

# OVERVIEW: SEX WORKERS' RIGHTS BASED INPUTS ON UN REPORT FOR VIOLENCE AGAINST WOMEN 2024

Toward the end of 2023, following accepted practice for UN special procedures, the United Nations' Special Rapporteur on violence against women and girls (UN SR VAW), Ms. Reem Alsalem, issued a [call for input](#) for her thematic report examining "the nexus between the global phenomenon of prostitution and violence against women and girls," to be presented at the June 2024 session of the UN Human Rights Council. Usually, these submissions are made available on the UN website except when confidentiality is requested. The thematic report can then cite submissions by name in order to build the analysis and documentation put forth in the report. Entities that submit are free to publicise their submissions as they see fit.

In her call for inputs, the Special Rapporteur used language, descriptions and an analysis of existing international human rights and criminal law with which many NGOs, scholars and advocates (both self-identified sex workers and trafficked persons, and entities providing service and advocacy for persons in the sex sector or trafficked) disagreed. The use of the term "prostitution/prostitute" rather than sex work/sex worker, for instance, is both incorrect as a matter of law and disregarding and disrespectful of the experiences and viewpoints of the diversity of people affected by prostitution laws. The Sex Worker Inclusive Feminist Alliance (SWIFA) [offered guidance](#) to those interested in responding to the call for input. Recognizing the importance of making publicly available the views of those who raised concerns about the analytic and ideological approach of the Special Rapporteur, [the Count Me In! \(CMI\) consortium has compiled, summarized and made publicly available some of the submissions to the call that reflect a sex workers' rights approach.](#)<sup>1</sup>

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<sup>1</sup> The submission included here are only the ones that were sent to CMI. We do not have access to all the submissions.



The CMI! consortium received submissions from over 70 sex workers' rights and organisations and allies worldwide, which collectively expressed concern about the Special Rapporteur's framing of sex work as articulated in the call for submissions. Several submissions engaged with the misrepresentation not only of international laws regarding trafficking and prostitution but also the diverse demographics of those in the sex sector as described in the call for submissions. These submissions also pointed out that many people are affected by laws that address sex work, including not only women and girls, but also men, trans, non-binary, migrant, queer, racialized, working class, and disabled people, as the [Equinox Initiative for Racial Justice](#) makes apparent. In addition, the tendency to conflate sex workers, who sell consensual services, and trafficked persons, as also suggested by the Special Rapporteur, leads to increased violence against individuals working in the sex sector, as the [Asijiki Coalition for the Decriminalisation of Sex Work](#) makes clear, underscoring the need for legal differentiation.

A significant number of submissions also stressed that many dominant approaches to addressing trafficking and the sex sector, such as the criminalisation of sex work, do not benefit trafficked persons and also actively harm sex workers. To the detriment of both trafficked persons and those who work in the sex industry worldwide, such approaches often exclude the voices of those working in the sex sector themselves. In contrast, the [Best Practices Policy Project](#) (BPPP) argues that an intersectional approach to policy change that centres on the inclusion of sex workers is essential in reducing violence against those in the sex sector.

Including sex workers in policy creation ensures that sex workers' access to basic labour rights and protection mechanisms are safeguarded. Emphasizing the expertise of sex workers in matters of consent and education, [The Scarlet Alliance](#), [Australian Sex Workers Association](#) and [Te Waka Kaimahi Kairau o Aotearoa New Zealand Sex Workers' Collective](#) argue for collaboration between sex worker communities, unions, and specialized legal professions in determining fair conditions for sex



workers. The criminalisation of sex work infringes upon the human rights, health, and privacy of sex workers, who face violence not due to the nature of their work, but due to discrimination, law enforcement, poverty, societal stigma, and structural impediments, as emphasized in the submission from the [International Planned Parenthood Federation \(IPPF\) South Asia Region](#).

The submissions advocate for more recognition of the diversity of sex work, persons in the sex sector, and the legal regimes that regulate the sector. In numerous countries, including in Austria as evidenced by the [Berufsvertretung Sexarbeit Österreich \(BSÖ\)](#), sex work is legal. The BSÖ argues that the decriminalisation of sex work is a necessary precondition for the safe and fair treatment of individuals working in the sex sector. Sex workers operate in various settings, whether it be online, street-based, in-house, or brothel-based, and many engage in sex work out of economic necessity. Approaches to sex work should include an analysis of sex workers as potential victims of labour exploitation, as argued by [Putamente Poderosas, Programa Compañeros A.C., and Brigada Callejera de Apoyo a la Mujer, E.M.A.C.](#)

In their submission, [CREA and the Global Health Justice Partnership of the Yale Law School and the Yale School of Public Health](#) called attention to the Special Rapporteur's misleading citations of excerpts from the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others and the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. The [International Commission of Jurists](#) (ICJ) further emphasizes that, according to international law (comprising international criminal law and human rights law), for persons over 18 years of age, States have no obligation to criminalize the exchange of sex for money per se, only harmful acts (coercion, force, fraud, abuse of authority) aimed to exploit, including those that may be directed at persons because of their subordination to others, a marginalization arising under prostitution law, often at an intersection with other punitive laws.

Overall, the 70+ organisations underscore the need for rights-based resolutions in forming legal approaches to sex work. The decriminalisation of sex work, as informed by the experiences and voices of sex workers themselves, is the first step in eradicating violence against those in the sex work sector. A human rights-based approach to sex work, supported by [empirical research](#), ensures that sex workers have access to crucial social services, remain protected from abuse and violence, and are empowered to work safely as recognized workers and rights-bearers.

