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**International Planned Parenthood Federation South Asia Regional Office**

**Submission to the Special Rapporteur on Violence against Women and Girls**

This submission is guided by [The IPPF position on sex work](https://www.ippf.org/resource/ippf-policy-sex-work) grounded on human rights and universal access to health frameworks included in [*Sexual Rights: An IPPF Declaration*](https://www.ippf.org/resource/sexual-rights-ippf-declaration), and key concepts such as intersectionality and reproductive justice. This submission is based on the Situation Assessment on Sex Workers’ Inclusion in South Asian countries conducted by IPPF South Asia Regional Office 2023.

We do not align with the call’s ideologically driven language which blends and overlooks the distinctions between trafficking and sex work, and usage of stigmatizing terms like “prostitute,” undermining the labour aspect of sex work. Responses to a selection of questions are given, acknowledging the fact that the questions are framed in a biased manner not reflecting the current human rights norms and standards, and respond only to the contexts of *adults over age 18* engaged in sex work.

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

Acknowledging the varied experiences of sex workers across different genders and sexualities enables a broader analysis of affected rights and interests (unfortunately unacknowledged in the SRVAWG questions). This understanding facilitates a more comprehensive response to the SRVAW's inquiries regarding diverse instances of violence within the realm of sex work, including what may be considered "hidden" forms of "prostitution." In Afghanistan, Maldives, Iran, and Bhutan, the legal landscape remains unfriendly for sex workers, as well as men who have sex with men and transgender individuals. Conversely, in Bangladesh, Sri Lanka, India, and Nepal, the absence of a legal definition for sex work leaves room for law enforcement authorities to interpret the law subjectively, potentially leading to the victimization of sex workers.

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

Although the SRVAW's mandate centres on "women and girls," this category is extensive, and the impact of sex work and criminal laws extends to a diverse range of individuals involved in selling or trading sex, including transwomen, non-binary individuals, and cisgender men, which unfortunately doesn’t is not reflected in the question posed.

1. What forms of violence are prostituted women and girls subjected to (physical, psychological, sexual, economic, administrative, or other)?
2. Who is responsible for the perpetration of violence against women and girls in prostitution?
3. Describe the linkages, if any, between prostitution and the violation of the human rights of women and girls.

Sex work is not inherently violent, but impunity for violence and limited access to justice are fuelled by discrimination and societal stigma against sex workers. On a global scale, sex workers face a 45% to 75% probability of experiencing violence throughout their lives. Members of structurally excluded groups, such as LGBT individuals, migrants, people who use drugs, and the homeless, encounter even higher levels of violence. In numerous instances, state actors directly contribute to violence against sex workers by conducting aggressive raids on sex work establishments. Indirectly, state actors also share responsibility for violence through laws criminalizing clients and third parties. Such legislation has been shown to elevate the risk of violence for women in the sex industry, contradicting the intended goal of ensuring their safety.[[1]](#footnote-1) These laws hinder women from safely working together in brothels, discouraging them from reporting abuse due to the fear of criminalization or losing housing.

 Additionally, where cases of trafficking exist in the industry, this impedes sex workers' ability to assist those in exploitation, despite evidence showing their effectiveness in detecting and responding to human trafficking within the industry.

Sex workers face ongoing structural obstacles and discrimination, making them susceptible to arrest for engaging in sex work and increasing risks of HIV, STIs, and unintended pregnancies. Countries which tolerate high levels of violence against sex workers with impunity often face challenges in HIV interventions, as these are also marred by discrimination, highlighting the need to mainstream gender equality and non-discrimination into strong HIV prevention measures. In certain nations like Afghanistan and Bhutan, family disownment of women in sex work exposes them to violence, poverty, and discrimination. Some countries even report instances of killing women involved in sex work. In Sri Lanka, sex workers are arrested under outdated laws like the Vagrancy Ordinance, leading to coerced guilty pleas, criminal records, and long-lasting repercussions on their futures. Legal support is unevenly distributed among key populations in certain countries like Bangladesh, India, and Nepal. The region encounters diverse challenges and potential solutions, yet structural interventions to address major impediments in ending HIV/AIDS among the sex worker population are not widespread. Government officials often ask humiliating questions, even publicly. Insensitivity from doctors, requiring disrobing to prove gender identity, is reported in Nepal and India. Sex workers, especially transgender women, are frequent targets for violence from clients, partners, and police. They are vulnerable to money snatching, mistreatment, and ridicule. Sexual, physical, and psychological violence is common. In Bangladesh, male sex workers experience harassment and violence from local goons, police, and the public.

