

NSWP Statement in relation to the arrest of Alejandra Gil



Alejandra Gil collecting her 'Golden Years Award' at the Sex Worker Freedom Festival in Kolkata, India, July 2012
(© Dale Kongmont)

NSWP released a statement on the news of the arrest of Alejandra Gil and her son Omar Sayun Gil.

Alejandra is a passionate Human Rights Defender and is the vice president of NSWP. Alejandra Gil has worked tirelessly for the human rights of sex workers for many years, in Mexico, regionally and globally, and has been a valuable resource within NSWP on the needs and rights of sex workers in Latin America. She has openly challenged and condemned human rights abuses, such as trafficking and abusive practices within sex work.

The charges in question emanate from new legislation, which in our view conflates sex work with human trafficking. Ironically, Alejandra Gil was working to develop a rights-based anti-trafficking tool for use with sex workers.

The **UNAIDS Guidance Note on HIV and Sex Work** clearly states that

many anti-trafficking laws encourage the assumption 'that all or most sex workers are trafficked into sex work against their will.' It also clearly calls for anti-trafficking interventions to 'be reviewed and

evaluations carried out to ensure that the human rights of both sex workers and trafficked persons are being protected.'

We would request that the current law is urgently reviewed to establish whether it unduly conflates sex work and trafficking, as has been the experience in many other countries.

Representatives from the **Best Policy Practices Project (BPPP)** also presented a **briefing drafted by NSWP** to staff from the office of the UN Special Rapporteur on the situation of Human Rights Defenders in Geneva on 14th March. The briefing is a call for international action and an attempt to draw the attention of the Office of the UN Special Rapporteur on the situation of Human Rights Defenders to the case of Alejandra Gil and her son Omar and their treatment under Mexico's new anti-trafficking law (**'General Law to Prevent, Sanction and Eradicate Crimes regarding Human Trafficking and for the Protection and Assistance of Victims of these Crimes'**), which **conflates human trafficking with sex work**.

NSWP also condemns the presumption of guilt and smear campaigns orchestrated by a large section of the Mexican media. Stigma and discrimination due to prejudice in society against sex workers has caused the media and therefore the public to find Alejandra guilty before she has even had her chance to tell her side of the story.

A **letter in support of Alejandra Gil drafted by ICASO** and undersigned by over 100 international organisations, human rights activists, researchers and other individuals has also been presented to the family of Alejandra Gil.

Other news headlines

NSWP's new President, Pye Jakobsson



We were pleased to announce in January that Pye Jakobsson has been elected as the new President of NSWP.

The President of the NSWP Board is elected by the sex worker-led organisations within the membership of NSWP. Pye succeeds the late Andrew Hunter, who sadly passed away on the 26th of December 2013. The elections however, were not a result of the sudden and untimely passing of Andrew as the election process started on the 1st of December 2013 given his elected term had come to an end.

Pye Jakobsson from Stockholm, Sweden is a sex worker rights activist and former sex worker. Currently Pye is working in HIV-prevention and has taken a break from sex work over the past few years following a 24 year career in various sectors of the sex industry in a number of different countries.

During the 1980s, Pye was engaged in HIV-activism in Portugal and has been a sex worker activist since the mid-1990s. Pye co-founded the Swedish Sex Worker organisation **Rose Alliance** where she is currently acting as the coordinator. Pye is involved in a

number of organisations who advocate for the human rights of marginalised groups. She helped to set up the **International Committee on the Rights of Sex Workers** (ICRSE) which is one of the European networks of sex workers, sex worker organisations and allies who raise awareness of the human rights issues that sex workers face. Pye is also a member of INPUD (the International Network of People who Use Drugs) as she is very sympathetic of the rights of sex workers who use drugs. Her involvement with INPUD has led to her acting as a consultant for Harm Reduction International (HRI) at the last two International Harm Reduction Conferences. She is currently on the advisory board of the Global Coalition on Women and AIDS (GCWA) and a persistent and vocal critic of the Swedish Model that criminalises the clients of sex workers. Pye firmly believes that sex work is work and that that the human rights of sex workers should be upheld.

NSWP and its members are confident in Pye and her ability to lead the Global Network over the next two years.

European Parliament approves flawed Honeyball report

NSWP released a statement strongly condemning the recent EU Parliament vote on the flawed report prepared by British MEP Mary Honeyball.

The final report by Mary Honeyball, MEP was approved by the European Parliament by 349 votes to 139 on the 27th of February 2014. The report advocates for the Swedish Model to be imposed, criminalising the purchase of sex. The Swedish Model incorrectly purports to 'decriminalise the sex worker' however, a paragraph that would

have recommended that member states repeal all repressive laws against 'prostituted persons' was voted against by the majority of MEPs, including Mary Honeyball herself.

