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Submission on the right to freedom of opinion and expression and gender justice for the 76th session of the General Assembly

Sex worker rights defenders (SWRDs) exercising their rights to freedom of opinion and expression face life-threatening violence in retaliation for protecting their communities. According to research conducted by Front Line Defenders in twenty countries between 2017 and 2021, SWRDs of various genders are arrested, attacked, sexually assaulted, detained, delegitimised, and defamed for their peaceful, legitimate human rights work, which is predicated upon the exercise of freedom of opinion and expression.^{1 2}

SWRDs include cisgender, transgender, non-binary, and gender-nonconforming women human rights defenders (WHRDs), as well as human rights defenders (HRDs) who identify with a range of other genders and gender expressions. Through the exercise of freedom of opinion and expression:

SWRDs protect their communities' rights to live free from violence and discrimination, to access healthcare, housing, justice, and employment, and to organise, assemble, and advocate for rights. The human rights work of SWRDs looks very similar to the work of defenders protecting other rights, especially from marginalised, criminalised, or stigmatised groups.³

Due to the stigma placed on sex work, and the lack of visibility, legitimacy, and respect afforded to the concept of sex workers as human rights holders, the work of SWRDs is, correspondingly, often not recognized as legitimate human rights defender (HRD) work. As a result, their exercise of free expression is often met with violence and retaliation.

Like many WHRDs whose identities are stigmatized, silenced, and marginalized in public spaces, SWRDs face extreme barriers to the exercise of freedom of opinion and expression. When these defenders do speak, write, document, protest, assemble, march and use their own terminology to demand physical and political space, they become targets for gendered, sexualized, and sometimes lethal attacks.

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- 1 On four fact-finding missions in Tanzania, Kyrgyzstan, Myanmar and El Salvador, researchers visited at least four regions per country and interviewed between 25 and 35 SWRDs in each. Front Line Defenders also interviewed an additional 20 to 40 sex worker community members in each country, to differentiate between risks faced by sex workers who are visible HRDs, and sex workers who do not identify as activists, community leaders, outreach workers, peer educators, or advocates. Additional shorter consultations with SWRDs were held in Tunisia, the United States, the United Kingdom, Ireland, Thailand, Malawi, the Dominican Republic and Indonesia. Remote consultations were held with defenders in Mexico, Argentina, Malawi, Zimbabwe, Eswatini, Ecuador, and Peru.
 - 2 For the purposes of this submission, Front Line Defenders understands sex workers to be adults who regularly or occasionally receive money or goods in exchange for consensual sexual services. In establishing any working definition of sex work, sex worker, or sex worker rights defender, Front Line Defenders respects that many terms related to the sex trade are the subject of ongoing critique by SWRDs themselves. Such shifts in language must be respected and, where appropriate and in consultation with defenders, adopted by the international community.
 - 3 Front Line Defenders upcoming report on Sex Worker Rights Defenders at Risk, July 2021.

This submission divides relevant Front Line Defenders findings into the following sections, covering threats and attacks against SWRDs perpetrated in direct retaliation for their visible, powerful human rights work and exercise of freedom of opinion and expression:

1. threats and attacks against SWRDs who publicly advocate for others;
2. torture and sexual assault for exercising freedom of expression while detained;
3. arrests and threats for leading human rights trainings;
4. an analysis of the intersection between violations of WHRDs' right to self-identification and their right to freedom of expression and opinion, highlighting the experiences of SWRDs.

Sections (5) and (6) detail the cases and testimonies of two individual SWRDs from Tanzania and Myanmar, respectively, who have endured sexual assault, torture, and arrest as a result of their peaceful activism.

1. Threats and attacks against SWRDs who publicly advocate for others

Between 2017 to 2021, Front Line Defenders documented and analyzed dozens of cases which demonstrate the unique risks faced by sex workers who became known, vocal, outspoken human rights advocates for their communities. The documentation demonstrates that the exercise of freedom of opinion and expression in defense of sex worker rights places individual sex workers at higher risk of persecution, and/or at risk of unique types of violence, compared to others in their community.