1. What links are there between pornography and/or other forms of sexual exploitation and prostitution?

Restrictions on pornography and online sex work significantly impact sex workers' safety and livelihoods. Criminalizing or censoring such content limits their ability to operate online, a safer space for many. This not only curtails economic opportunities but also isolates them from vital support networks, hindering communication, advice-sharing, and collective organization. The result is an increased risk of violence and exploitation, emphasizing the need for nuanced policies that consider the well-being of sex workers.

1. How effective have legislative frameworks and policies been in preventing and responding to violence against women and girls in prostitution?

Bhutan has seen cases of gender-based violence, with reports of women being physically assaulted by both police and family members, leading to humiliation in their communities. Sex workers, in particular, frequently endure sexual and physical violence, compounded by instances where they aren't compensated for their services, leaving them with limited avenues for seeking justice. Additionally, these women often face psychological violence. The vulnerability to gender-based violence is exacerbated by the patriarchal mindset and societal positioning of women in Bhutan. This violence is not inherent to sex work, it is the result of discrimination, criminalization, and impunity.

*“Considering the strict laws against sex workers, many of the cases of gender-based violence, harassment and rape are not reported. In few cases where the sex workers seek legal action, she is further harassed and verbally abused. It is often a challenge to undertake any efforts of advocacy when the system is so strongly against your point of view”.*

* *Participant from Pride Bhutan during discussions*

In Afghanistan, the interpretation of zina (unlawful sexual intercourse) is flexible, enabling judicial authorities to discriminate against women and violate their fundamental rights. Discussions with stakeholders revealed that a significant number of Afghan women face restricted freedom of movement, limiting their opportunities and confining them indoors. In cases where women are suspected of involvement in sex work, families often take matters into their own hands, resorting to violence before awaiting any punitive actions from the Taliban.

Sex workers in Sri Lanka face a recurring cycle of violence, enduring abuse from family members, exploitation by clients, harassment by police, pimps, and arbitrary arrests. Discussions reveal that intimate partner violence and rape are prevalent issues reported by sex workers. The stigma surrounding sexual abuse and rape often deters women from reporting violence due to a lack of trust between the sex worker community and the police. Across multiple countries, male and transgender sex workers also experience physical abuse, ridicule from the public, but law enforcement rarely takes appropriate actions. In Nepal, female and transgender sex workers have reported numerous cases of gender-based violence. Once again, this violence occurs because of the impunity with which such violence is permitted as a result of the stigma and discrimination against sex workers.

In India, members of the transgender community often find themselves vulnerable to both public hostility and police mistreatment. Being visible in residential areas can lead to complaints to the police, driven by unfounded rumours linking transgender individuals to child abduction. This fear has resulted in numerous reported incidents of beatings, harassment, violence, and stigmatization. Despite the existence of the Transgender Persons Protection Act in the Indian Parliament, many beat constables either remain uninformed or choose to ignore it, resorting to violence based on gender biases. Transgender individuals are frequently targeted merely for their appearance, with arrests made under the pretext of the 'public nuisance' act. This ongoing violence and abuse often lead to arrests and imprisonment for members of the transgender community.

 Obstacles to sex workers' rights and increased gender-based violence include:

* Criminalization laws hindering sex workers from organizing and providing frontline peer services.
* Repressive funding requirements from donors impeding anti-trafficking organizations from directly working with sex workers.
* Public health laws compromising sex workers' human rights, privacy, and health service access.
* Public morality and order laws used to harass and persecute sex workers.
* Traditional, religious, and customary laws with punitive measures against adultery or same-sex relationships affecting sex workers.
* Migration laws regulating and targeting migrant sex workers.
* Drug-related laws compounding violence against sex workers.
* Homophobic laws discriminating against the LGBTQ+ community and affecting non-gender conforming sex workers.

