

October 16th, 2016

Dear UN Women,

Please find below the International Committee on the Rights of Sex Workers' (ICRSE) response to your consultation on sex work, the sex trade and prostitution. ICRSE is a regional network of 85 organisations working with and/or led by sex workers in Europe and Central Asia.

As a preamble, we wish to strongly protest the way this consultation has been conducted. By organising a consultation that excludes the vast majority of sex workers from answering, you are participating in the silencing and exclusion of sex workers, reinforcing the idea that our opinions, concerns, experiences - and therefore our lives - are not worthy.

Therefore, our first and primary response to UN Women's consultation is to:

- engage in a meaningful consultation with sex workers in developing your policy on sex work,
- ensure that your sex work policy respects, protects and fulfils the human rights of sex workers and recognises the agency and self-determination of sex workers,

We would also like to remind UN Women that the UN Joint Programme on HIV/AIDS (UNAIDS), of which UN Women is a Co-Sponsor, already has developed a sex work policy that is founded in UN Human Rights treaties, and which was developed following a meaningful consultation process with sex workers and other stakeholders. The UNAIDS repeatedly expressed its full support for the decriminalisation of sex work and removal of all the discriminatory criminal and administrative laws targeting sex workers. This should be the minimum standard and starting point of any further elaboration of UN Women's approach to sex work.

We invite you to consult some of the relevant ICRSE's resources available on our website:

- [The Declaration of the Rights of Sex Workers in Europe](#). 2005
- [Sex Workers in Europe Manifesto](#). 2005
- [Structural violence: Social and institutional oppression experienced by sex workers in Europe](#). 2015
- [Nothing about Us without Us!](#) Ten Years of Sex Workers' Rights Activism and Advocacy in Europe. 2015
- Intersection Briefing Paper on sex workers' rights and LGBT rights. [Underserved. Overpoliced. Invisibilised. LGBT Sex Workers do Matter](#). 2015

- Intersection Briefing Paper on sex workers' rights and women's rights. [Feminism needs Sex Workers, Sex Workers Need Feminism: Towards a Sex Workers' Inclusive Women's Movement](#). 2016
- [Exploitation: Unfair labour arrangements and precarious working conditions in the sex industry](#). 2016

Sincerely,
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**ICRSE's response to the UN Women's consultation
 on sex work, the sex trade and prostitution.**

"There's really no such thing as the 'voiceless'. There are only the deliberately silenced, or the preferably unheard." Arundhati Roy

Question 1) The 2030 Agenda commits to universality, human rights and leaving nobody behind. How do you interpret these principles in relation to sex work/trade or prostitution?

For us, sex workers in Europe and Central Asia, a commitment to inclusion, human rights and leaving nobody behind means that the voices of those directly concerned should be central to any discussions and policy-making and a recognition of sex workers' rights as human rights. Sex workers' organisations and networks have developed many documents identifying and promoting sex workers' human rights e.g [the Declaration on the Rights of Sex Workers in Europe](#) developed by more than 120 sex workers in 2005 or the [Consensus Statement on Sex Work, Human Rights and the Law](#) published by the Global Network of Sex Work Projects.

A lot of attention and resources is being spent on understanding the 'cause' of sex work - often attributing sex work to 'male demand'. The reasons that people sell sex are often more complex. Whilst an analysis of sex work must take into account gender and economic inequality, it is however wrong and dangerous to conclude that 'ending demand' (through the criminalisation of clients) would somehow 'abolish' prostitution given that it does not address the core issues many sex workers may face such as poverty, lack of documentation, discrimination and exclusion from labour markets, unaffordable education, etc.

Usually, debates on sex work are caricatured, with positions taken on 'legalisation', 'prohibition' or 'abolition': concepts that are misleading and sometimes difficult to understand.

Prohibition and abolition mean that sex work is criminalised. The nuance between both will be that sometimes third parties and clients may be more targeted than sex workers themselves, but overall, working conditions remain very dangerous as sex workers need to hide to continue working, and are denied many rights. For example in Sweden, which does not criminalise selling sex, sex workers can be deprived parenthood rights for refusing to acknowledge their '[self harm](#)', and the police inform landlords when a sex worker rent a flat so that [they are evicted](#). In Norway, police "[Operation Homeless](#)" initiated in 2007 consisted in systematic eviction of sex workers from their homes and workplaces and has led to closure of over 400 apartments inhabited by sex workers. Hotel owners are encouraged to refuse women

suspected of being sex workers, which lead to [discriminations against migrant women](#) who are particularly targeted.

Legalisation is not the same as decriminalisation. It means that some forms of sex work are legalised in order to be 'controlled' while others remain criminalised, thus creating a divide among sex workers. Some of the legal practices like forced registration (introduced in Austria, Greece, or Germany) or mandatory testing (as in Hungary, Latvia and Austria) are evident human rights violations. In Greece or Turkey where sex work is legalised, sex workers have special ID cards and are not allowed to get married. Legalisation does not necessarily mean that sex work is recognised as work or that sex workers can access labour rights.