The types of retaliatory attacks and threats include arrest, sexual assault in detention, raids on their homes and offices, threats from managers and clients (their own and those of the sex workers they defend), physical attacks and police surveillance while conducting health outreach work, public defamation campaigns, threats to relocate the areas in which they personally sell sex from the areas in which they are known HRDs, extreme financial burdens as a result of their activism, and discriminatory exclusion from policy making spaces in which they have clear, demonstrable and unmatched expertise.

SWRDs operate at the intersection of two highly policed and often defamed identities – sex worker and HRD. This allows police and other state authorities to arrest, detain, abuse, and charge SWRDs using a wide range of spurious accusations. In Tanzania, for example, police often accuse outspoken SWRDs of “promoting homosexuality” and “promoting sex work.” In detention, many receive false charges such as theft or drug possession.^{4 5} For speaking publicly about human rights, Tanzanian SWRDs are often charged using Section 139 of the Penal Code, which relates to running a brothel, promoting sex work, and trafficking. Several HRDs have been arrested while giving public talks, workshops, or handing out information on human rights, sexual health, and harm reduction to sex workers. Of the 29 SWRDs that Front Line Defenders interviewed in Tanzania, all but two had been arrested using such accusations. The circumstances of most arrests clearly link the arrests to their activism and exercise of freedom of opinion and expression. Examples include:

- In Mwanza, police arrested a group of 20 HRDs and activists gathered in a cafe to draft their new civil society organisation’s bylaws and communications strategy. Police detained them and publicly accused them of “teaching each other new [sex work] tricks.”
- In Songea, police raided a human rights training for sex workers and arrested the HRD leading the training. They accused him of promoting homosexuality and prostitution.
- In Arusha, police arrested a WHRD on accusations of “selling” other women after neighbours became suspicious of the sex workers frequently entering her home. The WHRD has, for years,

4 In Tanzania, prostitution itself is not technically a crime. Section 139 of the Penal Code effectively criminalizes brothels and is used to target sex workers regardless of their working location. Some women, particularly in Dar Es Salaam, rent rooms in brothels to work and send money back home to their primary residence and children. A greater number of sex workers, however, including transgender, male, and female sex workers, find clients in bars, clubs, their streets, or social media.

5 Section 139 of the Penal Code: “Any person who (1) procures or attempts to procure any girl or woman under the age of twenty-one years to have unlawful carnal connection either in Tanganyika or elsewhere, with any other person or persons; or (2) procures or attempts to procure any woman or girl to become, either in Tanganyika or elsewhere, a common prostitute ... is guilty of a misdemeanour.”

served as a community mentor, vocal women's rights advocate, and opened her home to sex workers who need counselling, protection advice, or humanitarian support such as food, clothing, and shelter.

When SWRDs respond to emergency calls from other detained sex workers at police stations, police verbally and sexually harass defenders using words, gestures and threats that reference both their activism and their sex work. Outreach workers in Bishkek, Kyrgyzstan, report receiving demeaning, sexual comments from police officers when they visit police stations to advocate for the release of others.

The majority of HRDs interviewed in Tanzania had been asked or coerced into having sex with officers to secure the release of other detained sex workers, for whom they had come to the police station to advocate. This constitutes a critical difference in the treatment of SWRDs as compared with the general sex worker population. While the vast majority of sex workers are asked for sex in exchange for release, only known activists appear to be coerced into providing sexual services to secure the release of others.

Many SWRDs in Kyrgyzstan and Myanmar have been threatened that if they do not leave the police station and stop publicly advocating for detained sex workers, police will "do the same to you." Police in both countries use the same threat, appearing to reference the threat of arrest, sexual assault, or other abuse. SWRDs working with Tais Plus in Bishkek, including the organisation's Executive Director Shahnaz Islamova, said police have threatened to burn down their homes and attack their children if they do not stop speaking about sex worker rights and end their visible human rights work. In Myanmar, WHRDs report frequent threats from police to punish large groups of sex workers in retaliation for the defenders' human rights activities at police stations and in court rooms.