The resolution is non-binding and therefore is non-legislative but the implications are that EU member states would be encouraged to adopt regressive stances on sex work as a result of recommendations in the Honeyball report.

The **International Committee on the Rights of Sex Workers in Europe** (ICRSE) also spearheaded a campaign to critically review the draft report by the MEP. **86 academics and researchers wrote to members of the European Parliament** prior to the vote critiquing the Honeyball Report and urging MEPs to favour evidence and rights-based policy. A group made up of 560 NGOs urged MEPs not to support the report, however **Mary Honeyball wrote to every MEP** urging them to ignore these groups outrageously stating they "*are in fact organisations comprised of pimps etc...*".

NSWP's statement criticises the rapporteur (and the majority of the European Parliament) for voting against a motion to repeal all repressive legislation against 'prostituted persons' and goes on to highlight how the Honeyball report deliberately conflated trafficking and organised crime with sex work, ignored the voices of male and trans sex workers, termed all sex work as a form of violence against women, and finally, failed to properly inform MEPs about the various legal frameworks in which sex work exists and the model of full decriminalisation of sex work, that sex workers themselves advocate for.

You can read the full **NSWP statement here**.

Much more news is available on our website and on our Twitter

NSWP Responds To Amnesty's Draft Policy on Sex Work

NSWP has responded to Amnesty International's draft policy on sex work.

Amnesty is currently undertaking a global consultation on sex work with its members. The draft policy proposes the decriminalisation of consensual adult sex work.

If Amnesty International members vote in favour of adopting this policy, they would join a growing list of international organisations supporting and calling for the decriminalisation of sex work. The **Global Commission on HIV and the Law**, **UNAIDS**, **WHO**, the **Global Alliance Against the Trafficking in Women (GAATW)** and **Human Rights Watch** have all called for or support the decriminalisation of sex work. The recommendations calling for the decriminalisation of sex work are based on a robust evidence base that shows that rights-based policy is key to ensuring that sex workers' human rights are upheld.

You can read **NSWP's full response here**.

In Memoriam Andrew Paul Hunter



© Dale Kongmont

This **short film** is a moving tribute to Andrew Hunter, who was a fierce and dedicated sex worker rights activist.

This Youtube video was made by his life partner, Dale and was first presented at an event called 'In Memoriam Andrew Paul Hunter' at UNAIDS, Geneva on 25 February 2014. The video takes you through

Andrew's activism and illustrates the leadership he showed throughout his career.

You can read other tributes to Andrew Hunter on this special memorial page **here on the NSWP website**.



© Dale Kongmont

Monica Jones case



© Micah Bizant

Monica Jones, an Arizona based Trans activist and human rights defender who was profiled and wrongfully arrested by Phoenix police because she is a transgender woman of colour has had her trial postponed.

Monica was **wrongfully arrested** in a police operation known as Project ROSE. She is facing unjust charges of "manifestation of intent to prostitute."

Best Policy Practices Project (BPPP) an organisation advocating for the rights of sex workers **in an update published on their website** said "She [Monica] was arrested as part of an initiative called "Project ROSE," and charged under a vague, overbroad anti-prostitution statute. While dubbed an "anti-trafficking initiative" Project ROSE actually targets people police believe are sex workers. To be clear: Project ROSE violates arrestee's due process rights. Arrestees are denied council, even when they request a lawyer, and are made to cooperate in a police interview to potentially receive diversion,

with no lawyer present. The interview is used to file charges against them if they don't meet the diversion requirements, which most don't, because they are too difficult for people in poverty to meet."

NSWP stands with Monica Jones, sex worker and human rights defender in challenging and condemning Arizona's brutal racial profiling laws. SWOP-PHX and BPPP have been campaigning relentlessly to bring attention to the case of Monica Jones.

You can stay up to date with progress of Monica's case on **BPPP's website**.

New Zealand Court Rules in Favour of Sex Worker

The New Zealand Human Rights Review Tribunal made a landmark ruling in January 2014 on the violation of a woman's human rights in a Wellington brothel known as The Kensington Inn. The woman filed a complaint against both the manager of the brothel and the brothel's owner, M & T Enterprises, after the manager allegedly harassed her.

In February, the Tribunal **published a decision siding with the worker**—thereby confirming that brothel employees have the legal right not to be harassed by their managers.

In New Zealand, however, the decriminalisation of sex work over the last decade has helped to promote the human rights of sex workers. Last month's Tribunal ruling further affirms the legitimacy of sex work as a profession and the agency of workers as labourers.

