



## The Many Faces of Care: A Comparative Analysis of Anti-trafficking Approaches to Domestic Work and Sex Work in the Philippines

Sharmila Parmanand

To cite this article: Sharmila Parmanand (2022): The Many Faces of Care: A Comparative Analysis of Anti-trafficking Approaches to Domestic Work and Sex Work in the Philippines, *Ethics and Social Welfare*, DOI: [10.1080/17496535.2022.2070234](https://doi.org/10.1080/17496535.2022.2070234)

To link to this article: <https://doi.org/10.1080/17496535.2022.2070234>



© 2022 The Author(s). Published by Informa UK Limited, trading as Taylor & Francis Group



Published online: 15 May 2022.



Submit your article to this journal [↗](#)



Article views: 241



View related articles [↗](#)



View Crossmark data [↗](#)

# The Many Faces of Care: A Comparative Analysis of Anti-trafficking Approaches to Domestic Work and Sex Work in the Philippines

Sharmila Parmanand 

London School of Economics and Political Science, London

## ABSTRACT

Human rights groups in the Philippines built on the momentum of the United Nations Anti-Trafficking Protocol to address precarious and feminized labor. This paper examines how care has been conceptualized and practiced by Philippine anti-trafficking and women's rights groups in relation to domestic workers and sex workers. Based on ethnographic research with Filipino sex workers, and a critical historiography of the campaigns for legislation on domestic work, trafficking, and sex work, this paper demonstrates that the contrasting approaches to domestic work and sex work construct certain types of income-generating activities as 'labor' and others as 'abuse', and reify a hierarchy of work, with domestic work seen as virtuous and sex work as stigmatizing. This increases the precarity of sex workers and inadvertently normalizes exploitation in other feminized work by positioning prostitution as their 'always worse Other'. It also shows that by seeking to induce a 'sympathetic shift' through redefining sex work as victimhood, women's rights groups have re-inscribed the distinction between 'good' and 'bad' women, and entrenched sex workers' exclusion from political life. Secondly, this paper proposes that anti-trafficking groups consider sex work alongside other forms of intimate labor and support interventions focused on workers' rights.



## KEYWORDS

Trafficking; sex work; Philippines; prostitution; feminist ethnography

The Philippines is recognized as a model for enacting legislation protecting workers. With many Filipinos migrating overseas for work and at least a fifth living under the national poverty line (Philippine Statistics Authority 2018), the protection of vulnerable workers generates significant political attention. In 2002, the Philippines became the first Asia-Pacific country to ratify the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children ('The UN Trafficking Protocol'). In 2013, it became the second country to ratify the International Labour Organization (ILO) Convention 189 ('C189') on Decent Work for Domestic Workers.<sup>1</sup>

Since ratifying the UN Trafficking Protocol, the Philippines enacted laws to protect women and other vulnerable workers. Two priorities of its anti-trafficking and women's

---

**CONTACT** Sharmila Parmanand  sparmanand@gmail.com  London School of Economics and Political Science  
This article has been corrected with minor changes. These changes do not impact the academic content of the article.

© 2022 The Author(s). Published by Informa UK Limited, trading as Taylor & Francis Group

This is an Open Access article distributed under the terms of the Creative Commons Attribution-NonCommercial-NoDerivatives License (<http://creativecommons.org/licenses/by-nc-nd/4.0/>), which permits non-commercial re-use, distribution, and reproduction in any medium, provided the original work is properly cited, and is not altered, transformed, or built upon in any way.

rights organizations are formal rights for domestic workers and the eradication of sex work<sup>2</sup> through the criminalization of buyers and third parties. Feminists globally have long disagreed on whether the sale of sexual services should be considered 'work'. These disagreements have far-reaching implications on regulations around sex work and sex workers' ability to exercise rights as workers. The stark difference in Philippine anti-trafficking and women's rights groups' approach to sex work and domestic work provides fertile ground for problematizing the distinction between sex and labor, and reimaging a different approach.

I draw on collective story-telling sessions with over fifty adult women Filipino street and establishment-based sex workers to argue that sex work is structurally like other forms of gendered and precarious work, and that it is a way for women to resist the financial instability, lack of flexibility, low status, and risk of violence and abuse in other low-paid jobs such as domestic work. I also show that the contrasting approaches to sex work and domestic work in the Philippines is materially harmful because it increases sex workers' precarity and entrenches their exclusion from political life, while normalizing exploitation within domestic work. Thus, it is a missed opportunity to unify demands among workers for social protection. Sex workers should be understood as workers and rights-bearing subjects rather than as victims to be rescued, and anti-trafficking, women's rights, and labour rights organizations should move away from entrenching 'hierarchies of work' and instead recognize the shared racialized and gendered forms of exploitation across most types of precarious and low-waged work as a basis for formulating advocacies and policies.

### ***Intervening in feminist debates on labour***

Abolitionists see all forms of sex work as exceptionally exploitative and harmful to those who engage in it and to women in general because it perpetuates the commodification of women's bodies (MacKinnon 2011; Pateman 1988). For them, sex workers are victims and anyone who pays for sexual services or facilitates these transactions is unequivocally a perpetrator. Others argue that sex work should be recognized as labour because it involves the sale of sexual services, not bodies or persons (Nussbaum, 2018).

