



**nswp** Global Network of Sex Work Projects  
Promoting Health and Human Rights

## BRIEFING NOTE:

# Misinformation on Sex Work

**Misinformation on sex work has flourished for centuries, fuelled by age-old stereotypes, myths, and moral judgments which continue to shape policies and public opinions. Whether falsehoods are disseminated to deliberately deceive, or are shared unknowingly, the spread of inaccurate and misleading information on sex work has significant consequences. This Briefing Note outlines some of the most prevalent forms of misinformation surrounding sex work, providing recent examples to demonstrate their impacts in the realms of policy, research, and the protection of human rights.**

## Conflations of Sex Work with Trafficking and Exploitation

Throughout history, anti-trafficking legislation and discourses have focused on ‘prostitution’ as a means to control women’s movement, migration, and sexual behaviour. Today, the conflation of sex work with trafficking remains one of the most prevalent forms of misinformation surrounding sex work, underpinned by fundamental feminist and abolitionist ideology which equates all sex work with violence and exploitation. This ideology, in turn, informs a range of harmful policies and practices, including ‘End Demand’ and ‘raid and rescue’ models and coercive ‘rehabilitation’ and ‘exit’ services.

Although ‘End Demand’ approaches claim to promote gender equality by reducing the prevalence of both sex work and trafficking, a substantial body of evidence has demonstrated that the criminalisation of clients exacerbates sex workers’ vulnerability to violence, exploitation, and abuse, while hampering the identification of actual victims of trafficking.<sup>1</sup> Moreover, there is no substantive evidence to suggest that ‘End Demand’ approaches have reduced the prevalence of sex work<sup>2</sup> or trafficking.<sup>3</sup>

The conflation of sex work and trafficking also reinforces misinterpretations of international legal frameworks surrounding the “exploitation of prostitution” – a concept which is often invoked, but poorly defined. Proponents of ‘End Demand’ approaches have widely claimed, for instance, that both CEDAW and the Palermo Protocol mandate states to suppress all ‘prostitution’ as a form of trafficking and exploitation. However, discussions documented during the drafting of CEDAW have shown that Article 6 of the Convention, which calls for states to “suppress the exploitation of prostitution”<sup>4</sup> was deliberately worded to distinguish it from the duty to suppress *all* prostitution.<sup>5</sup> The Interpretative Note accompanying the Palermo Protocol similarly specified that the Protocol only addresses the “exploitation of prostitution” in the context of trafficking, and that it does not define what constitutes the “exploitation of the prostitution of others.”<sup>6</sup>

<sup>1</sup> NSWP, 2018, “[The Impact of ‘End Demand’ Legislation on Women Sex Workers.](#)”

<sup>2</sup> Jay Levy and Pia Jakobsson, “[Sweden’s abolitionist discourse and law: Effects on the dynamics of Swedish sex work and on the lives of Sweden’s sex workers.](#)” *Criminology and Criminal Justice* 14(5) (2014): 593-607.

<sup>3</sup> Susanne Dodillet and Petra Östergren, 2011, “[The Swedish Sex Purchase Act: Claimed success and documented effects.](#)”

<sup>4</sup> UN General Assembly, 1979, “[Convention on the Elimination of All Forms of Discrimination Against Women. A/RES/34/180.](#)”

<sup>5</sup> Janie Chuang, “Article 6” in CEDAW Commentary, eds. Freeman et al. (Oxford: Oxford University Press, 2011), 176.

<sup>6</sup> United Nations Office on Drugs and Crime, 2006, “[Travaux Préparatoires of the negotiations for the elaboration of the United Nations Convention against Transnational Organized Crime and the Protocols thereto.](#)” 347.

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Nonetheless, fundamental feminists and abolitionists continue to capitalise on ambiguity surrounding “the exploitation of prostitution” to promote ‘End Demand’ approaches. In November 2020, the CEDAW Committee published the *General Recommendation on Trafficking in Women and Girls in the Context of Global Migration*.<sup>7</sup> In spite of sex worker-led organisations’ repeated calls for the General Recommendation to clearly distinguish between sex work, trafficking, and exploitation, the CEDAW Committee ultimately disregarded these inputs to promote a flawed policy agenda rooted in ‘End Demand’ ideology.

