**SR - VAW Call for Inputs. Links between “Prostitution” and Violence against sex workers**

**Submitted by** Sex worker organisations and allies,[[1]](#footnote-1) Bangladesh

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**Background**

Since the forced eviction of sex workers from the Tanbazar Nimtoli brothels in Narayanganj in 1999, we have advocated for the rights of sex workers. 86 organisations, including feminist groups, human rights organisations, sex workers organisations, legal aid organisations, journalists, artists, and cultural groups formed a platform called Shonghoti, which continues to work with sex workers.

A significant achievement of this movement was the adoption of the term “sex work” instead of “prostitution” in mainstream discourse to denote adults who provide sexual services for money or in kind. The High Court Division of the Supreme Court also used the term “sex work/sex workers” in a petition against the government’s actions in Tanbazar. This legal victory recognised the rights of sex workers to work and the state’s obligation to protect their dignity. The government of Bangladesh now officially uses the term “sex work” in its documents.[[2]](#footnote-2)

**Violence against sex workers**

Although sex work itself is not inherently violent, sex workers often face targeted **physical and sexual violence**. about 80% of sex workers in Bangladesh are subjected to physical and sexual abuse by their clients and others.[[3]](#footnote-3) This violence is intensified by laws and policies that isolate sex workers from their communities and discourage them from reporting incidents of violence.

Sex workers experience high rates of targeted violence because perpetrators are aware that they are reluctant to report such incidents to the police, which stems from the fear of harassment or legal repercussions for themselves, their colleagues, and third parties.

The criminalisation context leads sex workers to perceive the police as potential threats to their livelihood, intimate relationships, freedom, and overall well-being. This also fosters a culture of impunity towards violence against sex workers.

Sex workers experience intimate partner violence, but often hesitate to report incidents due to fear of law enforcement. Partners exploit the criminalisation of sex work by threatening to expose sex workers. This becomes critical when sex workers fear losing custody of their children.

Sex workers face **psychological violence** due to the stigma associated with their profession. This stigma reinforces the belief that sex work is inherently exploitative, using terms like “prostituted women,” thereby fostering a culture of violence.

The stigma surrounding sex work relies on stereotypes and assumptions about sex workers, clients, and third parties, perpetuating the idea that sex workers are “exploited persons” without agency, necessitating protection through the criminalisation of their livelihood, a form of **economic violence**.

**Perpetration of violence against sex workers**

States that implement punitive measures against sex work by criminalising various aspects, such as public solicitation, and third-party involvement, bear ultimate responsibility for creating conditions that expose sex workers to targeted violence.

In jurisdictions where providing sexual services is criminalised, safe communication between sex workers and clients is not possible.. This diminishes sex workers’ ability to screen clients and negotiate transaction terms, making them vulnerable to violence and abuse.

Criminalising third-party involvement facilitates targeted violence by hindering the deterrence of inappropriate client behaviour, discouraging explicit safety discussions, and limiting access to controlled, safer work venues with restricted access and security measures.

**Violation of the human rights of sex workers**

International law has not explicitly deemed prostitution incompatible with the dignity and worth of the human person. The UN Working Group on discrimination against women and girls highlighted that criminalising clients and third parties, as part of criminal law, results in the infringement of sex workers’ rights to private life, housing, and non-discrimination.[[4]](#footnote-4)

This viewpoint is shared by various human rights and women’s rights organisations, including Amnesty International,[[5]](#footnote-5) the International Commission of Jurists,[[6]](#footnote-6) Human Rights Watch,[[7]](#footnote-7) UNAIDS,[[8]](#footnote-8) the International Community of Women Living with HIV,[[9]](#footnote-9) the Global Network of Sex Work Projects and the Association for Women’s Rights in Development,[[10]](#footnote-10) the Global Alliance against Traffic in Women,[[11]](#footnote-11) and the Global Commission on HIV and the Law.[[12]](#footnote-12)

Researchers have documented how laws criminalising sex work violate sex workers’ rights across various domains, including health, life, security of the person, freedom from torture and cruel, inhumane and degrading treatment, work, privacy, equality, and non-discrimination.