The distinction between 'sex' and 'labour', underpins dominant anti-trafficking policies and practices (Wijers 2015). The UN Trafficking Protocol defines 'trafficking' as the recruitment, transportation, transfer, harboring or receipt of people through force, fraud, deception, or abuse of vulnerability, with the aim of exploiting them for profit. Organizations such as the Coalition Against Traffic in Women have successfully lobbied for trafficking laws in some parts of the world to be applied to prostitution, with the aim of punishing clients and third parties to 'end the demand' for sexual services (Raymond 2004). This is the dominant approach in the Philippines, where the Coalition Against Traffic in Women Asia Pacific (CATW-AP) essentially drafted the national anti-trafficking law (Roces 2012, 62).<sup>3</sup>

Philippine women's movements represent the Filipino woman worker as exploited and vulnerable to patriarchy, imperialism, and global markets (Roces 2012, 66). However, the conversations on domestic work and sex work have been kept separate in feminist theorizing and lobbying, and in public discourse. While both are viewed as precarious activities, domestic work is positioned as virtuous work deserving of protection, while sex work

is regarded as inherently exploitative and a scourge that must be eradicated. Most conversations on prostitution have been underpinned by nationalist critiques of colonialism and global inequality, with a focus on foreign predators and prostitution in US bases, sex tourism, mail-order brides, and the sexual exploitation of Filipina workers overseas (Law 1997, 250; Ofreño and Pineda-Ofreño 1998, 104; Tigno 2012, 28). Sobritchea (2005, 5) frames the question of rights for sex workers as a 'Western construct' and lauds CATW-AP's anti-prostitution position as grounded in a clear understanding of the Philippine socio-economic context, where women in prostitution are forced into it because they are poor and have little or no education. Domestic work that happens within the Philippines is generally not spoken about within the same gender-and-class-based framework.

In this paper, I adopt an approach that recognizes the harms that come with the performance of stigmatized and often criminalized labor and women's limited choices under capitalism, as well as the diversity of women's experiences, relationships, and choices. I partially accept abolitionists' starting points about the economic coercion and commodification of socially marked bodies in sex work, but reject their deterministic analysis of power and dismissal of sex workers' agency (O'Connell Davidson 2014; Hardy 2013). Thus, I challenge the assumption that 'sex worker rights' are a 'Western luxury' incompatible with a postcolonial feminist framework. I also critique the normative conceptions of respectable femininity that underpin the distinction between sex work and domestic work. To facilitate a sharper comparison between sex work and domestic work, I focus on women street and establishment-based sex workers, the paradigmatic examples of 'vulnerable women' used by Philippine women's rights groups and anti-trafficking organizations.

In recognizing the embodied nature of sex work, I draw on Boris and Parreñas (2010, 2) theorization of 'intimate labor' to make comparisons between sex work and domestic work, on the basis that both entail touch, bodily or emotional closeness and familiarity, and close knowledge of another. These activities create interdependent relations and promote the physical, intellectual, affective, and emotional needs of other people. This work is traditionally assumed to be women's unpaid responsibility, and is usually considered less economically valuable. Intimate labour involves delicate affective negotiations for both workers and consumers (2010, 3).

### ***Overview of relevant laws***

In 2003, the Philippines enacted the Anti-Trafficking Law (Republic Act 9208), which mandated the creation of the Inter-Agency Council Against Trafficking (IACAT). IACAT's permanent members include government agencies such as the Department of Justice (DOJ), Department of Social Welfare and Development (DSWD), and the Department of Labor and Employment (DOLE) There are three seats allocated to NGOs who are chosen by the government members on a three-year basis.<sup>4</sup> Importantly, the Philippines' Anti-Trafficking Law also covers intra-national situations, unlike the UN Protocol, which only applies when an international border has been crossed. The use of anti-trafficking for 'internal cases', which is the focus of this paper, is significantly undertheorized.

Anti-trafficking emerged as a key framework through which organizations working on rights for women, children, and migrants sought to address precarious and feminized

labor such as sex work and domestic work. One interesting strategy of Philippine anti-trafficking organizations, including the IACAT itself, is to lobby for legislation to ‘complement’ the Anti-Trafficking Law. This includes a specific law for domestic workers within the Philippines, and another one to end prostitution.

In 2012, one year before it ratified ILO C189, the Philippines passed ‘Batas Kasambahay’, or the Domestic Workers Act, which was described by the ILO (2014) as ‘a landmark piece of labor and social legislation’ that establishes basic rights for domestic workers within the Philippines (2014). The campaign for this law was backed by IACAT and driven by Visayan Forum Foundation (VFF), a leading anti-trafficking and women and children’s rights NGO in the Philippines that has been appointed to IACAT multiple times. In contrast to a rights-based approach for domestic workers, the IACAT and one of its permanent government agency members, the Philippine Commission on Women (PCW), has advocated for an Anti-Prostitution Law that redefines sex workers as victims and criminalizes the purchase of sex (PCW 2016).

### ***Overview of domestic work and sex work in the Philippines***

There are roughly 2.2 million Filipino women domestic workers overseas (PSA 2020), comprising one out of four migrant women domestic workers globally (ILO 2015). What is less known is that at least 1.4 million Filipino women work as domestic workers within the Philippines, a third of whom live with their employers (DOLE 2020). It is likely that many more are not captured in labor force surveys (ILO 2012). There is a meaningful difference between the political and social position of migrant Filipino domestic workers and domestic workers working in the Philippines. The vulnerabilities of overseas Filipino domestic workers are well-documented (Batistella and Asis 2011; ILO 2018). Upon returning to the Philippines, however, they tend to enjoy relatively more social respect and economic well-being than national domestic workers (Fontana 2020). Filipina migrant domestic workers are usually not among the poorest or least-educated women from the Philippines, and some have other motivations for working overseas aside from earning money (Constable 2006). National domestic workers are significantly poorer than their overseas counterparts and often cannot afford the training, recruitment, and placement fees required to work in another county. Fueled by high-profile deaths of Filipina domestic workers working overseas, the campaign for migrants’ rights achieved significantly greater and earlier political momentum than the campaign for domestic workers’ rights within the Philippines, with the Migrant Workers Act enacted in 1995. Filipino overseas domestic workers’ rights and eventually national domestic workers’ rights have since been partially subsumed under the anti-trafficking framework.