A rights-based approach emphasizes that anti-trafficking efforts should not be a pretext for criminalizing sex work, given that trafficking occurs in various sectors. "Anti-trafficking operations" often target migrant sex workers without a genuine concern for their well-being. Criminalizing sex work pushes it underground, hindering monitoring and addressing human rights violations like trafficking and labor exploitation. Repealing such laws is crucial for creating an environment to effectively combat trafficking, as criminalization subjects sex workers to indignities, penalties, harassment, and limitations on their rights.

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

In South Asian countries, sex workers consistently confront pervasive stigma, discrimination, and violence from various sources, necessitating proactive efforts to address these structural issues. Tailored programs should consider the following services:

* Advocacy for Decriminalization and Labor Law Inclusion: Campaigns should actively work towards decriminalizing sex work, recognizing it within the framework of labour laws. This can help protect the rights and dignity of sex workers.
* Legal Awareness and Literacy: Sex workers need access to legal education to empower them with knowledge about their rights and avenues for legal recourse.
* HIV/STI Programs with Legal Support: Programs aimed at preventing HIV/STIs should incorporate legal aid and paralegal services for sex workers during instances of arrests, evictions, or any form of violence, whether sexual or physical.
* Community-Led Crisis Response Teams: Establishing site-level crisis response teams led by the community has proven effective in reducing violence. This approach ensures a swift and culturally sensitive response to incidents.
* Labor Law Inclusion Advocacy: Community groups and their allies should persist in advocating for the inclusion of sex workers under labour laws, recognizing and safeguarding their labour rights.
* Innovative Anti-Trafficking Measures: Successful models such as the Self-Regulatory Board (SRB) in DMSC, Kolkata, India and its implementation in Ashodaya, Mysore, India demonstrate the efficacy of community-led approaches in combating trafficking. These initiatives empower sex workers to self-regulate and protect their community.
* Physician Sensitization: Medical professionals should undergo sensitization training to better understand the unique challenges faced by vulnerable populations, including sex workers. This can contribute to more empathetic and effective healthcare services.
* Physician Training on Low-Cost Tools: Training physicians on low-cost tools like Visual Inspection with Acetic Acid (VIA) for cervical cancer screening ensures that affordable and accessible healthcare services reach sex workers.
* Menstrual Health and Hygiene Training: Providing training to women on menstrual health and hygiene is crucial for the overall well-being of sex workers, addressing a basic yet often overlooked aspect of their health. By adopting a rights-based perspective and implementing these services, there can be significant progress in ensuring the safety, rights, and well-being of sex workers in the region.
* Championing the decriminalization of sex work supports, rather than obstructing the efforts of anti-trafficking organizations and frontline service providers. This also helps protect sex workers’ health: According to UNAIDS and UNODC, criminalization has been proven to impede access to health-care services[[2]](#footnote-2) including effective HIV prevention, treatment, care and support services. A study in 10 countries in sub-Saharan Africa found that the odds of living with HIV were 7.17 times higher for a sex worker in a country that criminalizes sex work compared with a country that partially legalized sex work.[[3]](#footnote-3)
1. NSWP, 2018, “[Policy Brief: The Impact of ‘End Demand’ Legislation on Women Sex Workers](https://www.nswp.org/resource/nswp-policy-briefs/policy-brief-the-impact-end-demand-legislation-women-sex-workers).” [↑](#footnote-ref-1)
2. UNAIDS, 2012, “[Guidance note on HIV and sex work](https://www.unaids.org/en/resources/documents/2012/20120402_UNAIDS-guidance-note-HIV-sex-work)”. [↑](#footnote-ref-2)
3. Lyons CE, Schwartz SR, Murray SM, Shannon K, Diouf D, Mothopeng T, et al. The role of sex work laws and stigmas in increasing HIV risks among sex workers. Nat Commun. 2020;11(1):773. [↑](#footnote-ref-3)