Bangladesh is also a signatory of the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR), all of which collectively underscore the importance of human rights without discrimination based on gender or occupation.[[13]](#footnote-13)

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) specifically addresses gender-based discrimination and violence against women. The CEDAW Committee's General Recommendation No.19 recognises gender-based violence, including that which affects women engaged in sex work.[[14]](#footnote-14)

**Consent**

National Children Policy 2011 of the Government of the People’s Republic of Bangladesh defines all individuals under 18 as children, which means there is no construct called “girls in prostitution” in Bangladesh; it is child sexual abuse.[[15]](#footnote-15) Therefore, the issue of consent for children and adults when it comes to sex work must not be conflated.

Sex workers are certified by the local authority after a sworn affidavit is given and a fee paid to the police. A magistrate issues a certificate, to ensure the sex worker’s right to consent.[[16]](#footnote-16) Despite economic constraints and limited options, sex workers exercise agency and possess the ability to provide meaningful consent to sexual activities.

Advocates for criminalising the “demand” for sex work often propagate rape myths, asserting that those who provide sexual services are unable to discern whether they are exploited or consenting. Sexual autonomy, a fundamental principle, emphasises the right to communicate and establish clear, ongoing consent to sexual activities—an idea upheld by courts globally.[[17]](#footnote-17)

However, laws criminalising sex work create conditions that hinder sex workers’ ability to communicate, negotiate, and establish their terms by undermining explicit conversations between sex workers and clients or third parties. These laws also deprive sex workers of the capacity to consistently and meaningfully consent.

**Lessons learned**

The long legacy of the sex workers’ rights movement started in Bangladesh after the forcible removal of sex workers from Tanbazar Nimtolu brothels in Narayanjanj on 24 July 1999 by the government of Bangladesh.[[18]](#footnote-18) This highlights the importance of legal recognition, and establishing legal precedents for safeguarding the human rights of sex workers.

A petition,[[19]](#footnote-19) was filed against the government challenging the illegal detention of an evicted sex worker and her 11-month-old daughter. On 14 March 2000, the High Court Division of the Supreme Court observed: “Prostitutes initially get themselves enrolled with the local administration expressing the desire to be prostitutes and get themselves confined to the brothels and get the required protection to continue in their profession by the local administration whereby they are maintaining their livelihood which the state in the absence of any prohibitory legislation has a duty to protect and a citizen has the right to enforce that right. Article 11, provides for dignity of the human person, though not enforceable; but the sex workers as citizens have enforceable rights under Articles 31 and 32.”[[20]](#footnote-20)

The landmark judicial decision affirmed the rights of sex workers, emphasising the duty of the state to protect their livelihood in the absence of prohibitory legislation.

**Recommendations**

Ensure full decriminalisation of sex work, which includes decriminalising the space, sex workers, clients and third parties.

Develop and implementpolicies by meaningfully including sex workers to protect their rights and dignity, and acknowledge the complex nature of the violence.

Implement campaigns to challenge societal stigmas surrounding sex work and encourage reporting of violence by creating safe spaces for sex workers to access support services without fear of discrimination.

Combating stigma and discrimination also entails being mindful of using the term “sex work,” a profession individuals choose to take part in, as opposed to “prostitution”, which involves trafficking and sexual abuse. The conflation of these two takes away the agency of sex workers and enables an environment where they can be subjected to a wide range of violence by both the state and other perpetrators.

The call for the repeal of sex work offences aligns with recommendations from UN Special Procedures[[21]](#footnote-21) and other UN agencies[[22]](#footnote-22). The UN Special Rapporteur on the right to health has specifically highlighted the adverse consequences of criminalising third parties, advocating for the decriminalisation of sex work and condemning the conflation of sex work and human trafficking.[[23]](#footnote-23)

UN Women has expressed support for decriminalisation, recognising that the conflation of sex work, sex trafficking, and sexual exploitation leads to inappropriate responses hindering the realisation of rights for sex workers and victims of trafficking.[[24]](#footnote-24)

The UN Working Group on Discrimination against Women and Girls concluded that the decriminalisation of sex work, including clients and third parties, offers the greatest promise in addressing systemic discrimination, violence, and impunity for violations of sex workers’ rights.[[25]](#footnote-25)

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