Sex work in the Philippines is a broad and diverse industry and there are no credible estimates of the number of individuals engaged in it. Majority are women, but there is a significant minority of men who are increasingly targeted in police raids (Barcelon 2020), even as they are invisible in most anti-trafficking policies and advocacy materials. Some sex workers are affiliated with ‘entertainment establishments’ such as night clubs and bars, saunas, and massage parlors, while others work as freelancers (Godwin 2012). Among freelancers, some are street workers, while others operate online (Acosta 2021). Some are full-time sex workers, while others combine sex work with other income-

generating activities. A confusing mix of current Philippine laws can be plausibly interpreted as saying that sex workers are simultaneously criminals, victims, and even workers. The Revised Penal Code (RPC) of 1930 criminalizes the sale of sex, while the Magna Carta of Women enacted in 2009 names prostitution as an act of violence against women from which they should be protected. The Anti-Trafficking Law considers paying for or profiting from the prostitution of others as a trafficking offense, which casts clients and third parties as traffickers and therefore, prostitutes as victims. The Labor Code entitles 'certain women workers' who are permitted to work in night clubs, cocktail lounges, massage clinics, bars, or similar establishments to the status of regular employment (Art. 138). IACAT and PCW are pushing for an Anti-Prostitution Law that would directly repeal RPC provisions that penalize prostitutes and explicitly classify people who sell sex as victims (PCW 2016).

## Methods

This paper sees anti-trafficking and women's rights as discourses, or "forms of knowledge" and 'powerful sets of assumptions, expectations, explanations' that structure social practice (Baxter 2003, 46). These discourses do not merely describe some pre-existing truth about domestic work and sex work, but instead create the 'reality' of these sectors as we understand them. It is within anti-trafficking and women's rights' discursive framings that sex workers and domestic workers' interactions with clients, employers, and the state come to mean specific things and not others, and that sex workers and domestic workers are produced as particular subjects to be governed – as rights-bearing workers, or as victims to be rescued.

This project synthesizes data from two methods: (a) discourse analysis to understand the different registers of 'care' manifested in how women's rights and anti-trafficking organizations<sup>5</sup> represent prostitution and domestic work as problems to be solved; and (b) collaborative research with Filipino sex workers. This allowed me to juxtapose sex workers' reflections on their lived experiences with how their work has been understood in anti-trafficking discourses. For (a) I looked at the laws, policy documents, and advocacy materials pertaining to trafficking, domestic work, and sex work.<sup>6</sup> IACAT members drove the campaigns for these laws and policies and heavily influenced their language and construction. My discourse analysis drew on Bacchi's (2007) What's the Problem Represented to Be (WPR) approach, which consists of identifying how the 'problem' is represented; the assumptions that underlie the representation of the problem; who is held responsible for the problem and what is left 'unproblematic'; how representations position subjects in society; and how the problem might be thought of or represented differently. Some themes that emerged from the documents were the differing ways in which domestic work and prostitution were described, as well as the interventions proposed to 'protect' the individuals involved. I also tracked how employers, clients, third parties, and state agencies were characterized, and the relationships that were posited to exist among them and domestic workers or sex workers.

For (b), I worked with the Philippine Sex Workers Collective (the Collective), an informal alliance of Filipino sex workers advocating for decriminalization, with whom I have volunteered since 2015. When I first met the leaders of the Collective, one of them (Tex)<sup>7</sup> said:

'In a world where selling sex is 'dirty and immoral' – what do you expect us to say? Will we really admit that we enjoy it? We know what researchers and reporters want to hear ... so it's easier to say we desperately need money to feed our families, or that we were tricked into this, than to admit that we prefer it.' (September 11, 2016).

This speaks to the methodological and ethical challenges in researching sex work (Parmanand 2022). I engaged in 'pakikipagkwentuhan', or roughly collective story-telling, over a period of four years with over 50 Filipino women street and establishment-based sex workers.<sup>8</sup> This involved informal, semi-structured and unstructured conversations in homes, parks, and restaurants, often over shared meals. Discussions included entry into sex work, the things they liked and did not like about engaging in sex work, experiences of being subjected to state interventions (including anti-trafficking), family relationships, and interactions with clients, third parties, and the police. I collaborated with the Collective to design my questions, recruit research participants, and make sense of the responses.

### ***Comparing the social construction of the domestic worker and the sex worker***

In this section, I compare how anti-trafficking and dominant women's rights organizations have represented sex work and domestic work as 'exploitation' and 'valuable labor', respectively, and examine their proposed ways of protecting women in both sectors. I also provide more context around the exclusion of sex workers in anti-trafficking and women's rights policy conversations, and note the conflation of 'women and children' in discussions on sex work and their decoupling for domestic work.

Broadly, domestic workers and sex workers are viewed as distinct from regular workers, but in different ways. Ultimately, the Domestic Workers Act recognizes domestic workers in general as performing valuable work and deserving protection such as social security coverage, meals, board and lodging, medical assistance, fixed leave and rest periods, baseline compensation, and clear limitations on scope of work.

There are differences and similarities in the language used by the IACAT and PCW to describe domestic work and prostitution. PCW (2014, 9) states that women domestic workers are vulnerable to exploitation and physical and sexual abuse, exacerbated by their being internal migrants from poorer provinces and lack of education or economic opportunities, but notes that the Domestic Workers Act may help address these issues. It has taken a radically different position on sex work: 'More often than not, women and children trapped into prostitution are poor, uneducated, and sometimes sexually abused. They have been trafficked—recruited, usually through deception, force or intimidation, and forced and kept into [*sic*] prostitution through threats or actual acts of violence, until such time when the victims start believing that there is no other life for them outside of prostitution' (PCW 2013). The sexual dimension of prostitution emerges as a defining distinction for PCW and its allies: 'Prostitution thrives because of ... the false notion that women are inferior, are considered as sexual objects and commodities, while men are superior, are the decision-makers and the owners of properties' (PCW 2016). It is important to note the feminization of domestic work is likely underpinned by the 'false notion' of women as default 'care-givers' within society, but this is not recognized as a concern. Thus, the sex worker is regarded as 'naturally' more in danger and her

work as harmful to women in general, which explains why sex workers are encouraged by some anti-trafficking organizations to become domestic workers instead, as experienced firsthand by my interlocutors who experienced being 'rescued and rehabilitated' (Parmanand 2021b).

