



nswp

Global Network of Sex Work Projects
Promoting Health and Human Rights

COMMUNITY
guide

Sex Work and
Gender Equality





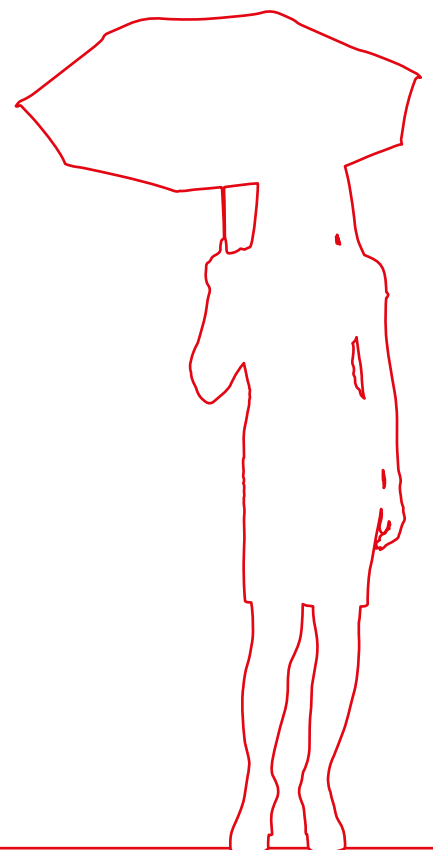
Introduction

This community guide seeks to highlight the linkages between sex workers' rights and gender equality, arguing for the necessity of meaningful inclusion of sex workers as partners in the women's movement. It also advocates for a feminism that recognises sex workers' rights as human rights therefore advancing shared areas of work under an international human rights framework.

Sex workers' rights activists, feminist allies, and human rights advocates have long held that the agency of sex workers must be recognised and protected; that all aspects of sex work should be decriminalised; that sex work should be recognised as work and regulated under existing labour frameworks. Given that the majority of sex workers are women and many come from LGBT communities, protecting sex workers' rights is imperative to achieving gender equality as defined under The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). Sex workers and their allies also recognise that the discrimination and violence sex workers face are a direct result of the criminalisation of their work and clients, and that structural inequality including the feminisation of poverty, gender- and sexual identity-based discrimination, the casualisation of labour, and restrictive migration laws, are responsible for reproducing harmful conditions within the sex industry.

When sex work is criminalised, sex workers face harassment from the authorities, arbitrary arrests, evictions, surveillance and persecution. They cannot organise, work together or draw up contracts with third parties. They are unable to assert their rights or determine the conditions under which they work, and are therefore significantly more vulnerable to violence, discrimination and exploitation. The result of these regulatory frameworks is not gender equality, but rather the reinforcement of heteronormative, homophobic, transphobic and misogynist patriarchy. It is for this reason that sex workers' rights are central to gender equality. Without advancing the rights and needs of those who are most vulnerable, as well as creating spaces for them to lead these processes, it is impossible to achieve real equality.

Without advancing the rights and needs of those who are most vulnerable, as well as creating spaces for them to lead these processes, it is impossible to achieve real equality.





A Sex Worker-Inclusive Human Rights Framework for Gender Equality

The universal applicability of human rights, without discrimination, is enshrined in all human rights instruments. CEDAW specifically addresses gender discrimination. It obligates each state to take measures to ensure women have equal rights, opportunity, and treatment by public and private actors. **Although the Convention explicitly mentions sex-based discrimination, it is interpreted as covering gender-based discrimination, where gender is understood to include gender identity.** Significantly, the CEDAW Committee takes an *intersectional stance* in its understanding of non-discrimination, and has recognised women sex workers as being disproportionately affected by gendered violence, discrimination and marginalisation, particularly condemning direct and indirect criminalisation of sex work as the cause. Combatting human rights abuses against sex workers has therefore been recognised as central to achieving gender equality and women's rights goals in international policy.

Envisioning Successful Partnerships for Gender Equality

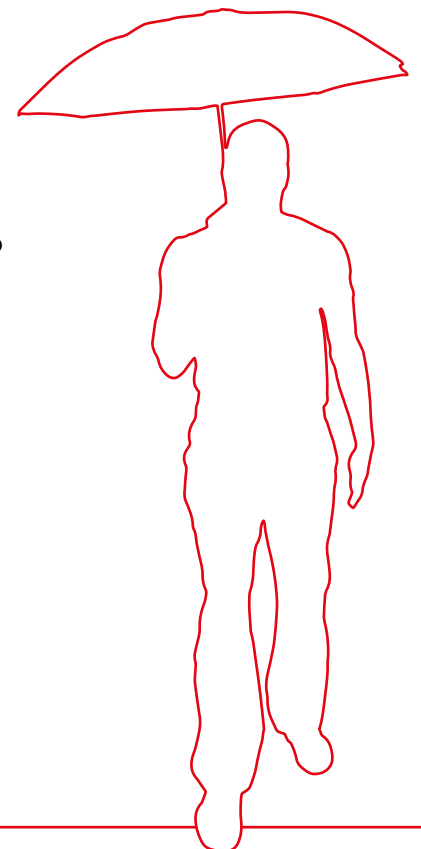
Discrimination and structural inequality negatively impact sex workers' human rights and govern their experiences within the sex industry. At the same time, studies show that wherever sex workers have been able to determine their working conditions, they have been able to improve them.