In her complaint, the worker claimed the manager regularly made intrusive inquiries during the period of harassment in 2010, such as asking inappropriate questions regarding personal limits and personal grooming. The manager also made offensive comments about the plaintiff. The manager was therefore not respecting professional and personal boundaries in a staff member-manager relationship. The manager also sought to restrict communication between staff members in an attempt to prevent staff members from taking up collective action to address unfair treatment by management. The manager proceeded to criticise the plaintiff for referring new workers to the **New Zealand Prostitutes' Collective (NZPC)**. The manager therefore restricted the women's free association rights.

Ultimately, the Tribunal found that the manager had *“used language of a sexual nature to subject the plaintiff to behaviour which to the plaintiff was both unwelcome and offensive and was either repeated or of such a*

significant nature that it had a detrimental effect on the plaintiff.” The woman was awarded NZ\$25,000 for emotional damages. The manager, who has denied the charges, ***no longer runs the brothel.***

Catherine Healy, co-founder of the **NZPC**, which helped the worker bring the complaint to the Tribunal, told a newspaper that the decision marks a legal breakthrough in the country. New Zealand officially **decriminalised sex work in 2003**, mandating licensing for sex-work businesses and imposing health and safety standards for the sector. During the days of criminalisation, managers who abused the labour rights of sex workers would not have been taken to court for violating their employee's rights.

‘Anti-homosexuality bill’ is signed into law in Uganda

In February, President Museveni of Uganda assented to the ‘Anti-Homosexuality bill’ which now becomes law.

The bill proposes a raft of measures to criminalise, stigmatise, victimise and intimidate anyone suspected of ‘being homosexual or promoting homosexuality’ in any way. Prison sentences ranging from a few years to life imprisonment will be handed to those who are convicted under the new legislation. The bill will also have disastrous public health implications, with activists and researchers warning that the bill will exacerbate stigma, exclusion and increase the risk of HIV infection as key affected populations (including sex workers, men who have sex with men, people who use drugs and LGBTIQI) will be at risk of criminal sanctions when they seek treatment and care.

Aside from the obvious human rights violations that this bill will enable, the bill will also allow for other marginalised groups such as sex workers to be further harassed and intimidated. Various international organisations have condemned the Ugandan

government for taking this regressive step and Western governments have also threatened to withdraw aid from Uganda however; none of these threats have deterred Uganda in signing this bill into law.

A Coalition of more than 50 civil society organisations (Civil Society Coalition on Human Rights and Constitutional Law) advocating for non-discrimination in Uganda filed a petition at the Constitutional Court in Uganda on 11 March 2014. The petition argues that:

“the Anti-Homosexuality Act violates Ugandans’ Constitutionally guaranteed right to: privacy, to be free from discrimination, dignity, to be free from cruel, inhuman and degrading treatment, to the freedoms of expression, thought, assembly and association; to the presumption of innocence, and to the right to civic participation.”

The Petitioners have also asked for a permanent injunction against media houses or any other organisations from publishing pictures, names, addresses or other details of LGBTI or suspected LGBTI persons, since such publications constitute a violation of the right to dignity, and an invasion of the right to privacy of the person. Since the signing of the Bill into law, The Red Pepper and Hello tabloids have published the pictures and names on an almost daily basis of Ugandans they are accusing of being gay.

The filing of this petition and the challenge it raises for the Constitutional Court in Uganda is extremely important and the first such action by Ugandans themselves calling on the Ugandan government to review this homophobic law. This law has terrible implications not only for the already marginalised LGBT community but also for male, female and transgender sex workers.

You can download the full press release by the Civil Society Coalition on Human Rights and Constitutional Law **here**.

Sou Sotheavy Wins 2014 David Kato Vision & Voice Award



© John Vink Magnum Photos

Cambodian transgender activist Sou Sotheavy was awarded the 2014 David Kato Vision & Voice Award in February. Now 75 years old, she has spent the last two decades working to establish a national network of organisations to support lesbian, gay, bisexual, and transgender (LGBT) people across the country.

Sou received the award on stage at the prestigious Teddy Awards ceremony at the Berlin International Film Festival.

"I am tremendously moved to be given this award that to me symbolises the struggle for rights and freedom for LGBT people in Cambodia," said Sou. "I think of the torture and suffering that I have endured throughout my life. Today, I am fortunate to live a life that I have always dreamed of, a life that allows me to help LGBT Cambodians escape the torture, contempt, and discrimination that exists in many families and in Cambodian society."