The campaign for the Domestic Workers Act was coordinated by VFF who worked with trade unions, domestic worker associations, and employers' groups, and raised the profile of the issue within IACAT (ILO 2009).<sup>9</sup> The campaign highlighted two issues similar to the risks commonly attributed to prostitution: the prevalence of child labor (or child domestic workers) and the physical, psychological, and sexual abuses suffered by domestic workers who had to work in close contact with employers in intimate spaces (Flores-Oebanda 2006). Nonetheless, exploitation in domestic work is constructed as exceptional and isolated, while it is universalized in sex work. The Domestic Workers Act has a provision for the rescue of abused or exploited domestic workers (Sec. 31) and forbids anyone under 15 from working as a domestic worker. The Anti-Prostitution Law, on the other hand, stipulates that rescue is the only acceptable response to prostitution and 'provides for mechanisms ... for (prostituted persons) to be extracted out of the system and reintegrated into society through rehabilitation programs'.

There are also different understandings among anti-trafficking organizations of how power operates in the relationships between domestic workers and their employers compared to sex workers and their clients and third parties. As part of the campaign for the Domestic Workers Act, VFF coined a new word, 'kasambahay', a compressed form of 'kasama sa bahay' (companion at home) to replace more popular terms such as 'maids', 'katulong' (helper), or 'alila' (akin to 'slave') (Fontana 2020). The Implementing Rules and Regulations of the Domestic Workers Act recognizes the special needs of domestic workers for safe and healthy working conditions and seeks to strengthen and protect the 'special relations of mutual trust and respect between the employer and the domestic worker'. Nonetheless, this relationship is defined as a two-way 'employment contract'. In contrast, the Anti-Prostitution Law (Senate Bill No. 501, 2019), defines prostitution as 'any act involving the use of a person for sexual gratification, pleasure or exploitation, or any act that promotes the latter', representing prostitution as something that is 'done to' a passive actor by a perpetrator. It assumes that consent in all situations of prostitution is invalid: 'Poverty is often cited as the primary reason why some people choose to engage in prostitution. It forces some persons to seek any means to survive - even if it means allowing themselves to be abused and their lives to be endangered. Whether voluntary or involuntary, we cannot deny that this system uses, oppresses, and violates the rights of persons exploited in prostitution, particularly, women and children'.

Unlike for the Domestic Workers Act, proponents of the Anti-Prostitution Law deliberately conflate women and children in prostitution policy. For CATW-AP, without this conflation, prosecutors and judges only recognize children's vulnerability but disbelieve women who were forced into prostitution (Guanzon and Calalang 2003, 7). However, thinking of women as children reified the assumption that prostitution is always 'forced' and legitimized women's organizations making decisions on behalf of sex workers, as adults do for children.

Anti-trafficking organizations and women's groups also excluded sex workers from conversations around the Anti-Trafficking Law and the proposed Anti-Prostitution Law,



despite public statements made by the Collective on their social media opposing the assumption that sex workers are victims who need to be rescued (PSWC 2016; PSWC n.d.). Only prostitution survivors calling for the abolition of sex work were allowed to speak in public hearings, policy conversations, and media interviews (Roces 2012, 148). Bagong Kamalayan (roughly translated as 'New Consciousness'), a prostitution survivors' group supported by CATW-AP, is regularly invited to IACAT and PCW consultations and issues statements such as 'sex work is not work', 'real jobs, not prostitution' and shares stories about women who have found dignity in exiting prostitution and taking up honorable ('marangal') work, usually domestic work (Granali 2011). The Domestic Workers Act, on the other hand, affirms the right of domestic workers to form or join associations for collective negotiation and social dialogue, without requiring them to first assume a 'victim status'. Domestic workers were heavily involved in the campaign for the law, with Samahan at Ugnayan ng Manggagawang Pantahanan sa Pilipinas (SUMAPI), a domestic workers' organization which at one point had over 8000 members nationally, serving as experts and partners in campaign decision-making (ILO n.d.; ILO 2009). SUMAPI has been inactive since 2014 (Fontana 2020), which will be revisited in a later section.

### ***Unsettling distinctions***

In this section, I draw on data from my ethnographic research with Filipino sex workers to challenge the distinction between 'prostitution' and 'work' based on their experience of sex work as less dehumanizing, more financially lucrative, and better suited to their need for flexible hours, compared to realistic alternatives, including domestic work.

My interlocutors' experience of insecurity and precarity is different from how it is conceived and framed by anti-trafficking organisations. There was a mixture of choice and coercion in their engagement with sex work as is true of any precarious work, but no one was forced by a third party using deception, intimidation, debt bondage, or violence. Many were encouraged by friends, usually women in the same age group or slightly older. A few began when they were under 18 years old, which meets the legal bar for trafficking. However, they continued to engage in sex work as adults, and without coercion from third parties. These complex experiences are not captured by the 'trafficking' framework. For some, sex work was one of several income-generating activities they engaged in and they were puzzled that it was being singled out as uniquely problematic. Most were single mothers or had been for a significant period in their lives, and the higher hourly rates and flexible working hours in sex work made it better than their realistic alternatives: The minimum wage stipulated for domestic workers is far lower than that of other occupations. As of 2019, in Metro Manila, it was 4000 PhP (80 USD). Nail technicians, restaurant service workers, and salesclerks in the Philippines take home a little over 11,000 PhP per month for at least 160 h of work (Venzon, 2018). My interlocutors earned significantly more and worked fewer hours. One said, 'In their obsession with sex work, our saviours have forgotten to hold other employers accountable. I'm sure everyone is happy to maintain this conspiracy that the problem is only with sex work!'. Those who had attempted other formal sector jobs before entering sex work experienced unpaid overtime, unsafe and unsanitary work environments, health issues such as back pain and arthritis, and harsh salary deductions for tardiness or unmet high quotas, especially in manufacturing and factory work.

Several found sex work to be more convenient, less dehumanising, and potentially safer. Three who previously worked as domestic workers were sexually harassed by male employers, but kept it secret for fear of losing their jobs, being disbelieved, and possibly being falsely accused of theft. 'You can forget one bad client, but you're not trapped in the same house as a boss who gropes you', one said. The illicit nature of sex work makes it hard to report harassment, but it should not be assumed that women do not face sexual harassment in their 'respectable' jobs.