## Flawed Evidence

Conflations of sex work with exploitation and trafficking have also led to the frequent misuse of data on human trafficking, forced labour, and ‘modern slavery’ to inform policies and positions on sex work. This practice is exacerbated by the inherently problematic nature of anti-trafficking data.

The difficulties of obtaining reliable, robust data on human trafficking and forced labour have been long acknowledged by researchers and academics,<sup>8</sup> as well as by the International Labour Organization (ILO)<sup>9</sup> and the U.S. Department of State.<sup>10</sup> The United Nations Office on Drugs and Crime (UNODC) has also noted the potential for statistical bias to skew measurements of ‘sexual exploitation,’ due to the fact that this form of exploitation is more visible and frequently reported than others.<sup>11</sup> The pervasive targeting and misidentification of sex workers within anti-trafficking interventions (such as ‘raid and rescue’ operations), combined with the underreporting of other forms of labour exploitation, further compromise these data, fostering an insidious, self-perpetuating cycle of flawed ‘evidence.’

Data may also be misrepresented to disingenuously achieve higher percentages and bolster fictitious claims. In a February 2020 re-election campaign video, the chair of the CEDAW working group leading the development of the *General Recommendation on Trafficking of Women and Girls in the Context of Global Migration* attested that “90% of women victims of trafficking have been trafficked for sexual exploitation.”<sup>12</sup> While the source of this information was not disclosed, the statistic may be refashioned from UNODC’s 2018 Global Report on Trafficking in Persons (TIP), which stated that 83% of women victims of trafficking have been trafficked for the purposes of sexual exploitation.<sup>13</sup> Beyond this numerical discrepancy, since UNODC’s statistics were based on limited data from roughly only one fourth of the world’s countries, these findings cannot be generalised on a global scale.

Reconfigured data from UNODC’s 2018 TIP Report were also used within the *Draft CEDAW General Recommendation on Trafficking of Women and Girls in the Context of Global Migration*,<sup>14</sup> as well as in the July 2020 publication of UN Women and the Organization for Security and Co-operation in Europe (OSCE), *Addressing Emerging Human Trafficking Trends and Consequences of the COVID-19 Pandemic*.<sup>15</sup> In these documents, a set of 4 figures from the 2018 TIP Report were selectively recalculated to achieve a higher figure on trafficking for the purposes of sexual exploitation. Not only does this form of data ‘hacking’ further conceal evidence, but the lack of transparency surrounding this practice raises serious concerns over the motives and integrity of the involved parties.

## Data and Digital Interventions

<sup>7</sup> UN Committee on the Elimination of Discrimination against Women, 2020, “[General recommendation No. 38 \(2020\) on trafficking in women and girls in the context of global migration \(CEDAW/C/GC/38\)](#).”

<sup>8</sup> Elzbieta Gozdiak and Micah N. Bump, “[Data and Research on Human Trafficking: Bibliography of research-based literature](#),” (Washington, D.C.: Georgetown University, 2008).

<sup>9</sup> International Labour Organization, 2012, “[ILO Global Estimate of Forced Labour: Results and methodology](#).”

<sup>10</sup> U.S. Department of State, 2016, “[Trafficking in Persons Report](#),” p. 10.

<sup>11</sup> United Nations Office on Drugs and Crime, 2009, “[Global Report on Trafficking in Persons](#),” p. 6.

<sup>12</sup> Dalia Leinarte, “[Twitter / @DLeinarte: Candidate to UN CEDAW elections June 29, 2020 New York](#),” 7 Feb. 2020, 8:14 a.m.

<sup>13</sup> United Nations Office on Drugs and Crime, 2018, “[Global Report on Trafficking in Persons \(2018\)](#),” p. 28.

<sup>14</sup> UN Committee on the Elimination of Discrimination against Women, 2019, “[DRAFT General recommendation on Trafficking in Women and Girls in the Context of Global Migration](#).”

<sup>15</sup> UN Women and OSCE, 2020, “[Addressing Emerging Human Trafficking Trends and Consequences of the COVID-19 Pandemic](#).”

In recent years, the increasing focus on ‘cybercrime’ and technology-based anti-trafficking interventions has also vastly expanded the arena for cultivating misinformation on sex work and promoting harmful policies. In 2018, the U.S.A. passed the *Stop Enabling Sex Traffickers Act* (SESTA) and the *Allow States and Victims to Fight Online Sex Trafficking Act* (FOSTA), legislation which criminalises websites used by sex workers to advertise their services, screen clients, and share information, under the pretence that these platforms facilitate trafficking.

