

To: Special Rapporteur on violence against women and girls to the Human Rights Council
Subject: Input for SR VAWG's report on violence against women and prostitution
From: Sex Workers' Rights Advocacy Network in Central Eastern Europe and Central Asia (SWAN)

About SWAN

The Sex Workers' Rights Advocacy Network (SWAN) is a sex worker-led regional network in Central and Eastern Europe and Central Asia that advocates for the human rights of female, male and transgender sex workers. Currently it unites 27 member organizations from 20 countries of CEECA region.

In a region where sex workers are highly stigmatized and facing tremendous violence, with overall trends to exclude sex workers from all dialogue and decision-making processes which directly affect their work and lives, we believe **it is of the utmost importance that this consultation be inclusive of sex workers' lived experiences and sex worker group's expertise.**

We at SWAN, would like to provide the following insights and input to inform the report of the Special Rapporteur on prostitution and violence against women and girls to be presented to the UN Human Rights Council at its 56th session in June 2024, as a way forward to better understand the relationship between sex work and violence, and to clarify terms, approaches, and actions that States should take to effectively protect women and girls from all forms of violence.

Terminology/language as a tool for defending human rights of sex workers

While the call for submissions is focused on women and girls, we would like to note first and foremost that sex workers are a diverse group of people, of all genders. Promoting respectful and inclusive language is a crucial step towards ensuring the human rights and dignity of all individuals.

While not everyone who engages in sex work or earns their livelihood this way identifies as a sex worker, we will use the term 'sex work' and "sex workers" as a preferred term, rather than the highly moralized term "prostitution" and 'prostitute', as "prostitution" inherently bears with it the demeaning and exclusionary tendency of depriving those who are sex workers the right to be heard and partake in decision making and discourse which directly affects their lives and livelihoods, and more practically renders them powerless in the fight for equality and justice.

We would like to address your call for submissions which acknowledges *"the divergent views between advocates on the issue, with some arguing that the criminalization of any act related to prostitution, including pimping and the purchase of sexual acts, as well as the criminalization of prostituted women and girls, violates certain human rights such as the right to agency, bodily autonomy and integrity, as well as to non-discrimination."*

This is a mischaracterisation of the arguments of the sex worker's rights movement against criminalisation. Sex workers indeed find it important to centre their agency and bodily autonomy, regardless of gender, class or migration status. However, **the primary argument against criminalisation - of clients, third parties or sex workers themselves - is that it exposes sex workers to higher levels of violence, stigma and exploitation**, and this remains true however you choose to see them - as agents, victims, criminals, or as complex individuals.

Sex work and human rights

Human rights are universal and equally applied to all human beings. Yet, for some groups of people, accessing the claims to dignity and humanity promised by the universality of human rights can be elusive. For sex workers in particular, engaging with the human rights framework has been challenging, even dangerous, due to the adoption of 'victim narrative' as the only way to claim human rights. Your call for input itself acknowledges this, referring to *"prostituted persons, who often come from the most marginalized communities, being considered as victims of violence, and as such, should not be criminalized and should be afforded protection"*. **Sex workers do not need to be categorized as victims of violence to be deserving of protection.**

Within this "victim" narrative, a woman is forced into prostitution, either having been abducted and sold into the sex industry, or having "no choice" but to enter sex work due to poverty and demand created by men. Women in the sex sector are portrayed as helpless and unwitting, with little or no real agency and voice, thus requiring rescue and rehabilitation, while sex work is regarded as abusive and harmful—and can never be "a legitimate enactment of agency and choice."

This narrative is very problematic and harmful for sex workers for several reasons:

- Whilst poverty certainly is a driver to some people of all genders entering the sex industry, treating those who make this choice purely as victims, without taking into consideration their lived experiences takes away their autonomy, whilst also **detracting from the structural societal issues which can make sex work a preferable economic option** to those experiencing poverty.
- When sex workers are victims of violence, including extortion and threats by the police, rape, family violence, or assault and theft by clients or community members, they have very limited access to justice due to criminalisation and police brutality. Conceptualising sex work as a 'blanket' form of violence **erases the very real instances of violence that sex workers experience and the damage that abolitionist legal models do in preventing their access to justice.**
- Likewise, when sex workers encounter exploitative working conditions such as low wages, wage theft, unsafe working conditions and policies, this exploitation is rendered invisible as well, since the persons in sex work are imagined as 'exploited' merely by virtue of selling sex. Both criminalisation and the nordic model keep sex work in a 'black market', leaving exploitative bosses to thrive with impunity. Sex workers have always, and continue to, fight for better working conditions - **only operating under a decriminalisation framework allows them access to the existing labour laws in their countries.**
- It completely disregards the principles of all persons' rights to self-determination, regardless of gender, class or migration status, and discredits the role of sex workers

themselves as potential partners with a key stake in discussions about their experiences and policy decisions that might affect them.

We call upon the Special Rapporteur on violence against women to lead the way, by abandoning the 19th and 20th century arguments, and use language and narratives based on claims for equality, labor rights and the lived experiences of sex workers themselves.

Violence against sex workers

In Central and Eastern Europe and Central Asia, incidents of violence and human rights violations against sex workers are very high, and well documented by numerous civil society organizations and academic institutions.^{1,2} Sex workers' organizations and networks invest serious attention to document the factors which allow violence against sex workers to continue with impunity. All evidence shows that **sex work is not inherently violent by its nature, but criminalisation, stigma and discrimination against sex workers are the key driving factors which make sex workers especially vulnerable to violence.**

Community led research conducted by SWAN in 2015, (covering 16 countries and 320 respondents)³, explains how the laws and by-laws that criminalize or penalize sex work enable human rights violations against sex workers on a very large scale, by providing license for police to control and punish sex workers. Our ongoing work shows that in terms of the context for violence, the perpetrators and their impunity, and the complete lack of possibilities for legal redress, to date, the reality has not changed, and violence by state and non-state actors permeates in the CEECA region and beyond.