Anti-trafficking and dominant women's groups in the Philippines view sex as deeply connected to women's sense of selves because the extent to which sexual labour is embodied makes it difficult to separate oneself from one's body during the transaction, and because some clients indeed view their encounters with sex workers as 'buying women'. Many of my interlocutors disagreed with this and made sense of their interactions with clients differently, with some finding it personally rewarding, or akin to 'acting and performing'. It is important to recognize that domestic workers, too, perform sustained emotional and bodily labor, giving up fractions of themselves as they care for (and often live with) families not their own. Certain bodies – young, agile, docile – are marked as more desirable for this kind of work. This is not work that is inherently 'superior' to sex work. One interviewee made a striking observation that as a domestic worker, she was 'part of the family' when it worked in her employers' favor, like having her do chores on her designated day off. When she fell sick, however, 'There was no 'family, just a disposable worker they replaced.' She referred to bounded intimacy with clients as 'more honest' and less exploitative.

Furthermore, for some interlocutors, the embodied labor of domestic work was a worse prospect: 'So are you going to give me a broom and make me scrub your toilet?', one said. Several commented on the sheer drudgery of working as a cleaner, sales-clerk, or as a domestic helper relative to the thrill and excitement of sex work. One commented, 'If more women became sex workers, who will be left to exploit in houses and factories? That's why they're afraid of us!'. While conscious of the dangers of sex work, some also saw themselves as disrupting traditional expectations of women to engage in labor-intensive, 'submissive', and low-paid work. Ironically, by completely dismissing sex workers' own knowledge and self-understandings, it is anti-traffickers who re-inscribe the objectification of women by suturing women's identities to sexual acts.

Still, women's rights groups are not completely off the mark about the psychological impacts of engaging in sex work, although they neglect the role of sex-exceptionalist policies in perpetuating stigma and the comparatively worse psychological impacts of not having an income or having to be separated from one's children for extended periods of time. Some of my interviewees, indeed, shared that selling sexual services was shameful and a few considered it a 'sin', but contrasted this with the importance of fulfilling their duties as mothers. To them, the bigger shame and bigger sin would have been to have their kids go hungry or miss school. Those who previously worked as domestic workers turned to sex work because they did not want to be away from their young children.<sup>10</sup> Several used sex work to leave abusive relationships, where they were forced to provide sex out of fear and financial dependence. Sex work offered them relatively more freedom over when to have sex and on what terms.

All this illustrates that sex work, rather than being the worst possible outcome, is actually a better option within some women's range of realistic work prospects.

### ***Harmful hierarchies***

In addition to being an inaccurate reflection of women workers' lived realities, sex work exceptionalism in the law is materially harmful because it obscures the exploitative dimensions of domestic work and entrenches control, surveillance, and police violence targeted at sex workers. It also enforces distinctions between 'good' and 'bad' women and sets gendered social respectability as the bar for 'legitimate work'.

During the campaign for the Domestic Workers Act, trade unions disagreed with VFF's strategy to appeal to employers by emphasizing the intimate dimensions of the relationship between domestic workers and employers as opposed to adopting explicitly labor-related language (Fontana 2020). Indeed, the significantly low wages stipulated under the Domestic Workers Act, a law that is lauded as a 'success story', suggest a continuing undervaluation of women's care work. The framing of an 'intimate relationship' between the domestic worker and their employers focuses on mutual care rather than an obligation to adhere to workers' rights. This reduces the urgency for developing a sustainable labour rights strategy where workers are encouraged to organize and collectively bargain, because unlike formal workers, they each have 'special' relationships with their employers. This may partially explain SUMAPI's decline after the law was passed. The Domestic Workers Act is plagued by massive failures in implementation, even relative to other laws enacted around the same time (Fontana 2020). It is worth reflecting on whether this is partially because employers themselves are Filipinos rather than foreigners. Additionally, many feminists who engage in anti-trafficking and anti-prostitution advocacy belong to educated and middle and upper classes (Sobritchea 2004, 14). Along with other civil society and union leaders, they are likely to be employers of domestic workers, and would find themselves in a tricky position of having to argue that domestic work is inherently exploitative. These attachments are not reckoned with because of the excessive focus on sex work.

My interlocutors' experiences show that anti-trafficking and women's organisations are 'legislating' the precarity of sex workers, not just reflecting it from a distance. Even when the women were ethically and physically uncomfortable with selling sex, they resented being 'arrested' or 'rescued', which were terms they used interchangeably. They wanted to be able to transact freely with their clients, and for the police to intervene only when their clients were physically violent or withholding payment, which clashes with the anti-trafficking sector's approach of pre-emptively criminalizing clients and third parties. In fact, most of my interlocutors experienced abuse from the police rather than clients or third parties. In effect, the police, who are defined as front-line protectors of sex workers under Anti-Trafficking policies, are among their biggest threats.

Ultimately, my interviewees were fully aware of the economic violence that limited their choices. Many indeed identified as victims. However, close attention to their rendering of the word 'victim' reveals that they saw themselves as victims of poverty, stigma, and policies and practices that removed their control over their working conditions, eroded their sense of social belonging, and exposed them to extortion and abuse. Many explained their reliance on third parties as a way of negotiating precarity rather than a direct cause of their victimization, because third parties helped recruit and screen clients which sex workers could not do openly and usually negotiated bribes with the police on behalf of sex workers. This is different to the conceptual logics of victimhood

assumed by the anti-trafficking and women's rights establishment in the Philippines. The different registers of victimhood matter because they engender different political demands and tell different stories about the relationship between sex workers and the state: in one, the state is their rescuer and in another, it is part of the problem.