Accordingly, a feminism that supports the human rights of sex workers begins by accepting the following:

- Human rights are universal, and sex workers' rights are human rights.
- Sex workers must be at the centre of developing sex work policies and programmes.
- A human rights-based approach to sex work advances gender equality.

When sex workers and feminists unite both movements stand to win. The physical, emotional and sexual violence that is systematically perpetrated against sex workers is an attack on gender equality that undermines the principle of non-discrimination. The women's movement cannot afford to reproduce the same inequalities it was meant to fight; there can be no gender equality without equality for sex workers.

The women's movement cannot afford to reproduce the same inequalities it was meant to fight; there can be no gender equality without equality for sex workers.





Recommendations for Policymakers

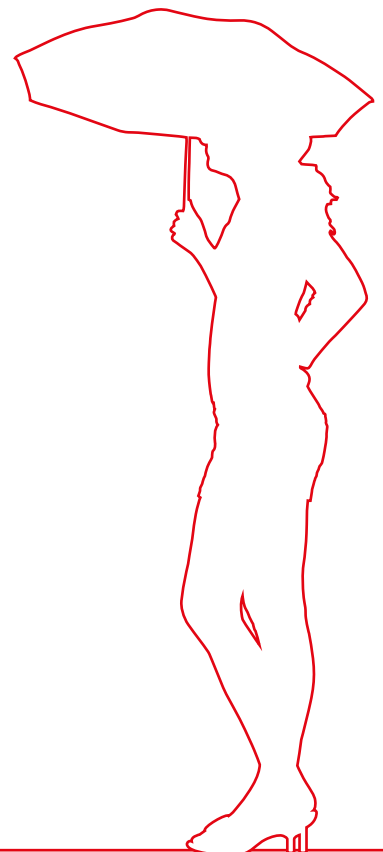
- Remove all legislation that directly and indirectly criminalises sex work, and recognise sex work as an occupation that is given the same protection as other occupations under international labour rights conventions.
- Oppose the conflation of trafficking, sex work and migration and promote the rights of migrants to safe, legal channels of migration and decent work as defined by the International Labour Organization.
- Ensure that national legislation prohibits discrimination in all forms. Implement affirmative action measures to achieve substantive equality across the spectrum of civil, political, economic, social and cultural rights, paying special attention to key populations among women and LGBT people, as they have traditionally experienced higher levels of discrimination. Recall that gender equality is intersectional and therefore requires the dismantling of discrimination in all spheres.

Recommendations for the Women's Movement

- Recognise sex workers as experts in their own lives and as an integral part of the gender equality struggle. Meaningfully include them as equal partners – let sex workers speak for themselves and listen to them.
- Utilise an inclusive and intersectional understanding of gender and gender equality that recognises diversity in needs and experiences. Combat all forms of oppression that intersect with gender identity and sexual orientation, and recognise that they are barriers to gender equality.

- Fight for feminism that is sex worker-inclusive and transgender-inclusive, and actively counter whorephobia and transphobia in solidarity with sex workers.
- Recognise that women sex workers, including transgender and non-gender binary sex workers, are most affected by discrimination, gender-based violence and barriers to accessing justice and comprehensive health services; ensure that advocacy and services include them.
- Empower sex worker groups through capacity building. Share knowledge and resources with sex worker-led organisations, facilitate their access to key advocacy spaces and foster the exchange of information and skills.
- Build alliances with likeminded multi-sector actors who support the use of rights-based programming. Ensure horizontal (across disciplines) as well as vertical (between community-based organisations, politicians, and international networks/ organisations) cooperation.
- Hold governments accountable using the human rights treaties that they have ratified, particularly CEDAW, recalling that non-discrimination is a legally binding international human rights norm.

Recognise that women sex workers, including transgender and non-gender binary sex workers, are most affected by discrimination, gender-based violence and barriers to accessing justice and comprehensive health services...



This Community Guide is the result of desk research and gathering case studies from NSWP members.

Community Guides aim to provide simple summaries of NSWP's resources, further detail and references can be found in the accompanying Policy Brief.



Global Network of Sex Work Projects
Promoting Health and Human Rights

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

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

PROJECT SUPPORTED BY:



NSWP is part of Bridging the Gaps – health and rights for key populations.

Together with almost 100 local and international organisations we have united to reach 1 mission: achieving universal access to HIV/STI prevention, treatment, care and support for key populations, including sex workers, LGBT people and people who use drugs.

Go to: www.hivgaps.org for more information.