"In Mandalay, we had a case in which our legal counsel team successfully got a sex worker out of detention. The police followed her out of the station and shouted 'Be careful. I will arrest all of the sex workers in Mandalay.'" – Aye Aye, SWRD and Director, AMA Myanmar

Defenders in Tanzania and Kyrgyzstan have had their homes and offices raided by both state and non-state actors as a result of their visible, outspoken human rights advocacy. In Kyrgyzstan, the most common perpetrators reported were local police, nationalist "neo-Nazi" organisations, neighbours and husbands of women who HRDs are assisting either via domestic violence shelters or with legal support.

2. Attacks and retaliation for exercising freedom of expression while detained

Of the 82 sex workers Front Line Defenders interviewed in Tanzania, all but two had been sexually assaulted by police. Assaults occur on the street, in police vehicles, and in police stations. Among SWRDs specifically, all interviewed had been sexually assaulted during an arrest or detention. Many were also subjected to degrading and inhumane treatment such as being made to act like animals, crawl through sewage, or have sex with officers in public in exchange for their release. SWRDs who have objected, spoke about their rights, or refused to consent to sex with officers have been beaten and tortured. One WHRD was shocked with electric currents after she refused to perform sex acts during a one-week detention related to her human rights work. For exercising her freedom of expression and claiming her rights to humane treatment behind bars, she was further punished.⁶

In several cases in Tanzania, after police arrested a well-known, outspoken HRD and placed them in detention, they told other (non-sex worker, non-HRD) detainees that the HRD in their cell was responsible for promoting homosexuality and prostitution. In rural areas of Tanzania, police have told other detainees that HRDs are responsible for causing droughts and bringing curses on the community by speaking publicly about LGBTI rights.⁷

In Myanmar, several SWRDs reported that when they were arrested with groups of other sex workers, their attempts to stop police from sexual assaulting detainees resulted in violent collective punishment for the duration of the detention. In one emblematic case in Kachin State, police detained a group of 14 sex workers. One SWRD in the group who had legal training informed the others that they had a right not to immediately confess to all accusations, as police typically coerce sex workers to do. Police became angry with her, and beat all 14 sex workers as punishment.

⁶ Front Line Defenders upcoming report on Sex Worker Rights Defenders at Risk, July 2021.

⁷ In 2017, a detained SWRD was violently attacked by cellmates after police told them he was responsible for the drought because he promoted homosexuality. The defender had been arrested while conducting a human rights training for rural transgender women. See Annex 1.

3. Threats and attacks for leading human rights trainings

In addition to the risks associated with speaking about sex workers rights in public and in detention centres, speaking about sex workers rights to sex workers themselves was one of the most dangerous activities for SWRDs in all countries in which Front Line Defenders conducted research. Defenders have been arrested, attacked, and threatened with physical violence and murder for exercising their freedom of expression and facilitating human rights workshops for fellow sex workers. *(See Section 5)*

“At the outskirts of Yangon there’s a big van (“mobile brothel”) with 10-20 sex workers working inside, and a pimp outside selling and keeping watch for police. I went to do education there, the pimp threatened me saying I only had 10 minutes. As the same time, the sex workers really want to know about HIV and STI, so we have to do this really fast, and at the same time of course be watching for the police.” – Kye, SWRD and Health Outreach Worker, AMA Myanmar, Yangon, Myanmar

“A manager lied to my face and said he had no sex workers in his massage parlour. I could literally see girls I knew behind him. Another place told me I only had ten minutes with the girls, then he started yelling outside, banging on the door and screaming ‘time’s up’ while I was doing a private health training. I had to quickly hand out our emergency numbers, tell them to call me anytime, and leave before he revoked our access permanently.” – Thanbar, SWRD and Peer Educator, Myanmar

Several HRDs have also reported to Front Line Defenders that as their activism became better known, sex work clients they had worked with for years without incident became more violent and began threatening them to stop their activism. In Tanzania, one client explicitly referenced the HRD’s public advocacy, workshops and other human rights activities while sexually assaulting him. The risk of increased client violence, or of losing client income, often forces SWRDs to choose between food, security, and serving their community. *(See Section 5)*

4. Self identification as foundational to the rights to freedom of opinion and expression

SWRDs take grave risks to their personal security when they exercise their freedom of expression and publicly affirm sex workers are entitled to the same basic human rights as everyone else.