Finally, in terms of feminist investments in disrupting gender essentialism, it must be recognized that domestic workers are expected to conform to ideals of normative femininity. They inhabit private spaces associated with women and sustain the heterosexual family by supplying care work to stabilize it, which also effectively sustains 'formal economy' workers and capitalist production. Their work is overtly gendered but desexualized. Sex workers have a more vexed relationship with feminism: they are at risk of sexual objectification, but they also transgress sexual norms by resisting the heterosexual 'patriarchal bargain' of providing sexual intimacy to one man in exchange for his protection. Indeed, they can be read as threatening the stability of families. These distinctions no doubt contribute to the 'sex versus labor' distinction in a predominantly religious country, with a politically powerful Catholic Church that regularly condemns prostitution, and with feminist Catholic nuns playing an influential role in the women's movements, having founded the dominant organizations such as GABRIELA, Development Action for Women Network, and Third World Movement Against the Exploitation of Women, which all lobbied alongside CATW-AP for the conflation of prostitution with victimhood under the Anti-Trafficking Law (Roces 2012, 38). While it may not be the intention of these groups, they risk entrenching limited visions of respectable womanhood and doing the work of capital for it by proclaiming domestic work or factory work as the 'virtuous others' of sex work while also setting a low bar for domestic workers' rights.

## Conclusion

My data shows that domestic work and sex work are better understood as forms of intimate labor existing in a continuum of work rather than as monolithic, stable, and discrete categories, with one supposedly being 'less exploitative' than the other.

First, sex work and other forms of precarious work are usually interlinked rather than binary. Many of my interlocutors have engaged in other paid work, sometimes concurrently. Sex work is part of several income-generating strategies as they navigate interconnected and interlocking forms of gendered and economic violence, and a bifurcated approach to sex and work forecloses more sophisticated analyses of their precarity, but also their agency, resilience, and creativity.

Second, both sex work and domestic work involve exploitation, and both also have the potential to be viable work. Like sex, domestic work is ordinarily provided as an act of intimacy and usually only commoditized out of economic necessity. Just like sex workers' bodies are 'read' in gendered ways by their clients, workers whose bodies are 'read' as being caring or deferent based on racial, age, and gender stereotypes are preferred by employers for domestic work (O'Connell Davidson 2014, 521). Women's rights groups in the Philippines have accurately identified that the global industry boom has led to a sexual division of labor, especially in the third world. Manufacturing in textiles, garments, and footwear, for example, requires predominantly female workers because of their submissiveness, docility, and other perceived gender traits (Eviota 1992, 125). This paper shows that the distinction between sex work and other forms of work is overstated.

Third, allowing women to sell some gendered services and not others is harmful. While domestic work might be seen as 'necessary' or a 'moral good' unlike sex work, the right to freely practice one's work and receive compensation for it should not be tied to this standard and has not been for many other workers.<sup>11</sup>

Anti-trafficking and women's groups in the Philippines have fixated on the 'sex' part of sex work without meaningfully considering sex workers' own reflections on their work. In the name of 'protecting women', they have supported a policy regime (and an Anti-Prostitution Law) that involves the expansion of police powers and the sexual stigmatization and surveillance of poor women.

Moving forward, there is more to gain politically from recognizing poverty as the structural cause of 'unfreedom' for many workers and centering social protection in anti-trafficking policies and programs, rather than attempting to substitute one form of coercion (sex work) with another (idealized 'moral' labor-intensive, low-waged alternatives). Instead of 'saving' women, anti-trafficking should be re-oriented towards a worker-rights model, with a focus on supporting workers, including those whose circumstances are distinct from formal traditional waged workers, with tools to renegotiate the power dynamics between them and their employers and clients. One entry point that can apply to street workers is the PCW's own proposal for a Magna Carta of Workers in the Informal Economy (which currently excludes sex workers), where they recognize the disproportionate number of women workers in this sector, the harms of discrimination, stigma, and unjust perceptions of these forms of work as 'unproductive', and the need for a recognition of the roles and contributions of informal workers (Philippine Commission on Women 2019). This proposal recognizes that informal women workers have a right to decent work, adequate earning, social protection, security of work, safe working environment, self-organization, and representation (Philippine Commission on Women 2019). These can be significantly improved for domestic workers and extended to sex workers.

## Notes

1. Domestic workers are defined as those performing work in, or for, a household, in the context of an employment relationship.
2. These organizations use 'prostitution' or 'prostituted individuals' to suggest that individuals in this situation have no agency. I use these terms when I cite these organizations. Otherwise, I refer to adults who sell sexual services as 'sex workers'. While there is no equivalent for sex work in Filipino, my interlocutors often described what they did as 'nagtatrabaho' (working) and 'nagbebenta ng ligaya' ('selling joy'), which are an imperfect, but reasonable fit for 'sex work'.
3. There is little room for dissent against this anti-sex work paradigm (Parmanand, 2021).
4. This model is praised for entrenching cooperation between state agencies and NGOs, but the gatekeeping power of government agencies makes it difficult for NGO members to disagree with them (Parmanand, 2019).
5. The Domestic Workers Act had other promoters such as labor unions that did not employ an anti-trafficking framework; the paper focuses on actions of lead campaigners within the anti-trafficking sector.
6. These were the Anti-Trafficking in Persons Act; Domestic Workers Act or Batas Kasambahay and its Implementing Rules and Regulations; various versions of the Anti-Prostitution Law proposed in the Philippine Senate and Congress; and policy briefs released by the PCW since 2013 advocating for the Anti-Prostitution Law.
7. Pseudonym of their choice.

8. This research over the period 2016–2020 received ethics approval from the University of Cambridge.
9. The Domestic Workers Act is memorialized as a victory of the anti-trafficking establishment (Government of the Philippines 2013: 3). PCW cites it as model legislation (2021).
10. While it is beyond the scope of this paper, I wish to highlight how this directly challenges dominant conceptions of sex work as bad mothers.
11. This is not to say that sex work has no social value, but to emphasize that this should not be the basis for labor rights.

## Disclosure statement

No potential conflict of interest was reported by the author(s).

## Funding

The author's PhD was funded by the Gates Cambridge Foundation.

## Note on contributor

**Sharmila Parmanand** is currently an ESRC Postdoctoral Fellow in the Department of Gender Studies, London School of Economics and Political Science.

