



January 31, 2024

To the Special Rapporteur on Violence against Women and Girls:

We are pleased to provide the following regarding the Special Rapporteur's seeking input to "better understand the relationship between prostitution and violence against women, to clarify terms, approaches and actions States should take in order to maintain the spirit of international human rights law and to effectively protect women and girls from all forms of violence." The Best Practices Policy Project is a trans and sex worker led organization dedicated to supporting groups and advocates working with sex workers and related communities in key localities and states in the United States, as well as globally through our partnerships with key organizations and advocates. We produce materials for policy environments, address research concerns, organize/mobilize and provide mentoring and long term support. Everything that we do is guided by human rights principles.

1. Provide examples of the hidden forms of prostitution, and explain to what extent they are recognized and dealt with as such?

Sex work, the exchange of sexual services for material compensation, can be forced into marginalization by state and local governments within the US and by hegemonic international policy. Criminalization of sex work ensures that we who engage in sex work regardless of our valid reasons, will not have access to effective state sponsored safety interventions in cases where our human or civil rights are violated. The refusal of governments to consider the agency of sex workers in formalizing policy forces sex workers to address our needs intra community which can often be stigmatized as "hidden" or "covert" by those who are not yet fully versed in using human rights approaches to our work. Sex workers are not hiding. We are taking rational steps to ensure our security, the welfare of our communities, and remain secure from rights violators such as the police. The informal infrastructure created by sex workers includes mutual aid, public education on the effects of criminalization on the lives of sex workers, and care networks to ensure that we are not victimized by medical

establishments. Sex workers in the US almost always have no formal recourse because sex work is forced to the margins by legislative action and stigma, and, is dealt with as a crime instead of being viewed as humans exercising their right to survival without causing harm. Economic rights such as these are foundational in human rights doctrine. Article 23 of the Universal Declaration of Human Rights states that “[e]veryone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.”

2. Describe the profile of women and girls affected by prostitution in your country, and provide disaggregated data, where possible.

Sex work is a means of ensuring economic survival and comfort for community members and our families under various constraints. Given this, sex workers hail from all socio-economic backgrounds and engage in the work for myriad reasons. Sex workers represent all genders, including, but not limited to, transgender women, people identifying as gender non-binary and cisgender women. As economic disruption due to volatile markets, right to work policies, and public health crises take place, sex work is a means to secure stability. It is impossible here to provide robust statistics on the demographics of sex workers due to sex work being criminalized and concerns about prosecution. It is understandably not in sex workers’ best interest to reveal details about who they are to the general public. Decriminalization of sex work is a necessary step toward understanding who engages in sex work and being able to share our experiences without state sanctioned reprisals. Approaches, such as the “Nordic” or “end demand” model, that criminalize and/or bureaucratically punish sex workers, their clients, sex workers’ families, public space, streets, access to banking, online spaces, housing and venues where sex work is thought to occur lead to violations of communities’ rights on a mass scale, impacting people of all genders including women and girls.

3. Describe the profile of those who solicit women in prostitution and whether such relations are regulated, and provide supporting data, where possible.

Solicitation of the services of a sex worker is also a phenomenon that takes place at every socioeconomic position. Furthermore, sex workers appeal to persons of all genders and sexual orientations. In the United States, full-service sex work is criminalized with the exception of certain counties in Nevada where it is not decriminalized but legalized. This means that full-service sex workers may work legally only under limited circumstances. In the US, there are certain forms of sex work that are legalized such as pornography, or exotic dancing. Once again we feel compelled to add: approaches, such as the “Nordic” or “end demand” model, that criminalize and/or

bureaucratically punish sex workers, their clients, sex workers' families, access banking and online spaces, public space, streets, housing and venues where sex work is thought to occur lead to violations of communities' rights on a mass scale, impacting people of all genders including women and girls.

4. What forms of violence are prostituted women and girls subjected to (physical, psychological, sexual, economic, administrative, or other)?

First and foremost, the violence women and girls engaged in sex work face is sanctioned by state and federal level economic policy and criminal law. The government's failure to ensure that all persons under its jurisdiction are assured human rights means that sex workers, who are criminalized, are subject to inhumane punitive measures based in carceral systems. This position by the government which more severely impacts Black, Indigenous, and People of Color (BIPOC) and gender diverse sex worker communities leaves sex workers vulnerable to psychological, physical, economic, sexual, and other forms of abuse at the hands of the public or government workers.

5. How is the issue of consent dealt with? Is it possible to speak about meaningful consent for prostituted women and girls?

Anti sex work advocates attempt to speak over persons in the sex trades and assert that we are necessarily coerced. This position short circuits any discussion of consent. We maintain that sex workers are constrained by the choices afforded us in a patriarchal, sexist and deeply prejudiced society. This is no different from women or persons of the global majority that must labor under policies that seek to undermine their best interest. The work conditions experienced by sex workers, like workers in any other kind of informal work sector, are threatened by these characteristics of white supremacy. Any attempt to represent sex work as inherently dangerous or inherently exploitive ignores the global history of sex work as a vocation. Sex workers' experiences are a reflection of social attitudes around sexuality and gender and cannot be remedied by the attempted erasure of sex worker voices.

6. What recommendations do you have to prevent and end violence associated with the prostitution for women and girls?

We advise that the all parts of the UN system and multilateral agencies advocate for the full decriminalization of sex work worldwide, the acceptance that sex work is work and the prioritization of sex workers' voices in any policy being created about us. We advise that sex workers are human rights advocates working on many intersectional issues

regarding HIV/AIDS, gender, sexuality, the environment, health care, the gendered impact of new technologies and numerous other human rights issues. Foundationally, we advise that the UN shift any policy of referring to sex work in terms that attempts to erase the self advocacy of sex workers on various local and international platforms. These platforms include UN mechanisms such as the Universal Periodic Review and the Commission on the Status of Women. It would behoove any actor seeking to influence policy on sex work to familiarize themselves with the impact of sex workers at the United Nations. Specifically, we recommend that the Special Rapporteur, in unequivocal language, advocate for the inclusion of sex workers in conversations about sex work policy. There are several governmental and non-governmental actors that oppose the recognition of sex workers' agency and human rights. These actors promote messages that are antithetical to the UN's mandate to promote human rights for women and girls. The neglect of Trans women and girls is an unacceptable policy exclusion. Any policy recommendations by the Special Rapporteur must be informed by the wide range of experiences faced by trans women and girls as well as cis women and girls. Finally, we call on the Special Rapporteur to call on policy makers to advocate against government sanctioned violence against Trans women and girls. This includes medical violence, physical violence at the hands of state actors, and exclusion for necessary and life saving services.

Please do not hesitate to contact us for more information by email at [bestpracticespolicyproject @ gmail.com](mailto:bestpracticespolicyproject@gmail.com).

Sincerely,

Best Practices Policy Project