The human rights of those who self-identify as sex workers are often regarded as somehow less fixed, inalienable, or indivisible than any other area of human rights. SWRDs name this belief – that the rights they defend are negotiable or debatable – as the single biggest underlying threat to their security. This view is often espoused by police, security forces, government institutions, women’s rights organisations, international NGOs, other HRDs, and defenders’ own families.

For defenders, the implication of this notion is that the human rights work they do is not properly human rights work, because the populations they defend do not deserve rights based on the identities, bodies, and labour sectors in which they exist. In many instances, defenders have effectively been told they can claim rights for themselves and their communities insofar as they are willing to renounce the right to claim rights based on, and deriving directly from, a sex worker identity. In other words, that if they reject the identity sex worker, and the concept of sex worker rights, they will be allowed to claim rights from an alternate, victimised space.⁸

Self-identification is fundamental to the right to freedom of opinion and expression. The right to self-identification is often violated along gendered political lines, with WHRDs told to change or censor the words they use to describe themselves and their communities. When this occurs, their rights to free opinion and expression are undermined, as they are forced to speak from an alternate, censored place, unable to use the words that best describe their gendered experience.

Indigenous rights defenders, transgender rights defenders, Palestinian rights defenders, sex worker rights defenders, abortion rights defenders, and other WHRDs whose identities or chosen labels are deemed controversial or political are often told to censor not just their speech, but the words they use to identify and describe themselves. Media outlets, governments, NGOs, international institutions, and others undermine and endanger the work of WHRDs by referring to defenders in terms not chosen by the activists themselves.

SWRDs are regularly silenced and censored in this way. Many defenders report being told that their identity (namely the phrase “sex worker”) is too controversial, political, or offensive to be used in public forums. To secure access to funding and invitations to policy-making spaces that directly impact their communities, defenders are forced to give their organisations and collectives vague names and mission statements, which speak more about health than rights. For example, a discriminatory clause in the President’s Emergency Plan for AIDS Relief (the body overseeing United States HIV/AIDS funding) requires all grantees to publicly oppose sex work in order to receive funds. SWRDs defending the rights of communities most impacted by the AIDS epidemic have to deny their own identities, and those of their communities, to receive life-sustaining aid.

8 Front Line Defenders upcoming report on Sex Worker Rights Defenders at Risk, July 2021.

Stigma-induced censorship of the identity marker “sex worker” negatively impacts human rights defenders’ work and security. It results in less public material available for sex workers in need of support, and threatens defenders’ security by forcibly separating them from their communities.

5. Ismail Tindwa, Dar Es Salaam, Tanzania⁹

Ismail Tindwa is a SWRD in Dar Es Salaam, who conducts workshops around the country for sex workers and LGBTI+ populations, training them in both human rights and sexual health. He has also organised human rights and sensitization trainings for police officers in Dar Es Salaam, working to reduce police violence and sexual assault against sex workers during night patrols, raids and in police custody. Ismail responds to an average of five emergency phone calls per week from sex workers who have been detained and abused by police.

As a result of his human rights work, arrested and held without charge, assaulted by fellow detainees, the subject of multiple sexualised smear campaigns, and sexually assaulted by his own sex work clients. In the year leading up to both an arrest and a violent attack, Ismail's human rights work became better known. **The more Ismail exercised his freedom of opinion and expression to advocate for the rights of his communities, the more he was targeted as a gay man, sex worker, and human rights defender.**

In May 2016, Ismail was working with Stay Awake and Network Activities (SANA), an organisation working for the rights of LGBTI+ people and sex workers. A group of reporters came to SANA's office, filmed a video of the outside of the office, and broadcast the footage with accusations that the HRDs were promoting homosexuality and sex work. In the coming months, police raided his home and his human rights organisation's office several times, accompanied by reporters who publicized the raids.

