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**To:** The UN Special Rapporteur on Violence against Women, Ms. Reem Alsalem

**RE: Input for SR VAWG's report on violence against women and prostitution based on academic evidence**

January 29, 2024

Dear Ms. Alsalem,

I am writing in my capacity as an **academic researcher and global health professional with over 25 years of experience** in the design, implementation and evaluation of programmes to improve health and well-being of female sex workers (FSW). I have worked with communities of FSW in settings as diverse as post-civil war Cambodia, rural Tanzania, countries in Eastern Europe and the former Soviet Union, and Zimbabwe.

First, I would like to **commend your inclusion of the needs and concerns of FSW** in your review of violence against women and girls for your forthcoming report to the Human Rights Council. FSW are too often neglected due to their marginalized position in society. I also note that your call for input provides background information on the consensus that individuals involved in selling sex should never be criminalized themselves.

I am concerned, however, that much of the **call for input conflates all sex work with human trafficking and violence**. The last 30 years has seen significant debate around this issue, but the most reputable international organizations working in women's rights and human rights have issued statements differentiating these phenomena and recommending decriminalization, see those by [Amnesty International](#), [Human Rights Watch](#), [International Planned Parenthood Federation](#) and [UNAIDS](#).

The last two are particularly pertinent, as FSW are highly vulnerable to HIV, other sexually transmitted infections, unwanted pregnancies and mental health challenges. **Those who provide sexual and reproductive health services have best been able to do so when sex workers are treated with respect**. My own research in Cambodia found that local anti-trafficking efforts and "rescue raids" caused FSW psychological distress, reduced their access to health services, and increased their exploitation as they were forced to rely on more aggressive brokers to avoid police detection. These findings have been [published by Harvard](#), the [British Medical Journal](#), and profiled by the [UNODC](#).

**If FSW are defined solely as "victims of violence" even when consenting to sex work**, then they are **not being respected as adults with agency and rights**, but infantilized and treated as children who do not know what is best for themselves in their own life circumstances. Within my own field of sexual and reproductive health, the scientific evidence overwhelmingly demonstrates the **harms to health caused by [different forms of criminalization](#)**.

Conversely, there is a **large body of research demonstrating the effectiveness of community involvement in addressing FSW's needs and priorities, including empowering FSW to lead their own programmes** in both [high-income countries](#) and [resource-poor settings](#). These studies are systematic reviews and meta-analyses, representing the gold standard in evidence synthesis.

**Violence against FSW** is, of course, one of the risks encountered by FSW, but this is **often at the hands of the police, immigration officers, and other state actors**. Police violence has been found to be a [determinant of HIV risk](#). It is unlikely that most countries will be able to adequately control existing police harassment and exploitation of FSW if any aspect of their livelihoods remain criminalized; FSW rarely trust the police and are loathe to report violence from clients or partners if they think there could be repercussions beyond the crime of violence (i.e. prosecution on the basis of purchasing sex of men on whom FSW rely financially or emotionally). **Undocumented migrant women, whether involved in sex work or not, become vulnerable to abuse** when anti-trafficking measures [provide opportunities to detain them](#), even under the guise of "rescue."

I would like to end by highlighting one [specific study](#) that my colleagues and I conducted in Zimbabwe, a country where in 2013, a survey of 2722 FSW found that 50.4% reported having been stopped by the police in the past year. We took advantage of a **"natural experiment" in policy change** when a 2014 court order interpreted the new national Constitution in favor of 9 FSW who had been convicted of solicitation. Zimbabwe Lawyers for Human Rights (ZLHR) successfully argued that the national law meant that both the conduct of solicitation must be specified, i.e. evidence of a proactive attempt to procure a client rather than based on the person's location and/or clothing, *and* that the "solicited person" must attend court. Based on the absence of these requirements, the convictions were overturned, and the media reported the case in a way that (erroneously) implied that police were no longer allowed to arrest sex workers. In 2016, a repeat survey of 2883 FSW found that police harassment had dropped to 29.3% FSW reporting having been stopped. Police stops are routinely opportunities for police to extort money or sex from FSW, and to assault them both physically and sexually.

In conclusion, **while violence and trafficking are both serious offences against women (and others), they do not universally characterize the experiences of FSW**. Adult FSW are a diverse group of women and are able to define their own needs, identify priorities, and work together for mutual gain including advocating for their rights and well-being. They need to be enabled to do so by the removal of barriers including well-meaning but ultimately misguided efforts to act for, rather than *with*, them and their communities. I hope you will take the wealth of accumulated evidence into account.

Please do not hesitate to contact me should you require further information.

Yours sincerely,



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