



## **‘Consultation seeking views on UN Women approach to sex work, the sex trade and prostitution’**

The following submission was prepared by 4 organisations representing sex workers, women who use drugs, women living with HIV and human rights organisations.

We appreciate UN Women’s decision to clarify your approach to sex work, as clarity and focus on sex workers with UN Women could improve sex workers’ access to their human rights and lead to stronger more effective programming and support. However, we must express our deep concern with the purpose and process of UN Women’s **“Consultation seeking views on UN Women approach to sex work, the sex trade and prostitution.”** Not only has the specific process of consultation been flawed, the premise and framing of the consultation are extremely problematic and pose a threat to hard fought progress to secure the rights and well-being of all sex workers. We demand a transparent, supportive consultation process where sex workers are meaningfully involved.

### **A flawed process of ‘consultation’:**

Although described as an ‘open’ consultation, our understanding, so far, is that the consultation process has exclusively required online written submissions. This has effectively and completely silenced a large portion of the sex worker community who are most impacted by the outcome of this consultation. No regional consultations or national meetings have taken place, no plan for broader direct consultation with sex workers have been shared and as a result sex workers, mainly from the global south, without computer access, who are illiterate in the colonial languages used or who simply do not have access to adequate information explaining UN treaties and processes will not have their voices heard. This serious critique has already been raised by stakeholders such as the Global Network of Sex Work Projects (NSWP)<sup>1</sup>. However, no efforts have been made by UN Women to make this consultation more accessible and this critical gap in accessibility seems to have been entirely disregarded.<sup>2</sup>

As a co-sponsor to the Joint United Nations Programme on HIV/AIDS (UNAIDS), it is only reasonable to expect that UN Women adheres to UNAIDS principles on ‘meaningful involvement of key populations’ as outlined in numerous high level declarations, key policy documents and guidance notes.<sup>3</sup> For sex workers, women living with HIV and women who use drugs, accessibility and participation is a direct manifestation of our rights to be involved in decision-making that directly affects our lives.<sup>4</sup>

### **Regressive Consultation and Policy Development Framework:**

As a coalition of advocates working on a variety of intersectional issues impacting sex workers, we have participated in consultative processes for the development of existing policies and guidelines and we are aware of the political sensitivities of policy development. However, UN Women has chosen to fly in the face of long established language and framing regarding sex work by opting for a different terminology than UNAIDS which is clearly illustrated by the title of the consultation ‘UN Women approach to sex work, the sex trade and prostitution’, This is despite ‘prostitution’ and ‘sex trade’ being listed as inappropriate language in UNAIDS Terminology Guidelines for a number of years.<sup>5</sup> Words fuel prejudice, contributes to stigma and spreads hatred. , something the guidelines recognizes.

UN Women has a mandate to advance women's equality and to act responsibly in your efforts to advance women's rights, however use of outdated and harmful language represents a step backwards.

The same is true for having a conversation on sex workers' human rights with other stakeholders while partially leaving sex workers themselves out of the discussion. We are surprised by UN Women's perceived necessity to do a broad consultation including any stakeholder 'which have an interest in this issue' and 'invite anyone who so wishes to contribute, no matter your analysis'. UNAIDS already has a sex work policy that is founded in UN Human Rights treaties, and which was developed following a meaningful consultation process with sex workers and other stakeholders. This should be the minimum standard and starting point of any further elaboration of UN Women's approach to sex work.

We are unclear why UN Women has chosen to ignore years of advocacy and the agreement of key UN organizations as to the appropriate approach to sex work and fulfilling the rights and well-being of sex workers, the same way the consultations 3 questions also raise some concerns which are reflected in our brief comments below.

**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?*

Sex workers are rights-holders just like everybody else, sex worker's human rights should not be up for 'interpretation'. Sex workers' own organisations and chosen representatives have been working in partnership with UNAIDS and the co-sponsors for several years and much commitment and effort have been invested in producing rights-based recommendations and guidelines. It would be logical for this to form the starting point for this consultation. The current approach only makes sense if there is somehow an interest within UN Women to challenge UNAIDS current position. Most critics of UNAIDS current stance proposes the Swedish model; A legal model criticized by the Commission on HIV and the law<sup>6</sup>, by Amnesty<sup>7</sup> and by sex workers in Sweden<sup>8</sup>.

**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?*

The above list seems picked for purpose, reproductive health is mentioned as a target but not ending AIDS, although sex workers face a disproportionately larger burden of HIV infection worldwide. The Lancet reports sex workers are 13.5% more likely to acquire HIV compared to women of reproductive age of the general population and decriminalization of sex work would have the greatest effect on the course of HIV epidemics across all settings, averting 33–46% of HIV infections in the next decade.<sup>9</sup> Ownership of land and assets gets mentioned but not the target on employment and decent work, despite ILO's, another UNAIDS co-sponsor, definition of decent work increasingly being used in relation to sex work. The way ending trafficking is included suggests a conflation between sex

work and trafficking which, again, goes against recommendations published by the co-sponsors to UNAIDS.

Eliminating violence against women is obviously relevant to sex workers who face a disproportionate level of violence, often as a result of ongoing criminalisation of sex work which allows violence against sex workers to happen with impunity. However, this concerns sex workers of all genders<sup>10</sup> which brings us to question 3.