Emerging from a decade of campaigning and flawed ‘research’ portraying the majority of sex workers who advertise their services online as victims of trafficking, FOSTA-SESTA has significantly reduced sex workers’ ability to work safely and independently.<sup>16</sup> Contrary to its aims, this legislation has also hampered efforts to investigate and prosecute traffickers, who have moved their activities further underground to avoid detection.<sup>17</sup>

Nonetheless, the myth persists that online platforms used by sex workers drive trafficking. Some stakeholders, including UN Women and OSCE in their July 2020 report, have also baselessly claimed that the COVID-19 pandemic has exacerbated vulnerability to online-facilitated trafficking, in order to reassert an existing policy agenda which is neither rights- nor evidence-based.

The growing focus on digital anti-trafficking interventions has also driven the development of new data collection and surveillance tools, which simultaneously violate sex workers’ human rights and contribute to an already deeply flawed ‘evidence base.’ The Spotlight tool, developed by the anti-trafficking group Thorn to identify underage trafficking victims, has admitted to collecting data from *millions* of online sex work advertisements, sharing this information with law enforcement<sup>18</sup> based on the assumption that “somewhere in that pile of data are children.”<sup>19</sup> This brazen form of mass surveillance exposes sex workers to breaches in privacy and legal prosecution, while reinforcing dangerous misconceptions surrounding sex work in digital spaces.

## **Bias and Discrimination, Disguised as Neutrality**

It is clear that the most touted misconceptions surrounding sex work are informed by political and ideological biases, rather than facts and lived realities. However, these biases are seldom acknowledged, and are often framed within language of ‘neutrality.’ In October 2019, responding to backlash from abolitionist feminists over the visibility of sex work at the Beijing+25 Generation Equality Forum,<sup>20</sup> the Executive Director of UN Women affirmed the organisation’s ‘neutral’ stance on sex work:

*“UN Women has taken a neutral position on this issue. Thus, UN Women does not take a position for or against the decriminalisation/legalisation of prostitution/sex work.”<sup>21</sup>*

Less than one year later, during a July 2020 international webinar, the Executive Director was recorded on video stating:

*“Our core belief, as UN Women, is that all women who are involved in this industry are victims – whether they regard themselves sex workers or not, whether they see this as a job – we regard them as victims, and the ones who are buying the services as perpetrators of violence against*

<sup>16</sup> Danielle Blunt and Ariel Wolf, “[Erased: The impact of FOSTA-SESTA and the removal of Backpage on sex workers](#),” *Anti-Trafficking Review* 13 (2020): 117-121.

<sup>17</sup> Lura Chamberlain, “[FOSTA: A Hostile Law with a Human Cost](#),” *Fordham Law Review* 87 (2019).

<sup>18</sup> Violet Blue, “[Sex, lies, and surveillance: Something’s wrong with the war on sex trafficking](#),” *Engadget*, 31 May 2019.

<sup>19</sup> “[Spotlight](#),” Thorn.

<sup>20</sup> “[Global letter to UN Women regarding Beijing+25 and the Generation Equality Forum](#),” 17 October 2019.

<sup>21</sup> “[Response from the Executive Director of UN Women to global letter dated 17 October 2019](#),” 25 October 2019.



women... *This is the most desperate thing, and the most unhealthy thing, and the most undignified thing that can happen to any woman.*<sup>22</sup>

Narratives of victimisation and the negation of sex work as work are fundamentally incompatible with a neutral position on sex work. By espousing harmful and discriminatory beliefs under the guise of neutrality, human rights stakeholders consciously mislead and deceive the public, undermining the universal protections which they are mandated to uphold.

A number of international and regional human rights institutions, including OSCE and the Office of the United Nations High Commissioner for Human Rights (OHCHR), have emphasised that “disinformation and propaganda may harm individual reputations and privacy, or incite to violence, discrimination, or hostility against identifiable groups in society.”<sup>23</sup> In May 2020, in response to the rampant spread of misinformation amidst the COVID-19 crisis, the UN launched *Verified*, a global campaign dedicated to promoting accurate information surrounding the pandemic.<sup>24</sup> Only months later, however, UN Women and OSCE published their biased and empirically flawed report on trafficking and COVID-19, promoting erroneous connotations and harmful policies which exacerbate sex workers’ vulnerability to violence, discrimination, and criminalisation.