The David Kato Vision & Voice Award is awarded annually and is presented to an individual who demonstrates outstanding courage and leadership in advocating for the rights of LGBT individuals, particularly in challenging circumstances and unsupportive policy environments. The award provides winners with a global media platform and a \$10,000 grant to support their efforts.

Sou was born on 8 December 1940 in Takeo province, Cambodia. Before the radical communist regime of the Khmer Rouge took over in 1975, she studied performing arts in the capital of Phnom Penh and worked as a military nurse. Her first involvement with human rights advocacy began in 1985 when she conducted HIV/AIDS outreach for the Khmer Development Freedom Organisation (KDFO). In 1999, realising the need for special attention to LGBT issues, Sou established the

Cambodian Network for Men Women Development (CMWD), the first Cambodian NGO to support LGBT people, where she continues to serve as president today. Active throughout 15 provinces, CMWD has provided much needed capacity building to LGBT groups, providing invaluable support for local programs and advocacy.

Until today, CMWD and Sou's efforts have received no international attention. By acknowledging the importance of her work on these issues, Sou hopes the David Kato Vision & Voice Award will inspire and encourage more people to join the movement against discrimination in Cambodia and around the world. With more funding and volunteer activists working with Sotheavy in the provinces, she will reach out to a broader audience and support more LGBT people and organisations in Cambodia's remote rural areas, where the education level is low, discrimination is rampant, and LGBT people remain forced to hide their true identity.

"I have been working without funds for a very long time," said Sou. "This award will allow me to help my organisation, train my team, and ultimately strengthen the rights of LGBT people in Cambodia. On the day I receive the award, my wish is that LGBT people from around the world will help support our LGBT communities in Cambodia, who are now facing a resurgence of violence from authorities. I will fight until the end of my life. I will not stop until the rights for LGBT exist like for other people."

You can read the full article as it appeared on the Global Forum on MSM & HIV website, [here](#).

Publications

UNAIDS Briefing Note on the Legal Status of Sex Work

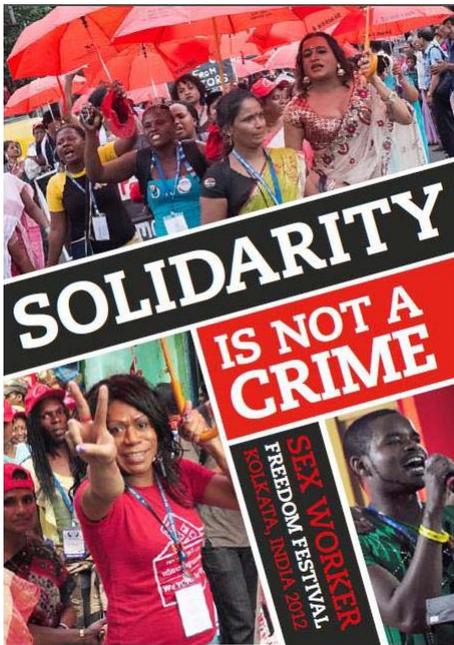
UNAIDS have drafted a briefing note on the legal status of sex work emphasising the key human rights and public health considerations.

The briefing note clarifies five issues that are often a source of contention with the anti-sex work lobby. The points that the UNAIDS briefing note clarifies include:

- that sex work should not be conflated with human trafficking;
- that the criminalisation of sex workers or their clients negates the right to individual self-determination, autonomy and agency;
- human rights bodies have called for the decriminalisation of sex work;
- the "Nordic Model" of criminalising clients of sex workers raises serious concerns; and
- how the decriminalisation of sex work, including the purchase of sex, protects human rights and supports public health efforts.

You can download the **UNAIDS briefing note** [here](#).

Solidarity Is Not a Crime



Cover photos top © Marc De Clercq;
bottom left & right © Dale Kongmont

As preparations are well underway for IAC 2014 in Melbourne this summer, this report documents the historic event held in Kolkata in 2012. This publication is a snapshot of curated content outlining a significant and historical moment in the Sex Worker Rights Movement.

“Solidarity Is Not A Crime” seeks to document some of the momentous achievements that took place as part of the Sex Worker Freedom Festival, Kolkata, India 2012, and the impacts from this remarkable once in a lifetime gathering.

The Sex Worker Freedom Festival (SWFF) was an alternative International AIDS Conference 2012 event for sex workers and allies held in Kolkata in India from 21 to 26 July 2012. SWFF was an official International AIDS Conference 2012 Hub. Supported by Open Society Foundation – Sexual Health and Rights Program, American Jewish World Service (AJWS), UNAIDS, Dutch Ministry of Foreign Affairs, UNFPA, HIVOS, AIDS Fonds and AIDS 2012 conference secretariat.