In addition to laws and by laws used against sex workers, third-party laws that criminalize brothel owners, managers and individuals who facilitate sex work (which can include family members, friends, and security personnel) are used to control, punish and harass. Even when lawfully enacted, these laws in effect make it impossible to seek police assistance or report crimes; sex workers are left without the possibility for legal redress and compromise their safety and economic security.

In order to eliminate violence against sex workers, it is of the utmost importance to secure the right to work and earn one's living free of violence and discrimination, the right to equality before the law, the right to health and care, to privacy, the right to self-organize.

Sex work and violence in the context of migration

- ***Regional migration trends***

Most of the mobility trends among sex workers in CEECA largely align with the general movements of labor migration across most sectors and most industrialized nations. In this

¹ [Shah-Aiym Network publishes the results for their documentation of violence against sex workers in Kyrgyzstan - SWAN](#)

² [Sex Worker Rights Defenders At Risk, Front Line Defenders](#)

³ [Failures Of Justice - State and Non-State Violence Against Sex Workers and the Search for Safety and Redress](#)

respect, sex workers share the same aspirations and motivations for a better standard of living as any other economic migrants. However, sex workers find themselves at the intersection of several forms of discrimination that create some specific push factors for sex worker migration. Economic inequality, gender-based discrimination and violence - including whorephobia and transphobia, combined with state violence via police harassment and abuse shape the decisions that sex workers make to travel and to do sex work.⁴

The outbreak of the war in Ukraine and geopolitical and economic shifts in the region caused massive refugee and migration crisis⁵ and has further impacted the safety, livelihood and mobility of sex workers.

- ***Mobility and vulnerability to violence***

While the recent refugee and migration crisis affects the lives of all people searching for safety and survival, migrant sex workers criminalisation and stigma create even harsher circumstances and repercussions to their human rights and well-being.

Criminalisation, threats of deportation, high fines and related police extortion mean that migrant sex workers cannot access the protection of the police or seek justice when they have been harmed - without risking serious penalties and/or their stay in the country. Additionally, migrant sex workers often face intersecting discrimination related to their status as a sex worker, other aspects of their identity, and xenophobia or racism directed towards migrants.⁶

- ***Conflation between sex work and trafficking***

The complex situation experienced by migrant sex workers, is heavily burdened by anti-trafficking discourses and policies that conflate sex work, migration trafficking and sexual exploitation. These discourses, led by abolitionist groups, adhere strongly to the 'victim narrative', create confusion, and negatively impact the living and working conditions and in particular, the safety of both sex workers and victims of trafficking.

Even though trafficking can occur in different sectors of the labour market and is not unique to the sex industry, many governments, policy-makers, and especially anti-trafficking organizations and women's rights advocates are focusing their anti-trafficking campaigns solely on sex work. We are constantly witnessing how anti-trafficking measures are used by police to conduct raids on workplaces. Whilst these raids are publicly justified under the guise of 'rescuing victims of trafficking', they are mostly immigration and anti-sex work raids. Migrant sex workers caught in such raids are typically either arrested and detained as criminals or taken to shelters as victims.

For the sex workers rights movement, acceptance of sex work as work is key to advancing the human rights of sex workers. "Analyzing sex work through a labour framework means that discussions are focused on improving the working conditions within the sex work industry rather than continuing protracted moral debates about the acceptability and legitimacy of selling sex. **It recognises that there is nothing inherently violent or exploitative about sex**

⁴ [Sex Work and Migration in CeeCa | SWAN](#)

⁵ [The impact of the war in Ukraine on sex workers and sex worker led organisations in CEECA](#)

⁶ [Sex Work and Migration in CeeCa | SWAN](#)

work but that violence and exploitation are a result of bad laws, policies and labour practices.”⁷

Analysing sex work through labour rights framework is especially important given that sex work is often part of the informal economy making sex workers, especially migrant workers, particularly vulnerable to labour exploitation.

Recommendations

1. Acknowledge and listen to voices of sex workers as most affected by the discourses, laws, policies and practices which conflate trafficking for sexual exploitation, “victim narrative” and sex work;
2. Ensure that all decisions influencing rhetoric and debates around sex work and exploitation are made not on a moral, but pragmatic grounds, based on evidence and documented implications to health and safety of sex workers;
3. Adopt terminology, which is non-stigmatizing, neutral, and provide space for self-identification of sex workers instead of condemning them as criminals or victims. This is crucial for providing a space for inclusion and participation in public debates of sex workers as equal citizens in a democratic societies;
4. Express opposition to laws and policies that criminalize or penalize sex work, be it of the sex workers, clients, or third parties, as there is a strong and robust evidence base demonstrating that laws and policies fuel human rights violations and poor health outcomes among sex workers.
5. Abandon the promotion of end-demand models that criminalize clients of sex workers, as harmful to sex workers safety and livelihood;
6. Adopt a labor framework for analysing sex work and join the promotion of decriminalization of sex work, as the only model which ensures the health and rights of sex workers and decreases the vulnerability to violence and exploitation;

For more information on sex work and human rights in CEECA please do not hesitate to contact SWAN at marijat@swannet.org or stasa.plecas@swannet.org .

On behalf of Sex Worker Rights Advocacy Network (SWAN)



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⁷ [Framework-on-Rights-of-Sex-Workers-CEDAW-1.pdf \(iuraw-ap.org\)](#)