

**Submission to the UN Women's:
"Consultation seeking views on UN Women approach to sex work, the sex trade and
prostitution"**

October 2016

Dear UN Women,

The Sex Workers' Rights Advocacy Network from Central and Eastern Europe and Central Asia (SWAN) would like to address you in regards to the consultation on "sex work, sex trade and prostitution" you are undertaking.

SWAN unites sex workers and rights advocates from 30 organizations in 18 countries in Eurasian region, with a shared vision – to create societies where sex work is decriminalized/depenalized, where sex workers can operate free from state and non-state violence, stigma and discrimination. In these societies, sex workers are empowered and actively engaged in issues that directly affect their lives and health.

In a region where sex workers are highly stigmatized and facing tremendous violence, and where there are overall trends to exclude sex workers from all dialogue and decision-making processes which directly affect their work and lives, we believe it is of the utmost importance that this consultation be inclusive of sex workers' lived experiences and sex worker group's expertise.

We would like to take this opportunity to voice our concerns regarding the limited possibility for sex workers to take part in an internet based consultation, and one which puts SDGs and Agenda 30 as central concepts and with UN laden language. Many sex worker groups have limited or no access to internet and are not familiar with the language used. This excludes and discourages many sex workers living in Eastern Europe and Central Asia to take part in this consultation and share their voices and views. In addition, the consultation is provided only in a few select languages, not spoken in the CEECA region.

Since you focus on community participation and leadership and consider them to be the key elements of your policy development, we urge you to expand the consultation process to include national and local level consultative processes, and take all measures to secure opportunities for direct engagement of as many sex workers groups as possible, using simple language and simple tools, such as direct interviews, field trips, group discussions or questioners. Also, we urge you take into consideration the diversity of the community and make the process as participatory as possible by talking to people of different geographical areas, different ages, gender, educational status, health status, etc.

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?

Universality of human rights cannot be achieved without listening to the voices of sex workers, supporting their self organizing and supporting their struggle for life and work



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without stigma, violence and exclusion. Policy and law reforms are an important part of this struggle.

Many researches across the globe show the extent to which laws criminalizing or penalizing sex work can fuel violence, discrimination and other human rights abuses against sex workers, particularly if police enjoy impunity for abuses against sex workers.

Two community-based research projects of SWAN – one conducted in 2009 with more than 200 male, female and transgender sex workers in 11 countries of CEECA¹, and another one in 2015 with more than 320 sex workers from 16 countries of CEECA², also document and witness widespread human rights abuses by police and other state actors, and the ways in which the stigmatizing social context and laws support such abuses and violations.

As a way forward in achieving universality of human rights and not leaving sex workers behind, SWAN recommends taking on positive measures that recognize, respect and protect the human, labor, sexual and reproductive rights of sex workers. This includes:

- recognizing sex work as labor and as an economic contribution to society;
- full decriminalization and depenalization of sex work in all its aspects;
- removal of all by-laws further criminalizing sex workers, clients or third parties;
- consultation with sex workers prior to any policy adoption or program design and implementation;
- non-discriminatory access to health and social services, health insurance and social protections;
- protection of labor rights and protection from forced eviction, arrests, forced testing, police brutality and violence.

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?

There are vast intersections and mutual influence between ending violence and exploitation, ensuring reproductive rights, supporting women's ownership over their bodies, choices and assets, as well as building inclusive societies. So, based on SWAN studies, we'll elaborate in more general terms how decriminalization of sex work, clients and third parties can lead to reducing violence, improving access to justice, access to services and achieving all of the listed targets.

¹ <http://www.opensocietyfoundations.org/sites/default/files/arrest-violence-20091217.pdf>

² <http://swannet.org/files/swannet/FailuresOfJusticeEng.pdf>



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The research conducted by SWAN in 2015³ finds that laws and by-laws that criminalize or penalize sex work enable the commission of human rights violations against sex workers on a very large scale by providing cover and license for police to control and punish sex workers. This is not only the case with laws or by-laws criminalizing or penalizing the selling of sex, but also applies to third-party laws that criminalize brothel owners, managers and individuals who earn money from others' sex work. Even when lawfully enacted, these laws have the effect of creating an antagonistic relationship to authorities that limits sex workers' ability to report abuse without compromising their safety and their economic security.

In countries where laws do not explicitly criminalize or penalize the selling of sex, the systematic targeting of sex workers, and sometimes their clients, for repression using other laws, such as public order laws, are not simply issues of police practice. Rather, they are reflective of state policies that allow, or more frequently, order or reward the repression of sex workers such as when a campaign to "clean" sex workers out of certain public spaces.

This research finds that regardless of whether it is lawfully or unlawfully enacted, police repression of sex workers and their clients displaces sex workers to more dangerous working environments and impedes their ability to safeguard their safety and health.

Violence by state and non-state actors can negatively affect sex workers' overall psychological and physical health. Also, violence against HIV-positive women has been found to be a barrier to treatment adherence - whether or not the perpetrator knew the victim was HIV-positive or on treatment. In addition frequent arrests and detention can lead to repeated treatment interruptions for sex workers on ART. Fear of one's drug use or sex work being reported to police or child welfare authorities can discourage sex workers from seeking prevention, treatment and care.

The economic toll of police fines and extortion create economic pressure to forego condom use and engage in riskier practices for higher monetary returns. Police use of condoms as "evidence of a crime", confiscation or destruction of condoms impede sex workers' ability to assert safer practices. Furthermore, they may result with indoor sex work venues such as brothels or saunas prohibiting condoms on the premises, out of fear of tipping off police, which reduces sex workers' ability to negotiate and enforce condom use.

So, when talking about human rights and empowerment of sex workers and achieving targets, we are talking about securing the right to work and earn one's living free of violence and discrimination, the right to equality before the law, the right to health and decent care, to privacy, the right to self organize and participate. These are all universal rights. And also sex workers' rights.

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

While women sex workers are affected by intersecting modes of oppression based on patriarchal values and pervasive violence against them as women, it is important to recognize that stigma against sex work itself has roots in traditional cis-heteronormative gender roles. The latter moreover serve to also render invisible sex workers of other

³ <http://swannet.org/files/swannet/FailuresOfJusticeEng.pdf>



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genders. Following our experience as a network of organizations and groups of sex workers advocating for their rights, we recommend the following points as a base for UN Women steps toward reducing violence, stigma and discrimination, and promoting and affirming sex workers' rights across the gender spectrum:

- Express opposition to laws and policies that criminalize or penalize sex work, be it of the sex workers, clients, or third parties, as there is a strong and robust evidence base for how such laws and policies fuel human rights violations and poor health outcomes among sex workers.
- Fund efforts to remove legal and policy barriers to ending violence: such as laws that criminalize sex work, drug use, HIV status and same-sex behavior.
- Express opposition to forced testing on HIV or other STIs, forcible drug treatment, forcible rehabilitation/exit programs as well as any other discriminatory measures against sex workers.
- Express opposition to violence against sex workers by police.
- Call for investigation and prosecution of corrupt and abusive police.
- Decrease police violence by fostering partnerships between sex workers and government ministries, including Ministry's of Internal Affairs.
- Fund and support sex worker organizations and organizations that promote sex workers' rights to support sex workers in advocating for their rights; documenting violations; providing rights-based services; and partnering with state actors and state bodies hoping to improve government responses to rights violations against sex workers.
- Support the efforts of human rights groups to collaborate with sex worker groups and undertake projects to document and confront violence against sex workers by state and non-state actors.

On behalf of

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