### **Attacks on Human Rights Defenders**

Misinformation is also used in attempts to discredit human rights defenders and other stakeholders who support sex workers’ human rights. Amnesty International, which in 2016 adopted its landmark policy promoting the decriminalisation of sex work,<sup>25</sup> has been one prominent target of anti-sex work attacks backed by abolitionist groups, religious leaders, and Hollywood celebrities.

In an open letter published in attempts to halt the passage of Amnesty International’s policy, the Coalition Against Trafficking in Women (CATW) erroneously claimed that “growing evidence shows the catastrophic effects of decriminalisation of the sex trade,” citing ‘evidence’ from Germany and the Netherlands – two countries in which sex work is legalised, not decriminalised.<sup>26</sup> Simultaneously, a social media campaign was waged against Amnesty International using the hashtag, #NoAmnesty4Pimps, aggregating a range of moralising judgments, unfounded claims, and patently false information which sought to portray Amnesty International as part of a ‘pimp lobby.’

Campaigns have also been waged against individual mandate holders tasked with upholding human rights. In July 2020, Dr. Tlaleng Mofokeng, a respected expert in sexual and reproductive health and rights, was appointed as the UN Special Rapporteur for Health. Due to her advocacy for sex workers’ human rights and vocal support for the decriminalisation of sex work, Dr. Mofokeng was immediately subjected to online attacks seeking to discredit her expertise,<sup>27</sup> including through fictitious claims that she promoted ‘prostitution’ to adolescent girls.<sup>28</sup>

The outgoing Special Rapporteur on Trafficking in Persons, Maria Grazia Giammarinaro, was also admonished in July 2020 for cooperating with the Global Alliance Against Trafficking in Women (GAATW), an anti-trafficking organisation which calls for the decriminalisation of sex work and the clear delineation of sex work from trafficking. The abolitionist group CATW falsely claimed that OHCHR (the UN office which supports Special Rapporteurs) had violated the Palermo Protocol and

<sup>22</sup> [“SWEAT’s Response to utterances by the UN Women Executive Director, Phumzile Mlambo-Ngcuka,”](#) Sex Workers Education and Advocacy Taskforce, 23 July 2020.

<sup>23</sup> OSCE et al., 2017, [“Joint Declaration on Freedom of Expression and ‘Fake News’, Disinformation and Propaganda.”](#)

<sup>24</sup> [“‘Verified’ initiative aims to flood digital space with facts amid COVID-19 crisis,”](#) United Nations Department of Global Communications, May 2020.

<sup>25</sup> Amnesty International, 2016, [“Amnesty International Policy on State Obligations to Respect, Protect and Fulfil the Human Rights of Sex Workers.”](#)

<sup>26</sup> Coalition Against Trafficking in Women, [“Open Letter to Amnesty International,”](#) 17 July 2015.

<sup>27</sup> Barbara Crossette, [“Not All Human Rights Council Specialists are Perfect: The Latest Controversy,”](#) *Passblue*, 19 August 2020.

<sup>28</sup> Lisa Correnti, [“Advocate for Teen Prostitution Takes Top UN Post,”](#) Center for Family and Human Rights, 2 September 2020.



CEDAW by “aligning” with GAATW, demonstrating how the misinterpretation of legal frameworks can be weaponised in attempts to destabilise human rights institutions.<sup>29</sup>

## Conclusion

At a time when it has never been easier to manipulate and disseminate misinformation, the importance of challenging dominant narratives, positions, and ‘facts’ on sex work has never been clearer. When accepted uncritically, these falsehoods perpetuate dangerous policies and practices which harm sex workers and undermine the integrity of international human rights mechanisms. In spite of these challenges, however, there has never been a wider and more robust evidence base available to counter misinformation on sex work. Community-led research has formed an essential component of this evidence base, and must be prioritised to ensure that the voices and lived experiences of sex workers continue to be heard.

Project supported by:



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<sup>29</sup> The Coalition Against Trafficking in Women, “[Twitter / @CATWIntl: Puzzling? Shocking? Incomprehensible?...](https://twitter.com/CATWIntl)” 20 July 2020, 8:40 p.m.