Decriminalisation is what sex worker organisations demand all over the world. It means that all criminal laws on sex work are removed and that no sex worker is criminalised whatever the type of sex work they do. It also means that clients and third parties are no longer criminalised so that sex workers can work in safer environments. However, this does not mean that human trafficking, forced labour or coercion are decriminalised. On the contrary, it makes it easier to fight these crimes as it becomes possible to differentiate between the consensual and coercive forms of sex work, since sex workers can speak up, denounce and organise against the bad practices they suffer in the sex industry.

Yet, decriminalisation is not enough as it does not resolve all the problems. Human rights violations can still happen, and this is the reason why sex workers should be entitled to, among others, labour rights and protections, welfare benefits, and work and residency permits. The occurrence of exploitation and human trafficking is more probable in those labour markets where workers are undocumented, have no rights and protections.

Simply put, to fight exploitation and abuse, sex workers need rights and access to justice, not criminalisation of their work, their workplace or their clients.

Question 2) The Sustainable Development Goals (SDGs) set out to achieve gender equality and to empower all women and girls. The SDGs also include several targets pertinent to women's empowerment, such as

- a) reproductive rights
- b) women's ownership of land and assets
- c) building peaceful and inclusive societies
- d) ending the trafficking of women
- e) eliminating violence against women.

How do you suggest that policies on sex work/trade/prostitution can promote such targets and objectives?

Gender equality can not be achieved by ignoring the demands of sex workers, by pathologizing us, or treating us as if we were unable to consent or deprived of agency. Very often, sex workers are excluded from the women's rights agenda. Yet, to empower all women and girls, it has to be recognised that the majority of sex workers are women who are entitled to the same rights and protections as all other women, including the right to life, privacy, work, the rights to choose our occupation, to join or form trade unions, to be free from violence and discrimination, etc.

When sex workers are denied access to tailored healthcare services, portrayed as unfit parents because of our supposed denial of 'self harm', when we are refused the custody of our children, or even in some countries sterilised, all these are violations of our reproductive rights.

Sex workers cannot own property when laws consider us as brothel owners. Sometimes our properties are being confiscated and we are, as in the case of Sweden, Norway and Turkey, we are being evicted from our houses. Very often, during police raids, sex workers' assets are taken away and it is very difficult or impossible to get them back.

As long as sex work is considered a crime, sex workers will not have access to fundamental human rights and will be considered full members of society

Laws against sex work do not stop human trafficking. The majority of anti-trafficking organisations including the Global Alliance against Traffic in Women or La Strada International recognise that sex work criminalisation makes exploitation in the sex industries more difficult to combat. The criminalisation of clients and third parties does not help to reduce human trafficking nor does it reduce economic inequalities women face. A [Swedish police report](#) states that human trafficking and the number of sex workers increased in their country. In Norway, the [Aftenposten's report](#) from the Coordinating Unit for Victims of Trafficking also says that the number of victims reached a record. Yet, as you know, both these countries criminalise clients and third parties.

Question 3) The sex trade is gendered. How best can we protect women in the trade from harm, violence, stigma and discrimination?

Female sex workers are at high risk of harm, violence and stigma discrimination due to their status as women, the stigmatisation and criminalisation of sex work and other intersecting factors such as poverty, race, migration status, drug use, etc. To effectively address violence against sex workers, it is crucial to first make the distinction between 'sex work' and 'sexual exploitation'. Sex work is work, and is not inherently violent. The legal and social environments make sex workers vulnerable to violence and only by addressing these environments can violence against sex workers decrease. Criminalisation of any aspect of sex work has been evidenced to increase our vulnerability to violence, exploitation, human rights violation, poverty and HIV.

Laws criminalising sex work and systematic policing push sex workers underground, i.e. into informal or illegal economies, remote areas, isolated places, or hostile social environments. Forced to operate in unsafe settings, sex workers are often insecure, disempowered, and exposed to severe harassment, and violence. Criminalisation also renders sex workers more prone to exploitation and unfair treatment at their workplaces, as it allows third parties to take advantage of their vulnerability and dependency on support. Criminalisation of sex work also triggers ubiquitous stigma and discrimination against sex workers in the public sphere and most social settings, including healthcare facilities, social services and juridical institutions (for more information see ICRSE report on [Structural violence](#) experienced by sex workers).

Criminalisation of sex work also allows for the police violence against sex workers. As noted in SWAN's 2009 research "[Arrest the violence](#)" on violence and human rights violations experienced by sex workers in Central and Eastern Europe and Central Asia, 42% of respondents reported that they had been physically abused by police, while 37% reported that police had sexually assaulted them. Police violence against sex workers constitute cruel and inhuman or degrading treatment or punishment, prohibited unambiguously by international law and can rise to the level of torture.

Criminalisation is also one of the main barriers to sex workers' access to justice and legal support. When removing sex work from criminal and penal codes, sex workers are more able to report violence and crimes committed against them. As reported in New Zealand, since decriminalisation sex workers more report crimes to the police and are provided with adequate support. On the contrary, in countries that criminalise sex work, sex workers are less likely to report violence and abuse. Norwegian [governmental report](#)

evaluating client criminalisation law in Norway stated clearly that: “The threshold for reporting a violent customer to the police also seems to be higher after the law (criminalising clients).”

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