In February 2017, Ismail and a fellow rights activist conducted a human rights training for sex workers in Songea, southwest Tanzania. When police raided the event venue, Ismail negotiated with the police to allow the participants to leave and detain only he and his co-facilitator. The two were detained without charge for seven days. They were denied food for up to 36 hours at a time on multiple occasions; police told them if they wanted to eat, they could "trade sex" with other detainees for food. Officers repeatedly told other detainees in their cell, some of whom were on narcotics and accused of violent crimes, that Ismail and his colleague were "responsible for spreading the gay curse" and "the reason there has been no rain" in the region. Other detainees verbally, physically, and sexually assaulted Ismail and his colleague, repeating back to them the police's words. They were released after seven days when colleagues from Dar Es Salaam traveled to Songea to pay the bond.

After Ismail was released, he began receiving threats from his neighbours and his landlord.

"I was given a notice by my landlord to leave my home because he received threats from the neighbours. They told him he is renting his house to a sex worker who is spreading homosexuality. I was then hosted by my friend outside of Dar es Salaam for a month until May 2017. In May, seven men who claimed to be police officers raided the house, took us outside and beat us. Even though we screamed, not a single neighbour came out to help. The next morning we reported it to the police and went to the hospital. I had to relocate again to stay with a different friend outside of Dar es Salaam."

9 Front Line Defenders upcoming report on Sex Worker Rights Defenders at Risk, July 2021.

In September 2017, Ismail was sexually assaulted by a client and four other men in a hotel room in Dar Es Salaam. He had worked with the client for more than five years. The client had never been violent with him before that night. During meetings in the weeks before the attack, the client began to ask questions about sex work, homosexuality, and Ismail's activism.

“He repeatedly told me that being gay was fine, and being a sex worker was fine, but that I had to stop my *harakati* (activism). He knew about the human rights workshops and trainings I do. He said this was ‘promoting’ sex work to other people, especially kids.

On September 15, I had an appointment with the client. Four extra men came to the appointment. This was not part of our booking. They demanded I have sex with all five of them. I said I would not. We argued for a while, then two of them held me down and tied a gag around my mouth so if I screamed no one would hear me. They beat my legs until I couldn't stand, then took turns raping me. They told me they were going to make sure I could never have sex with a woman or a man ever again. They held my eyelids open and ejaculated into them; they said it would ‘help me see better.’ They put my genitals in some kind of vice – I thought I was going to die.

Throughout the night, my original client kept talking about my *harakati* (Swahili for my “activism”) saying it was my fault that more people were becoming sex workers, and that I was responsible for teaching it in my workshops.

At some point I passed out. I woke up in the hospital with a police officer in my room telling me I was being charged with theft. The hotel lied to the police and said I was beat up after stealing something from my client. I needed hospital treatment for two months after the attack, and then moved back to my home village.

Later that month I learned that my client's son had told him that he was gay the month before the attack. He blamed me.”

In June 2018, Ismail was walking in a market when three men stopped him and asked him where he worked. One asked, “Aren't you the influencer of sex worker and homosexuality?” in reference to his activism. “They told me they will be watching because they know what I am doing.” Ismail again moved to a new flat in an attempt not to endanger the friend he was staying with after his landlord forced him out of his home in May.

Days later, also in June 2018, two unknown men came and knocked on the door of the house where he was staying, loudly and angrily asking for “the influencer,” again in reference to Ismail's known activism for LGBTIQ+ and sex workers.”

Since his widely publicized arrest in 2017, Ismail has also received threats from an increasing number of clients. They now explicitly reference his outspoken activism, using it as a reason to not pay him or to phone the police after their meetings.

“As a gay male sex worker who is now much more famous as an activist, I've been receiving several threats from my clients where they all keep referring to the same incident that happened

last year. They know about the other client who attacked me. Some now deny to pay me after the service and some have called the police without me knowing.”

6. Myo Myo Aye, SWRD, Kachin, Myanmar¹⁰

Myo Myo Aye is a SWRD in Myit Kyina. She attends and disseminates information from health and legal trainings, helps sex workers access blood testing services, and organises monthly meetings to update approximately 20 members of her community on law reform efforts to ensure that sex workers have the latest available information related to the various legal codes police use to target them. Myo Myo Aye also coordinates emergency health care for detained sex workers, who are often denied both health and legal services in detention. Additionally, when working on the street with groups of other sex workers, she often takes on a leadership or spokeswoman role when police harass, intimidate or assault workers.

