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Statement submitted by Amnesty International, Center for Women’s Global Leadership, Global Alliance Against Traffic in Women, Global Network of Sex Work Projects Limited, International Women’s Health Coalition, International Women’s Rights Action Watch Asia Pacific, Open Society Institute, non-governmental organizations in consultative status with the Economic and Social Council*

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.

* The present statement is issued without formal editing.



Statement

This statement from the Global Network of Sex Work Projects Limited has been written in collaboration with international women's rights groups: International Women's Health Coalition, International Women's Rights Action Watch Asia Pacific, Center for Women's Global Leadership, Amnesty International, Women's Global Network for Reproductive Rights, African Women's Development & Communication Network (FEMNET), Open Society Institute, and the Global Alliance Against Traffic in Women. The alliance was formed to build acceptance of sex workers' rights within women's rights movements.

On the twenty-fifth anniversary of the Beijing Declaration and Platform for Action, we must identify and address gaps in that ground-breaking call for gender equality. Specifically, we seek to reiterate the United Nations' mandate to respect, protect, and fulfil the human rights of all people, including sex workers, and ensure these rights are not undermined in national laws, policies, and regulations. At this five-year benchmark for the Sustainable Development Goals, we recall the global commitment to leave no one behind. We demand that this twenty-fifth anniversary process include amongst its commitments that critical policy decisions shall not be made without listening to the diverse lived experiences and voices of sex workers of all genders.

Most sex workers are living without the full protection of the law and face a range of human rights abuses. They are highly criminalized and/or otherwise penalized for transgressing restrictive gender norms, for issues relating to poverty, for their health conditions, and for their racial, ethnic, or migrant backgrounds, among others. Due to this criminalization and the social stigma that accompanies it, sex workers are also targets of violence and discrimination.

Barriers to achieving human rights for sex workers

1. Criminalization: criminalization of sex work, including sex workers' clients, has a well-documented negative impact on a range of human rights. Specific examples include:

- Sex workers' right to life, liberty, and security of person are threatened by provisions that compromise their safety and/or put their lives at risk, expose them to arbitrary and unlawful detention, or violence and harassment from state or non-state actors. The criminalization of sex work hinders sex workers from reporting to the police, or the police taking these reports seriously. Criminal and other laws reduce sex workers' ability to protect themselves (e.g., laws that criminalize working in brothels, often defined as two or more sex workers working together).
- Sex workers' right to the highest attainable standard of health is undermined by laws, policies, and practices that criminalize or interfere with programmes to assist sex workers, in particular HIV prevention, testing, and treatment. Some laws create barriers to sex workers' access to health services. Sex workers' right to health is undermined when police confiscate or use condoms as evidence of sex work.
- Sex workers' right to a remedy for human rights abuses is threatened when they are prevented from seeking redress due to fear of penalization, prosecution, arbitrary arrest, detention, or violence from authorities. Fear of discrimination and acts of harassment, violence, and prosecution also impede sex workers' ability to participate in decisions that affect them and to engage with state actors on an equal basis with other members of society.

2. Equality and non-discrimination: multiple international human rights treaty bodies have interpreted the rights to non-discrimination and equality to imply obligations to address harmful stereotypes and stereotyping in a range of other human rights and fundamental freedoms, for example the freedom from arbitrary interference in private life and the right to the highest attainable standard of health. We call on the Commission on the Status of Women to include commitments to take measures to eradicate and oppose harmful stereotypes and stigma against sex workers and their families, including programmes that promote respect for sex workers' dignity and human rights among law enforcement officials and legal support for sex workers exercising their rights.

To fully protect the rights of sex workers, it is necessary to repeal laws which criminalize the sale of sex, as well as those that make buying sex from consenting adults or the facilitation or organization of sex work (such as prohibitions on renting premises for sex work) a criminal offence. Such laws force sex workers to operate covertly and prohibit actions sex workers take to maximize their safety, and deny sex workers support or protection from state institutions. These laws are also disproportionately enforced against sex workers, rather than those who buy sex or facilitate sex work, even when the sale of sex is purportedly not criminalized. For example:

- Sex workers are frequently discriminated against in employment, access to health care, and housing because of their past or present sex work, including due to criminal records.
- Sex workers' right to just and favourable conditions of work, in particular safe and healthy working conditions, is harmed by provisions that deny them protections offered to other workers under labour and health and safety laws, including the possibility to form or join trade unions, putting them at greater risk of exploitation.
- Sex workers' right to an adequate standard of living is undermined when their livelihood is criminalized and no alternative, acceptable form of earning a livelihood is available.

3. Violence against sex workers: all too often sex work, sexual exploitation, and human trafficking are conflated by law and policymakers, law enforcement officials, and within laws and policies, which hinders strategic rights-based approaches, to the detriment of human rights. The available evidence indicates that criminalization of sex work does not reduce trafficking. Research indicates that the full decriminalization of sex work leads to more effective anti-trafficking efforts. When not threatened with criminalization, sex worker organizations have collaborated with law enforcement to identify women and children who have been trafficked, and refer them to necessary services.

Criminalization also impedes sex workers' efforts to organize with peers and law enforcement agencies to combat trafficking or change unsafe working environments. The Joint United Nations Programme on HIV/AIDS (UNAIDS) *Guidance Note on HIV and Sex Work* highlights that sex worker organizations are best positioned to refer victims of trafficking to appropriate services. Several anti-trafficking organizations are critical of criminal justice approaches that carry out raids that penalize both sex workers and victims of trafficking.

Affirming the call to end criminalization and discrimination: Médecins du Monde (international) have joined Human Rights Watch, the Global Network of People Living with HIV, Frontline AIDS LTD, the Association for Women's Rights in Development, Stopaids, the International Lesbian and Gay Association, the

Platform for International Cooperation on Undocumented Migrants, and the ICW Living with HIV in Zambia in the call for the decriminalization of sex work.

UNAIDS has developed an evidence- and rights-based approach to sex work that recognizes and respects the diverse realities and lived experiences of all sex workers. This established United Nations position embodies the best evidence available about what works to protect the human rights of sex workers and reduces their vulnerability to HIV, as evidenced by the UNAIDS *Guidance Note on HIV and Sex Work, Prevention and Treatment of HIV and Other Sexually Transmitted Infections for Sex Workers in Low- and Middle-income Countries: Recommendations for a Public Health Approach*; and the *Sex Worker Implementation Tool*. The International Labour Organization's (ILO) Report of the Committee on HIV/AIDS, which accompanied the publication of Recommendation Concerning HIV and AIDS and the World of Work, 2010 (No. 200), further notes that sex work is covered by Recommendation 200, which covers both formal and informal labour. Sex workers have the same rights as other workers in relation to rights at work, social protection and social dialogue as outlined in ILO's Decent Work Agenda.

4. Conclusion: Member States and the Commission on the Status of Women must act now to protect the human rights of all people, sex workers included. The support and engagement of governments and the entire United Nations community is an essential component to realizing sex workers' human rights.

Note: This statement is supported by the following organizations in consultative status with the United Nations Economic and Social Council:

Amnesty International
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