



Only Rights Can Stop the Wrongs

NSWP STATEMENT

IN RESPONSE TO EQUALITY NOW'S ATTACK ON UN RECOMMENDATION CALLING FOR THE DECRIMINALISATION OF SEX WORK

NSWP, the Global Network of Sex Work Projects, rejects the attacks on two recent UN reports which recommend decriminalisation of sex work. Equality Now who are leading these attacks are crucially misrepresenting several key factors.

These reports, the Global Commission on HIV and the Law's report *HIV and the Law: Risks, Rights and Health* (2012), published by UNDP, and the UNDP, UNFPA, UNAIDS report, *Sex Work and the Law in Asia and the Pacific* (2012) recognise the broader contexts of stigmatisation of sex workers and discrimination against them. The reports recommend that legal frameworks should take care to avoid further marginalisation and isolation of sex workers and their clients. Furthermore both of these reports have been at the forefront of recognising that not only is the HIV epidemic one of our greatest global public health challenges but it is also a crisis of law, human rights and social injustice. As such, recognising the human rights of sex workers and calling for the decriminalisation of sex work is a recommendation made by these reports in recognition of the fact that punitive laws, discriminatory and brutal policing, and denial of access to justice from people most at risk of acquiring HIV are fuelling the epidemic. It is not clear to us how Equality Now and other campaigners would, given this stark reality,

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write to senior officials at the UN and ask that action be taken that appear to summarily dismiss the voices of sex workers who were an integral part of both UN reports attacked by this coalition.

While NSWP is delighted that attention is being drawn to these recent UN reports, which both strongly recommend the decriminalisation of sex work as the best way to ensure sex workers have full access to human rights, health, and justice, we condemn:

- the attack on the rights of sex workers to effective rights-based programming as their best protection against HIV;
- the irresponsible and deliberate conflation of sex work with trafficking, which has been shown repeatedly to harm both sex workers, and people who are genuinely trafficked into a range of industries;
- the continued promotion of the failed Swedish model as a ‘solution’; a ‘solution’ that further harms those it purports to help, and makes invisible the majority of sex workers;
- the denial of the existence of sex workers and sex work. This ignores the self-evident existence - and self-advocacy - of millions of sex workers of all genders from all over the world, especially women; and
- the deliberate misrepresentation of the UN reports, as “failing” to “include” the voices of those who have sold sex. Both UN reports were written in close consultation, and with substantial input from current sex workers. One look at the acknowledgements page and a more detailed look at the methodologies would demonstrate this fact.

The first of the UN reports attacked by Equality Now was developed to show how evidence and human rights based laws can “end an epidemic of bad laws and transform the global AIDS response”. The report argues that in order “to safeguard their health and that of others, key populations – the people at greatest risk of HIV infection (including MSM, transgender people, sex



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workers, people who use drugs, prisoners and at-risk migrants) must have access to effective HIV prevention and treatment and commodities such as clean needles and syringes, condoms and lubricant.” NSWP and many other international bodies and organisations call for the provision of these commodities as a human right. Key populations, just like everyone else, are entitled to the fundamental rights of dignity, autonomy and freedom from ill treatment. We do not understand how this rights-based approach is in contrast with Equality Now’s demand that the UN recognise the human rights of sex workers when the UN clearly have done so by including the voices and experiences of current sex workers in policy recommendations that directly affect them.

Furthermore, the UN report being criticised in this new campaign specifically notes some of the many harms that come from conflating trafficking and sex work, stating, “**The conflation of sex work and trafficking directly limits the ability of migrant sex workers to protect themselves from HIV**, since they are often assumed to be trafficked. Migrant sex workers often live with the constant threat of being reported, arrested and deported which creates a real barrier to accessing health and welfare services.” This echoes what organisations representing migrant workers, including migrant sex workers, say. For example, the Global Alliance Against Traffic in Women states that this “simplistic confusion of trafficking with sex work”, “**limits anti-trafficking efforts ... results in human rights violations against sex workers**, and bases government policy on ideology rather than sound evidence”.

This deliberate conflation of sex work with sex trafficking - and indeed with all trafficking is very worrying. The International Labour Organization (ILO) in 2012 provided robust estimates of people in forced labour worldwide. The ILO estimated that of the 20.9 million forced labourers, 90% of these are exploited in the private economy by individuals or enterprises. Out of these, 22% are victims of forced sexual exploitation, while 68% are victims of forced labour exploitation in economic activities such as agriculture, domestic work and manufacturing. This deliberate conflation of sex work with trafficking ignores the global call from sex workers for **rights, not rescue**. Sex workers in Paris, Istanbul and the Philippines in the last month alone have taken to the streets

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to give voice to this demand. Sex workers are not the voiceless oppressed portrayed in this new campaign that freshly attempts to deny the rights of sex workers.

It is also a strange conflation for those who support the Swedish model to be making. A cursory look at the Swedish government's own data demonstrates the fallacy of promoting this model as a tool for tackling trafficking. In particular, **the Swedish government did not collect data on trafficking into sex work prior to the implementation of the law, and thus has no way of knowing what the effect of the law has been** in that regard. All that is known about the situation in Sweden, is that police forces have reported more difficulty in gaining intelligence around human trafficking, and as a result, prosecutions and convictions remain very low. Proponents of the Swedish model tend to gloss over this data gap (and others) in their rush to portray their favoured legal framework as effective.

Kay Thi Win, a sex worker in Myanmar who is on the NSWP board, and is also a Board member of the Association of Women in Development, has said about this conflation: **"We live in daily fear of being 'rescued'. The violence happens when feminist rescue organisations work with the police who break into our workplaces and beat us, rape us and kidnap our children in order to save us."** She continued, "What we need is for the mainstream women's movement to not just silently support our struggle but to speak up and speak out against the extremists who have turned the important movement against real trafficking into a violent war against sex workers."

NSWP has never argued that sex work is free of violence. On the contrary, we know very well that violence is a common occurrence in the legal frameworks that criminalise sex work, as well as in the social contexts that stigmatise sex work and sex workers. This lack of legal and societal protection gives impunity to people who perpetrate violence, and who know and exploit the fact that sex workers are likely to be unable to report, or believed if they did. **The Swedish government's own report acknowledges that the law criminalising clients has increased the stigma that sex workers face: however, the report goes on to say "this [increased stigma against sex**



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workers] must be considered a good thing”. It is no wonder that sex workers in Sweden report that they are much less likely to report violence against them within such a stigmatising legal framework. This is the legal framework that proponents of the Swedish model are claiming is a “solution” to misogyny, violence against women, and violence against sex workers. Sex workers across the world have spoken out against this legal model that claims to ‘rescue’ sex workers, while deliberately increasing the stigma that sex workers face - and thus making sex workers more vulnerable within society.

In conclusion, NSWP strongly condemns this ill-thought out and unfounded attack on the UN, and also the attack on the concept of evidence, and on the voices and lived experiences of sex workers globally. NSWP notes that the women who have left sex work, centered in this new campaign, seem very keen to impose their views, morality, and evidence-free, punitive ideology on the people of all genders who still sell sex. Those at the helm of this campaign wish to obscure the fact that, when they centre those who identify as ‘survivors’, as the ‘experts’ on sex workers’ lives, they are ignoring and silencing sex workers as the experts in their own lives and communities.

The Global Network of Sex Work Projects (NSWP) exists to uphold and amplify the voice of sex workers globally, and connect regional networks advocating for the rights of sex workers of all genders. We have a growing membership of over a hundred and fifty sex worker led organisations in over 60 countries worldwide.