## ORCID

Sharmila Parmanand  <http://orcid.org/0000-0003-2461-7470>

## References

- Acosta, R. 24 January 2021. Of hustlers and Divas: Monetizing Bodies, Going Online for Adult Performances. <https://newsinfo.inquirer.net/1387536/of-hustlers-and-divas-monetizing-bodies-going-online-for-adult-performances>.
- Bacchi, C. 2007. "The Ethics of Problem Representation: Widening the Scope of Ethical Debate." *Policy and Society* 26 (3): 5–20.
- Barcelon, P. 16 February 2020. Metro Manila Police Conduct Sex Den Raids on Valentine's Day Weekend. CNN Philippines, <https://cnnphilippines.com/news/2020/2/16/Valentine-s-Day-raid-sex-den.html?fbclid>.
- Batistella, G., and M. Asis. 2011. *Protecting Filipino Transnational Domestic Workers: Government Regulations and Their Outcomes*. Quezon: Philippine Institute for Development Studies. <https://www.loc.gov/item/2012330758/>.
- Baxter, J. 2003. *Positioning Gender in Discourse: A Feminist Methodology*. Basingstoke: Palgrave Macmillan.
- Boris, E., and R. Parreñas. 2010. "Introduction." In *In: Intimate Labors: Cultures, Technologies, and the Politics of Care*, edited by E. Boris, and R. Parreñas, 1–12. California: Stanford University Press.
- Constable, N. 2006. "Brides, Maids, and Prostitutes: Reflections on the Study of 'Trafficked' Women." *PORTAL Journal of Multidisciplinary International Studies* 3 (2): 1–25.
- Department of Labor and Employment. 2020. DOLE, PSA: 1.4M HSWs, 72% on live-out. <https://www.dole.gov.ph/news/dole-psa-1-4m-hswws-72-on-live-out/>.
- Eviota, E. 1992. *The Political Economy of Gender: Women and the Sexual Division of Labour in the Philippines*. London and New Jersey: Zed Books.

- Flores-Oebanda, C. 2006. Addressing Vulnerability and Exploitation of Child Domestic Workers: An Open Challenge to End a Hidden Shame. <https://www.un.org/womenwatch/daw/egm/elim-disc-viol-girlchild/ExpertPapers/EP.10%20%20Flores%20Oebanda.pdf>.
- Fontana, L. 2020. "The Contentious Politics of Labour Rights as Human Rights: Lessons from the Implementation of Domestic Workers Rights in the Philippines." *Human Rights Quarterly* 42 (4): 859–877.
- Godwin, J. 2012. Sex Work and the Law in Asia and the Pacific: Laws, HIV and Human Rights in the Context of Sex Work. United Nations Development Programme. <https://www.undp.org/content/dam/undp/library/hiv/aids/English/HIV-2012-SexWorkAndLaw.pdf>.
- Government of the Philippines. 2013. Comments of the Government of the Philippines on the Mission Report of the Special Rapporteur on trafficking in Persons, Especially Women and Children. [https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A-HRC-23-48-Add5\\_en.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A-HRC-23-48-Add5_en.pdf) -.
- Granalí, R. 26 September 2011. Group Shows there's Life After Prostitution. <https://newsinfo.inquirer.net/65025/group-shows-theres-life-after-prostitution>.
- Guanzon, R., and C. Calalang. 2003. The Anti-Trafficking in Persons Act of 2003: Issues and Problems. [https://projects.iq.harvard.edu/files/violenceagainstwomen/files/the\\_anti\\_trafficking\\_in\\_persons\\_act\\_-\\_issues\\_and\\_problems.pdf](https://projects.iq.harvard.edu/files/violenceagainstwomen/files/the_anti_trafficking_in_persons_act_-_issues_and_problems.pdf).
- Hardy, K. 2013. "Equal to Any Other, but Not the Same as Any Other: The Politics of Sexual Labour, the Body and Intercorporeality." In *Body/Sex/Work: Intimate, Embodied and Sexualized Labour*, edited by C. Wolkowitz, R. Cohen, T. Sanders, and K. Hardy, 50. London: Palgrave Macmillan.
- International Labour Organization. 2009. Narrative Report on the Philippine Campaign on Decent Work for Domestic Workers. [https://www.ilo.org/asia/publications/WCMS\\_120013/lang-en/index.htm](https://www.ilo.org/asia/publications/WCMS_120013/lang-en/index.htm).
- International Labour Organization. 2012. Domestic Workers in the Philippines: Profile and Working Conditions. [https://www.ilo.org/wcmsp5/groups/public/—ed\\_protect/—protrav/—travail/documents/publication/wcms\\_167021.pdf](https://www.ilo.org/wcmsp5/groups/public/—ed_protect/—protrav/—travail/documents/publication/wcms_167021.pdf).
- International Labour Organization. 2014. Strengthening Capacities of Government and Social Partners to Implement National Legal Framework for Domestic Workers. [https://www.ilo.org/manila/projects/WCMS\\_383165/lang-en/index.htm](https://www.ilo.org/manila/projects/WCMS_383165/lang-en/index.htm).
- International Labour Organization. 2015. ILO global estimates on Migrant Workers. [https://www.ilo.org/wcmsp5/groups/public/—dgreports/—dcomm/documents/publication/wcms\\_436343.pdf](https://www.ilo.org/wcmsp5/groups/public/—dgreports/—dcomm/documents/publication/wcms_436343.pdf).
- International Labour Organization. 2018. Fair perspective: Stories of Filipino Migrant Workers in the Media. [https://www.ilo.org/wcmsp5/groups/public/—ed\\_protect/—protrav/—migrant/documents/publication/wcms\\_647733.pdf](https://www.ilo.org/wcmsp5/groups/public/—ed_protect/—protrav/—migrant/documents/publication/wcms_647733.pdf).
- International Labour Organization. n.d. Completion Report: Strategic Planning for the Samahan at Ugnayan ng mga Manggagawang Pantahanan sa Pilipinas (SUMAPI) [https://www.ilo.org/wcmsp5/groups/public/—asia/—ro-bangkok/—ilo-manila/documents/genericdocument/wcms\\_126012.pdf](https://www.ilo.org/wcmsp5/groups/public/—asia/—ro-bangkok/—ilo-manila/documents/genericdocument/wcms_126012.pdf).
- Law, L. 1997. "A Matter of Choice: Discourses on Prostitution in the Philippines." In *Sites of Desire/ Economies of Pleasure: Sexualities in Asia and the Pacific*, edited by L. Manderson, and M. Jolly, 233–261. Chicago: Chicago University Press.
- MacKinnon, C. 2011. "Trafficking, Prostitution, and Inequality." *Harvard Civil Rights-Civil Liberties Law Review* 46 (2): 271–309.
- Nussbaum, M. 2018. "Whether from Reason Or Prejudice": Taking Money For Bodily Services." *The Journal of Legal Studies* 27 (2): 693–723.
- O'Connell Davidson, J. 2014. "Let's Go Outside: Bodies, Prostitutes, Slaves and Worker Citizens." *Citizenship Studies* 18: 516–532.
- Ofreneo, R., and R. Pineda-Ofreneo. 1998. "Prostitution in the Philippines." In *The sex Sector: The Economic and Social Bases of Prostitution in Southeast Asia*, edited by L. Lim, 100–129. Geneva: International Labour Organization.
- Parmanand, S. 2019. "The Philippine Sex Workers Collective: Struggling to be Heard, not Saved." *Anti-Trafficking Review* 12: 57–73.

- Parmanand, S. 2021. Institutionalised Victimhood: The 'progressive' Alternative for Sex Work in the Philippines. *openDemocracy*. <https://www.opendemocracy.net/en/beyond-trafficking-and-slavery/institutionalised-victimhood-the-progressive-alternative-for-sex-work-in-the-philippines/>.
- Parmanand, S. 2021b. "Salvation as Violence: Anti-Trafficking and the Rehabilitation of Rescued Filipino Women Into Moral Subjects." *Journal of International Women's Studies* 22 (2): 78–91.
- Parmanand, S. 2022. "Some Reflections on Decolonising Sex Work Research." *LSE Engenderings*. <https://blogs.lse.ac.uk/gender/2022/02/21/some-reflections-on-decolonising-sex-work-research/>
- Pateman, C. 1988. *The Sexual Contract*. California: Stanford University Press.
- Philippine Commission on Women. 2013. Enacting the Anti-Prostitution Law, Policy Brief for the 15th Congress. PCW. <https://www.scribd.com/document/129658455/Anti-Prostitution-Policy-Brief>.
- Philippine Commission on Women. 2014. Women's Empowerment, Development, and Gender Equality Plan, 2013–2016: Women's Edge Plan. <https://www.loc.gov/item/2018333295>.
- Philippine Commission on Women. 2016. Enacting the Anti-Prostitution Law: Amending Articles 202 and 341 of the Revised Penal Code, Policy Brief No. 9 of the Women's Legislative Agenda for the 17th Congress. PCW. <https://pcw.gov.ph/enacting-the-anti-prostitution-law-amending-articles-202-and-341-of-the-revised-penal-code-rpc/>.
- Philippine Commission on Women. 2019. Enacting a Magna Carta of Workers in the Informal Economy. <https://pcw.gov.ph/assets/files/2019/10/PCW-WPLA-PB-10-Magna-Carta-of-Workers-in-the-Informal-Economy.pdf?x34628>.
- Philippine Commission on Women. 2021. How to be a Gender-Responsive Legislator. <https://www.congress.gov.ph/download/docs/gender-responsive-legislator.pdf>.
- Philippine Sex Workers Collective. 2016. The Inter-Agency Council Against Trafficking (IACAT) Philippines is ongoing. [Facebook] 23 September. <https://www.facebook.com/PhilippineSexWorkersCollective/photos/a.153980548042743/1076441882463267>.
- Philippine Sex Workers Collective. n.d. Vision: A World Where Sex Work is Just Another Ordinary Work. Mission: Work for the Decriminalization of Sex Work. [https://twitter.com/sex\\_workers?lang=en](https://twitter.com/sex_workers?lang=en).
- Philippine Statistics Authority. 2018. *Proportion of Poor Filipinos registered at 21.0 percent in the First Semester of 2018*. <https://psa.gov.ph/poverty-press-releases/nid/138411>.
- Philippine Statistics Authority. 2020. Total Number of OFWs Estimated at 2.2 Million. <https://psa.gov.ph/statistics/survey/labor-and-employment/survey-overseas-filipinos>.
- Raymond, J. 2004. *Ten Reasons for Not Legalizing Prostitution and a Legal Response to the Demand for Prostitution* 2 (3-4): 315–332. *Journal of Trauma Practice*.
- Roces, M. 2012. *Women's Movements and "the Filipina": 1986-2008*. Hawaii: University of Hawaii Press.
- Sobritchea, C. 2004. "Women's Movement in the Philippines and the Politics of Critical Collaboration with the State." In *Civil Society in Southeast Asia*, edited by Lee Hock Guan, 101–122. Singapore: Institute of Southeast Asian Studies.
- Sobritchea, C. 2005. "Representations of Gender Inequality and Women's Issues in Philippine Feminist Discourses." *Asian Journal of Women's Studies* 11 (2): 67–88.
- Tigno, J. 2012. "Agency by Proxy: Women and the Human Trafficking Discourse in the Philippines." In *Labour Migration and Human Trafficking in Southeast Asia*, edited by M. Ford, L. Lyons, and W. van Schendel, 23–40. London: Routledge.
- Venzon, C. 5 November 2018. Manila's minimum wage up 4.9% amid rising inflation. *Nikkei Asia*, <https://asia.nikkei.com/Economy/Manila-s-minimum-wage-up-4.9-amid-rising-inflation>.
- Wijers, M. 2015. "Purity." *Victimhood and Agency: Fifteen Years of the UN Trafficking Protocol*. *Anti-Trafficking Review* (4): 56–79. doi:10.14197/atr.20121544.