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

The general question should be: ‘How best can we protect sex workers from harm, violence, stigma and discrimination.’ The question merits a thorough answer but a good starting point would be to not feed into stereotypes by portraying sex workers as only women.

This brings us back to the actual purpose of consultation; if the focus is on ensuring sex worker’s human rights the current process makes little sense, as little as the open invite to participate.

**UN Women must not be neutral when it comes to protecting the rights of sex workers.**

Arguments, mainly based on ideology, often contribute to silencing sex workers, as vocal sex workers are often dismissed as ‘not representative’ or ‘privileged’ meaning they are not important to listen to. Sex worker’s experiences are extremely diverse, and the inclusion of those who deny sex workers’ lived experiences has no place in a rights-based process. Furthermore, why should sex workers even agree to participate in a consultation that also invites their oppressors to participate? While doing the position paper on LGBT, would UN Women then allowing anyone ‘with an interest in this issue’ to participate? Even if they argue that homosexuality does not exist or can be cured? Non-transparent and overly broad consultations in fact contributes to discrimination and this is no exception. Everybody with an opinion does not have the right to influence the lives of a marginalized community simply because they object to them existing.

Sex workers are not being meaningfully involved in the process but various ‘groups, agencies and organizations which have an interest in this issue’ will have their voices and opinions heard. As a result this consultation will not be rights-based at all, but rather something that could cause sex workers harm. Unfortunately, that is often a result when processes are influenced by ideology rather than reality. Reality is key as it is the lives of women that are at stake.

We urge UN Women to:

Review their processes of consultation in this policy development process and meaningfully involve sex workers;

Ensure the process itself facilitates participation and input from sex workers from a variety of contexts and supports their participation through a zero-tolerance towards hate speech.

UN Women should base its zero draft on existing UN Language and rights based documents from UNAIDS and particularly the zero draft prepared by NSWP .

**As sex workers, women who use drugs, women living with HIV, and human rights advocates we stand together in solidarity fighting for the rights of all women and for them having the power to participate and influence political processes that concerns them, regardless if we agree with them or not, and for that process to be transparent and non-discriminatory.**

We look forward to working closely with you to find a way forward and to ensure that UN Women engages in a truly consultative process that respects and protects human rights rather than creates an opportunity for further regression.

Rose Alliance (Sweden)

Scarlet Alliance, Australian Sex workers Association (Australia)

GCW – International Community of Women living with HIV/AIDS (Global)

INWUD – International Network of Women who Use Drugs (Global)

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<sup>1</sup> <https://www.change.org/p/call-for-un-women-to-meaningfully-consult-sex-workers-as-they-develop-policy-on-sex-work>

<sup>2</sup> <https://www.theguardian.com/global-development/2016/sep/21/united-nations-consultation-sex-workers-poor-countries-no-voice-activists-say>

<sup>3</sup> UNAIDS. (2011). *UNAIDS guidance for partnerships with civil society, including people living with HIV and key populations*. [http://files.unaids.org/en/media/unaids/contentassets/documents/unaidspublication/2012/JC223\\_6\\_guidance\\_partnership\\_civilsociety\\_en.pdf](http://files.unaids.org/en/media/unaids/contentassets/documents/unaidspublication/2012/JC223_6_guidance_partnership_civilsociety_en.pdf)

UNAIDS. (2015). *UNAIDS strategy 2016-2021*. [http://www.unaids.org/en/resources/documents/2015/UNAIDS\\_PCB37\\_15-18](http://www.unaids.org/en/resources/documents/2015/UNAIDS_PCB37_15-18)

<sup>4</sup> Greater Involvement of People Living with HIV (GIPA) and Meaningful Involvement of People Living with HIV (MIPA) are principles that aim to realize the rights and responsibilities of people living with HIV, including their rights to self-determination and participation in decision-making processes that affect their lives. The concept of MIPA also aims to enhance the quality and effectiveness of the AIDS response. MIPA embodies two principles: (1) recognizing the important contributions that people living with HIV can make; and (2) creating structures for the meaningful and active participation of people living with HIV in HIV responses.

<sup>5</sup> UNAIDS. (2011). *UNAIDS terminology guidelines*. [http://www.unaids.org/sites/default/files/media\\_asset/JC2118\\_terminology-guidelines\\_en\\_1.pdf](http://www.unaids.org/sites/default/files/media_asset/JC2118_terminology-guidelines_en_1.pdf)

UNAIDS. (2015). *UNAIDS terminology guidelines*. [http://www.unaids.org/sites/default/files/media\\_asset/2015\\_terminology\\_guidelines\\_en.pdf](http://www.unaids.org/sites/default/files/media_asset/2015_terminology_guidelines_en.pdf)

<sup>6</sup> UNDP (2012) <http://www.undp.org/content/dam/undp/library/HIV-AIDS/Governance%20of%20HIV%20Responses/Commissions%20report%20final-EN.pdf>

<sup>7</sup> <https://www.amnesty.org/en/documents/eur36/4034/2016/en/>

<sup>8</sup> <http://www.nottotallystupid.com>

<sup>9</sup> [http://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(14\)60933-8/fulltext](http://www.thelancet.com/journals/lancet/article/PIIS0140-6736(14)60933-8/fulltext)

<sup>10</sup> [http://www.who.int/hiv/pub/sti/sex\\_worker\\_implementation/swit\\_chpt2.pdf](http://www.who.int/hiv/pub/sti/sex_worker_implementation/swit_chpt2.pdf)