Migrant sex workers and trafficking - insider research for and by migrant sex workers

This paper authored by Jules Kim and Elena Jeffreys, uses an example from **Scarlet Alliance**, Australian Sex Workers' Association and argues for more insider research on migrant sex work and trafficking. The paper is detailed and takes the reader through all the ethical considerations, processes and outcomes of a large scale multilingual migrant sex worker research project.

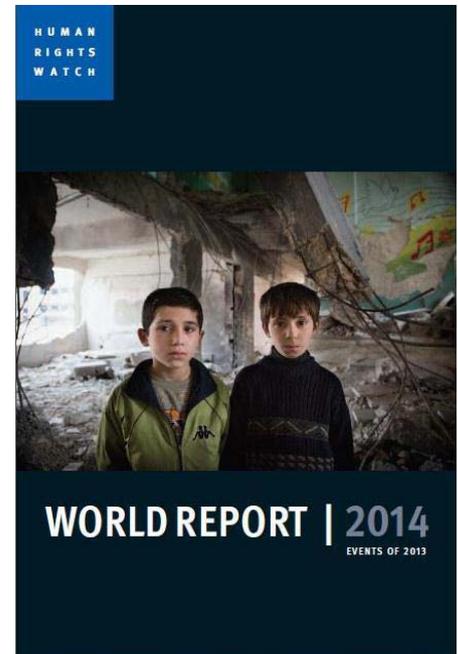
Much of the current research on migrant sex work is conducted by outsiders. Migrant sex workers are a marginalised group due to their position as a sex worker and their migrant status. When outsiders carry out research with marginalised groups, there is potential for their personal beliefs and moral views around migration, sex work, race, gender and sexuality to influence research methodology, analysis, interpretation and outcomes. This has led to migrant sex workers often being portrayed as victims in need of help rather than as active, self-determining agents.

Much of this type of outsider research relating to migrant sex workers and trafficking is done in institutionalised settings such as detention centres or refuges. In such settings there are good reasons for migrants to identify as coerced victims in need of help rather than as willing migrants who have had bad work place experiences and/or who may have engaged in alternate migration pathways. More worryingly, in some cases when researchers have difficulties reaching migrant sex workers, they will only interview service providers and make conclusions about migrant sex workers without ever speaking to migrant sex workers who their research makes claims about.

The paper presents methods to conduct insider research and discusses how insider-led migrant sex work research can lead to

credible research outcomes and have many broader benefits for our community.

Human Rights Watch World Report 2014



World Report 2014 is Human Rights Watch's 24th annual review of human rights practices around the globe. It summarises key human rights issues in more than 90 countries and territories worldwide, drawing on events through November 2013.

In the report HRW reiterates its push for the decriminalisation of voluntary sex work by adults (as well as the decriminalising simple drug use and possession). On sex work, HRW states further that given the context in which sex work occurs, i.e. that there are serious risks to health and safety, driving sex workers into the shadows is usually counterproductive to efforts to treat, mitigate, or prevent harm. Criminalisation of sex work can cause or worsen a host of ancillary human rights violations, including exposure to violence from private actors, police abuse, discriminatory law enforcement and vulnerability to blackmail, control, and abuse by criminals. According to HRW, these severe and common consequences mean it is unreasonable and disproportionate for the state to use

criminal punishment to discourage sex work.

The report highlights human rights violations perpetrated against sex workers in Cambodia, China, Vietnam, Greece, Lebanon, and the USA. The report does not highlight sustained human rights violations often perpetrated against sex workers by police in much of sub-Saharan Africa.

Human rights abuses of sex workers include, arbitrary detention (Cambodia), punitive crackdowns, coercive HIV testing, privacy infringements, mistreatment by health officials (China), forced rehabilitation of sex workers (Vietnam), detention and forced HIV testing of alleged sex workers (Greece), subjecting sex workers (along with drug users and LGBT people) in security forces' custody to ill-treatment and torture (Lebanon), the use of condoms as evidence of sex work (USA).



The Matrix 62 Newhaven Road
Edinburgh Scotland UK EH6 5QB
secretariat@nswp.org
+44 (0)131 553 2555
www.nswp.org

NSWP is a private not-for-profit limited company. Company No. SC349355

The Global Network of Sex Work Projects (NSWP) advocates for the health and human rights of sex workers. We work to uphold the voices of sex workers globally and to connect regional networks advocating for the rights of female, male and transgender sex workers.

NSWP wishes to acknowledge the financial support of UNFPA in producing the Sex Work Digest.

Funded by:

