routledge-Cavendish.
- Mazzeiro, J. B. (1998). Sexualidade criminalizada: prostituição, lenocínio e outros delitos. *Rev. bras. Hist.* 18(35). <https://doi.org/10.1590/S0102-01881998000100012>
- McClure, T. (2017, September 17). A racist system: Maori and Pacific Kiwis talk about the police. *Vice*. <https://www.vice.com/en/article/wjx5x9/a-racist-system-maori-and-pacific-kiwis-talk-about-the-police>
- Medeiros, M.; Ferreira de Souza, P. H. G. & Castro, F. A. (2015, May). A desigualdade é mais alta e estável do que se imaginava. *Dados* 58(1).

https://www.scielo.br/scielo.php?script=sci_arttext_pr&pid=S0011-52582015010200001

- Medeiros, M. & Barbosa, R. J. (2019, July 2). A desigualdade está crescendo – e a culpa é do desemprego. *The Intercept_ Brasil*. Recuperado de <https://theintercept.com/2019/07/29/desemprego-alavancou-a-desigualdade/>
- Minayo, M. C. S. (2000). Condições de vida, desigualdade e saúde a partir do caso brasileiro. In R. Briceño-Leon; M. C. S. Minayo & C. E. A. Coimbra Junior (coord.). *Salud y equidad: una mirada desde las ciencias sociales*. Fricruz.
- Mills, Wright. C. (1982). *A imaginação sociológica*. Rio de Janeiro: Zahar.
- Moraes, A. F. (1996). *Mulheres da vila: prostituição, identidade social e movimento associativo*. Vozes.
- Moraes, G. B. P. de (1997). *Dos Direitos Fundamentais. Contribuição para uma teoria*. LTr.
- Noma, A. K. & Boiago, D. L. (s/d). Educação prisional como política de regulação social dos pobres. *Revista Estudos do Trabalho*. http://www.estudosdotrabalho.org/texto/gt1/educacao_prisional.pdf
- Noronha, I. C. de & Elias, A. R. R. (2018) *Contextos de vulnerabilidades à violência configurados no campo de trabalho de mulheres profissionais do sexo* [Trabalho de Conclusão de Residência (Graduação em Ciência da Saúde), Universidade Federal de Uberlândia].
- Nucci, G. S. (2014). *Prostituição, lenocínio e tráfico de pessoas: aspectos constitucionais e penais*. RT.
- Paradis, C. G. (2018, September 6). A prostituição no marxismo clássico: crítica ao capitalismo e à dupla moral burguesa. *Revista Estudos Feministas*, 26(3). <https://dx.doi.org/10.1590/1806-9584-2018v26n344805>
- Piscitelli, A. (2016). Economias sexuais, amor e tráfico de pessoas – novas questões conceituais. *Cadernos Pagu*, (47).
- Piscitelli, Adriana. (2014). Violências e afetos: intercâmbios sexuais e econômicos na (recente) produção antropológica realizada no Brasil. *Cadernos Pagu*, (42), 159-199. <https://doi.org/10.1590/0104-8333201400420159>
- Piscitelli, A. (2013). *Trânsito: brasileiras nos mercados transnacionais do sexo*. EdUERJ.
- Piscitelli, A. (2012). Revisiting notions of sex trafficking and victims. *Vibrant: Virtual Brazilian Anthropology*, 9(1), 274-310.
- Prado, L. R. (2004). *Curso de Direito Penal Brasileiro – Parte Especial*. 3 ed. Revista dos Tribunais.

- Prado, L. R. (2013). *Curso de Direito Penal Brasileiro. Parte Especial, vol. II*. 11 ed. Revista dos Tribunais.
- Pyett, P. & Warr, D. (1999). Women at risk in sex work: strategies for survival. *Journal of Sociology* 5, 183–197.
- Rago, M. (2008). *Os prazeres da noite: prostituição e códigos da sexualidade feminina em São Paulo (1890-1930)*. 2. ed. rev. e ampl. Paz e Terra.
- Rago, M. (2014). *Do cabaré ao lar: a utopia da cidade disciplinar e a resistência anarquista (Brasil 1890 – 1930)*. Paz e Terra.
- Rago, M. (1985). Do cabaré ao lar: a utopia da cidade disciplinar. *Rio de Janeiro: Paz e terra*, 27-31.
- Ramalho, N. A. (2014). A estigmatização do trabalho sexual: contributos de Michel Foucault na Análise do Poder e controlo sobre a sexualidade. *Intervenção Social*, n. 39. Recuperado de <http://revistas.lis.ulusiada.pt/index.php/is/article/view/1191>
- Rede Brasileira de Prostitutas & Davida (s/d). *Direitos Humanos e prostituição feminina [relatório]*. <http://www.sxpolitics.org/ptbr/wp-content/uploads/2009/05/livreto-prostitutas.pdf>
- Ritchie, A. J. (2017). *Invisible no more: police violence against black women and women of color*. Beacon Press.
- Ribeiro, F. B. & Clemente, M. (2017). Tráficos, trânsitos sexuais e agência. *Bagoas - Estudos Gays: Gêneros E Sexualidades* 17, 22-38.
- Ribeiro, F. B. (2008). Proibições, abolições e a imaginação de políticas inclusivas para o trabalho sexual. *Bagoas - Estudos Gays: Gêneros E Sexualidades*, 2(02). Recuperado de <https://periodicos.ufrn.br/bagoas/article/view/2266>
- Ribeiro, F. B. & Silva, Manuel C. (2010). *Mulheres da vida, mulheres com vida: prostituição, Estado e política*. Humus.
- Ribeiro, M.; Silva, M. C.; Schouten, M. J. & Ribeiro, F. B. (2007). *Vidas na Raia: prostituição feminina em regiões de fronteira*. Afrontamento.
- Ribeiro, F. B., & Silva, M. C. (2019). Perseguir ou reconhecer? Abolicionismo, autodeterminação e reconhecimento de direitos para o trabalho sexual. *Gazeta de Antropologia*, 35(1).
- Rocha, R. da S. (2011). Autonomia privada e direitos da personalidade. *Revista da SJRJ* 18(30), 145-158. <https://www.jfrj.jus.br/revista-sjrj/artigo/autonomia-privada-e-direitos-da-personalidade-personality-rights-and-private>

- Rodrigues, M. T. (2004). O sistema de justiça criminal e a prostituição no Brasil contemporâneo: administração de conflitos, discriminação e exclusão. *Sociedade e estado*, 19(1), 151-172
- Rodrigues, M. T. (2009). A prostituição no Brasil contemporâneo: um trabalho como outro qualquer? *Revista Katálysis* 12(1), 68-76. <https://doi.org/10.1590/S1414-49802009000100009>
- Rodrigues, M. T. (2003). *Polícia e prostituição feminina em Brasília - um estudo de caso* [Tese de Doutorado, Universidade de Brasília].
- Sacramento, O. & Ribeiro, F. B. (2014) Trópicos sensuais: a construção do Brasil como geografia desejada. *Bagoas – Estudos Gays, Género e Sexualidades* 10, 215-232.
- Sacramento, O. & Ribeiro, M. (2014). Mulheres marcadas: prostituição, ordem e exclusão. *Cuadernos de Trabajo Social* 27(1), 199-211 http://dx.doi.org/10.5209/rev_CUTS.2014.v27.n1.41727
- Singer, P. (1997). Globalização positiva e globalização negativa: a diferença é o Estado. *Novos Estudos Cebrap* 48, 39-65.
- Smith, M. (2018). *Revolting prostitutes: the fight for sex workers' rights* [ebook]. Verso. <https://www.perlego.com/book/827856/revolting-prostitutes-the-fight-for-sex-workers-rights-pdf>
- Silva, Manuel & Ribeiro, Fernando & Granja, Rafaela. (2013). Prostituição e tráfico de mulheres para fins de exploração sexual: Um contributo para a sua delimitação conceptual e aproximação ao contexto português.
- Silva, R. A. de (2011). A prostituição ontem e hoje: algumas reflexões em Georg Simmel. Trilhos. *Revista do sudeste Goiano/Faculdade do Sudeste Goiano (FASUG)* (8), 6-16. Recuperado em 2 de junho de 2020 de <http://www.fasug.edu.br/files/docs/2015/217.pdf>
- Skackauskas, A. (2014). Prostituição, gênero e direitos: noções e tensões nas relações entre prostitutas e Pastoral da Mulher Marginalizada [Tese de Doutorado, Universidade Estadual de Campinas]. <http://repositorio.unicamp.br/jspui/handle/REPOSIP/281090>
- Tabuchi, M. G. (2015). *Mulheres prostituídas: o olhar do Direito sobre a produção do mercado do sexo* [Monografia de Graduação em Direito, Universidade Federal do Paraná].
- Villamil & Smith (2012). *Prostitution and sex work*.
- Wagenaar, H., Altink, S. & Amesberger, H. (2013). Final report of the International Comparative Study of Prostitution Policy: Austria and the Netherlands. *Platform* 31. Recuperado de <https://lastradainternational.org/doc-center/2993/final->

report-of-the-international-comparative-study-of-prostitution-policy-austria-and-the-netherlands

- Waiselfisz, J. J. (2016a). *Mapa da violência 2013: mortes matadas por armas de fogo*. FLACSO/CEBELA.
- Waiselfisz, J. J. (2016b). *Mapa da violência 2016: homicídios por armas de fogo no Brasil* [Internet]. FLACSO. Recuperado em 23 de maio de 2020 de http://www.mapadaviolencia.org.br/pdf2016/Mapa2016_armas_web.pdf
- Wacquant, L. (2008). O lugar da prisão na nova administração da pobreza. *Novos estudos CEBRAP*, (80), 9-19.
- Zaffaroni, E. R.; Batista, N.; Alagia, A. & Slokar, A. (2011). *Direito penal brasileiro: primeiro volume*. 4. ed. Revan.
- Zilbell, G. (2013). Adeus Gabriela Leite, militante pelos direitos das prostitutas e idealizadora da Daspu. *GGN, o jornal de todos os Brasis*. <https://jornalgggn.com.br/direitos-humanos/o-adeus-a-gabriela-leite-militante-pelos-direitos-das-prostitutas-e-idealizadora-da-daspu/>