“In 2017, police pretended to be customers and arrested a whole brothel, all 20 people. They extended the detention many times in three month increments; the court just kept extending it because there was no lawyer to defend them. We did what we could. One girl was one ARVs and we got the National AIDS program involved to get her care. One woman gave birth in detention. Finally the brothel manager paid for a lawyer to get the girls out, then made them pay the legal fees in sex.”

As a result of her visibility, she has been threatened by police officers multiple times to “relocate” her work to different cities, and explicitly told by low-ranking police officers that they are tracking her and targeting her on the street. Additionally, when she intervenes in violent or threatening interactions between sex workers and police officers on the street, she is regularly beaten alongside the women for whom she advocates.

“Two days ago, three sex workers tried to speak with potential clients in a car, but the auxiliary fire brigade called four police officers so the clients left. The police told the sex workers to choose arrest or beating. I wasn’t working with them, but I saw it from across the road. I went to try to speak with them – the girls had been working within the allowed area that night, there was no reason for them to be beaten or arrested. The police wouldn’t listen. They always remind us that sex work is illegal in Myanmar. The girls chose beating over arrest – bad things happen at the station. They beat us each three times on our back, arms, and butt. I now have injuries in each place. Often when the fire brigades ask for sex free of charge and say they will call the police if we don’t do it. They take us to a riverside or cemetery, and after we have sex they don’t pay and call the police anyway. Then the police come and demand the same, and then steal our money. I work a lot with the girls on how to negotiate with police to get their money and phones back, and the police threaten to arrest me all the time for getting involved.

“I spent 14 months in jail after an arrest in 2008. Fourteen sex workers were arrested on the street. As they were beating us before putting us in the car, I said to them, ‘You don’t need to beat us. If you’re going to arrest us because sex work is a crime, even though you don’t have any evidence, just do it according to the law,. You don’t have to beat us.’ The police started screaming at me, ‘What education do you have?’ They put us in two cars. I tried to work as

10 Front Line Defenders upcoming report on Sex Worker Rights Defenders at Risk, July 2021.

quickly as possible to tell all the girls they didn't have to confess to anything but I couldn't speak with all of them in time. In the station, many confessed when police said the 'evidence' was strong – they meant that several officers and men from local administration agree that we are sex workers. This counts as evidence. **We were kept in dark cells for three days. On the way to the cell, one of the officers who arrested us was still angry and yelling at me that I shouldn't talk back to police. He punished our whole group because I told them not to beat us.** They put us all in a different place than other sex workers, in a section that is much more dark and has many many bugs. They put us in the drug dealer section, which is mostly men, even though we are women. The lawyer came Monday and got us out.

Sometimes police officers tell sex workers they know when they are going to do a patrol, or which streets they'll focus on during the local administration's 'sex work free days' when they have arrest targets, so we can relocate. For me though, low ranking officers tell me I need to change where I do sex work permanently because I am too well known. They tell me I should start working outside of the city. The first time was in 2014. I walked by a police officer in a tea shop during the day and he stopped me and said, 'You've become really well known. If you continue selling sex we'll arrest you for sure. You should relocate somewhere outside Myit Kyina city. It might be okay to stay in Kachin state, but not the city.' He said they would come for me specifically, not even just targeting me during a regular sweep. At this time, I wasn't known yet for doing trainings, just for being the person who talked back on the street and threatened to take legal action if they beat or raped us.

I did what the police asked, and now I sell sex in cities far away from Myit Kyina. I go to brothels in other cities but it takes a full 24 hours to travel there. I stay for different periods of time, sometimes two weeks, sometimes three months, to make money then come back to my kids. But my family, my community, my activism are all still here. And still when police see me in the market, sometimes this happens every day, they always keep threatening me tell me not to come back to work in the city or they will arrest me.

My friends support me, they think it's good to talk back to police and try to stop harassment, but they don't want to do it because it's really difficult to go and work in another region many hours away.”