

January 12, 2023

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Ms. Reem Alsalem,
United Nations Special Rapporteur on violence against women
and girls, its causes and consequences
Office of the High Commissioner for Human Rights

We are writing in regard to your recent call for inputs to inform your upcoming report on prostitution and violence against women and girls, which will be presented to the UN Human Rights Council at its 56th session in June 2024.

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We very much look forward to compiling findings from our relevant investigations. Human Rights Watch has conducted extensive research relating to questions 4-9 and 11-15 in the Call for submissions. With gratitude for your attention to this important topic, we would like to clarify several points ahead of the submission deadline on January 31.

The title of the Call for submissions highlights prostitution, but the body of the text addresses both sex work and trafficking. Human Rights Watch does not use “prostitution” nor “prostituted women and girls” to refer to either adult sex workers or adult or child survivors of trafficking for sexual exploitation. These terms are widely rejected by affected communities and women human rights defenders, due to the ways in which they contribute to the stigmatization and dehumanization of marginalized women and girls. Additionally, we have found in our [analyses](#) of several states’ legal codes that terms such as “prostitution” and “prostituted person” create an extreme amount of legal ambiguity which puts women and girls at [risk](#). Ireland’s 2017 law criminalizing the purchase of sex, for example, brought harsher penalties for sex workers found guilty of brothel-keeping and “living on earnings of prostitution.” Sex worker friends who share a flat because it’s safer than working alone now face possible arrest for keeping a brothel and a €5,000 fine or 12 months in prison.

Second, while the report seeks to address “the nexus between the global phenomenon of prostitution and violence against women and girls,” the text repeatedly cites international law related to trafficking. In several instances, it uses the terms trafficking and prostitution interchangeably. As areas of

investigation and under international law, these are three distinct concepts: trafficking into sexual exploitation, trafficking into labor exploitation, and sex work. Trafficking for labor exploitation often occurs in agriculture, garment, and domestic work. As with trafficking for sexual exploitation, it involves the recruitment, transportation, transfer, harboring or receipt of persons, by means of threat, force, coercion, abduction, fraud, deception, or abuse of power. The research we have conducted on sex work indicates that most sex work does not meet the international standard of trafficking.

As we draft our submission, we recommend that your office:

1. Clarify whether your office is collecting data on trafficking of women and girls in all areas or only those subject to trafficking for sexual exploitation;
2. Clarify how your office will address human rights violations against adult sex workers which do not relate to trafficking (such as police violence, criminalization, or discrimination in accessing housing) as part of this report, and what language you will use to refer to these abuses;
3. Adopt the language of sex work, both out of respect for affected communities and to address the ambiguities present in your Call for submissions, which tend to arise when sex work, prostitution, and trafficking are used interchangeably, and when reports fail to differentiate between trafficking into sexual exploitation and trafficking into labor exploitation.

These themes are discussed in more detail below, and we welcome the opportunity to engage further with your office.

1. Trafficking for purposes other than sexual exploitation

Credible research consistently shows that only a small percentage of sex work involves the crime of trafficking, and that most trafficking cases do not involve sexual exploitation.

The International Labour Organization (ILO) report [Global Estimates of Modern Slavery](#) found that of the 24.9 million estimated victims of trafficking globally in 2016, 20.1 million (81 percent) were “victims of labor trafficking” while 4.8 million (19 percent) were “sex trafficking victims experiencing commercial sexual exploitation.” Notably, this latter category only includes adults who “involuntarily entered a form of commercial sexual exploitation, or who have entered the sex industry voluntarily but cannot leave” and “all forms of commercial sexual exploitation involving children.” It does not include adults who have consented to sex work – a useful and important clarification that we encourage your office to adopt.

In its 2022 [Global Report on Trafficking in Persons](#), the United Nations Office on Drugs and Crime (UNODC) found that trafficking for forced labor and trafficking for sexual exploitation each accounted for nearly 40 percent of total trafficking cases reported by states, but has long [noted](#) that forced labor is “less frequently detected and reported than trafficking for sexual exploitation.” Contributing to this underreporting of trafficking for labor exploitation is the widespread failure to differentiate between sex work and trafficking, and the ambiguous use of trafficking as shorthand only to mean “trafficking for sexual exploitation.”

The need for clarity is of paramount importance to the rights of women and girls, and the ambiguity is a disservice to survivors of all related crimes. The same UNODC [report](#) found that trafficked “girls and women are three times more likely to suffer explicit or extreme violence compared to boys and men.”

We would appreciate your clarification, therefore, if the mandate also wishes to receive information about women and girl survivors of trafficking for the purposes of labor exploitation.

2. Human rights violations against adult sex workers other than trafficking

Human Rights Watch research and investigations into violations against sex workers indicate that only a small percentage of cases meet the international definition of trafficking, which require the use of force, fraud, or coercion. However, sex workers experience rampant human rights violations at the hands of both state and non-state actors, including police abuse, criminalization, stigmatization, denial of access to medical care, housing discrimination, and other abuses.

We plan to summarize and submit this information for your consideration, but would appreciate clarification on how your office plans to differentiate between abuses against sex workers which include trafficking, and abuses against sex workers which do not include trafficking.

3. Stigmatizing language

Human Rights Watch has conducted research on sex work around the world, including in [Cambodia](#), [China](#), [Greece](#), [South Africa](#), [Spain](#), [Tanzania](#), and the [United States](#). The research, including extensive consultations with sex workers and other experts, has shaped the Human Rights Watch policy on sex work, including the language we use to speak about these issues.

A 2017 [article](#) published by the Journal of Sex Research reviewed “mounting evidence of stigmatization attached to sex workers’ occupation” and found that stigmatization “plays a role in fostering an environment where disrespect, devaluation, and even violence are acceptable responses”. The term “prostitute,” except in cases in which it is explicitly reclaimed by affected communities, connotes criminality and discursively suggests that sex workers are deserving of punishment.

The Canadian feminist, sex worker-led organization Stella [explained](#) in a 2013 publication:

People use the word prostitute in different contexts: to refer to legislation where word prostitute is written into law; to refer to sex work that involves intercourse with clients; to refer to street prostitution; to refer to debasing oneself, not necessarily in a sexual context; and to refer to history when the word prostitute was used with pride. How and when we use these terms will differ depending on our audience. Sex workers’ rejection of the term is often based in how the public perceives prostitutes and prostitution rather than an inherent shame in the word itself.

We strongly encourage you to use the language of “sex work” when referring to women who call themselves “sex workers,” not only out of respect for the women involved, but also for legal clarity.

Thank you in advance for your attention on this matter. We would welcome an opportunity to discuss these issues with you in more depth.

Sincerely,



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