

## **NOW MORE THAN EVER SEX WORKERS NEED UNAIDS TO RESPECT AND PROTECT THEIR HUMAN RIGHTS!**

29 November 2013

Dear Michel Sidibé

**We** are writing with regards to the recent communications between Equality Now representatives and yourself, as Executive Director of UNAIDS, on the full decriminalisation of sex work. We have noted with concern the content of your recent response.

Upholding the rights of sex workers and others involved in sex work has been globally recognized as a crucial strategy in responding to HIV, as well as enabling sex workers to challenge abuse, be acknowledged as rights bearers and to access justice. Punitive laws, discriminatory and brutal policing and denial of access to justice for people involved in sex work creates a vicious cycle of human rights violations, and in turn fuels the HIV epidemic.

Sex work needs to be decriminalised in order for the rights of sex workers to be protected. Anti– sex work organisations have criticised the United Nations call for decriminalisation of sex work on the grounds that this will promote trafficking and sexual exploitation. This relentless conflation of sex work and trafficking severely undermines the human rights of sex workers and also fails to secure rights of people who are trafficked; by misdirecting resources into policing sex work, rather than identifying people who are coerced and providing appropriate support.

Any argument that seeks to define sex work as violence and exploitation forecloses discussion over the rights of people involved in sex work to pursue it as a livelihood. It exacerbates the lack of legal remedies to redress violence and erodes the efforts of sex workers fighting for legal and social recognition of their rights to dignity and livelihood. Sex work is work, and sex workers should not be defined as either criminals or victims, such an analysis harms not only sex workers but all women.

The argument that decriminalisation will increase exploitation by legalising pimps and brothel owners; is made with a limited understanding of commercial sex. Decriminalisation will help sex workers address abusive or sub-standard or unfair working conditions instituted by both state and non – state actors. Branding decriminalisation an attempt to legalise ‘pimps and brothel keeping does not help sex workers in their struggles for rights, including the right to health, and justice.

The term “third parties” used by the sex worker rights movement recognizes the diverse third party working relationships that sex workers have. In contrast, the term, “pimp” is a stigmatizing racial stereotype. It posits sex workers as victims rather than as workers, denying their agency. Sex workers can be employees, employers or participate in a range of other work related relationships. Framed as targeting exploitative working relationships of sex workers, third party laws are also used to target the personal relationships of sex workers, as well as workplaces. The criminalisation of sex workers’ personal relationships amounts to the criminalisation of sex workers themselves, while the criminalisation of workplaces mitigates against sex workers ability to protect themselves from HIV and other STIs, and gain labour rights.

The sex workers rights movement is aligned with the women’s movement in joining anti-trafficking groups in condemning all forms of human trafficking and emphasise that these are human rights abuses and

crimes. Sex work must not be equated with trafficking or sexual exploitation. Sex worker-led organisations are important agents in combating trafficking.

**We** urge the UNAIDS Secretariat to stand with the co-sponsors, the sex workers rights movement and the women's movement - and to respect the findings of the Independent Commission on HIV and the Law, in calling for the full decriminalisation of sex work, including sex workers, their clients and third parties. Sex workers need the appropriate use of legislation to protect them from criminal acts of abuse and violence, HIV, and substandard working conditions.

In Solidarity



**Meena Saraswathi Seshu, Human Rights Defender, SANGRAM India.**

**List of signatories.**

**Now More Than Ever**

**Sex Workers need UNAIDS To Respect and Protect their Human Rights!**

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| 96  | <i>Guacira Cesar de Oliveira</i>  | CFEMEA- Centro Feminista de Estudos e Assessoria   | Brazil       |
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| 98  | <i>Sushila Kunde</i>  | Vidhrohi mahila manch  | India        |
| 99  | <i>Women Won't Wait – End<br/>HIV and Violence Against<br/>Women. Now</i> | Members of the “ <b>Women Won't Wait – End HIV and Violence Against Women. Now</b> ” campaign include: <i>Action Aid; African Women's Development and Communications Network (FEMNET); Akina Mama wa Afrika (AMwA); Association for Women's Rights in Development (AWID); Center for Women's Global Leadership (CWGL); Center for Health and Gender Equity (CHANGE); Fundación para Estudio e Investigación de la Mujer (FEIM); GESTOS-Soropositividade, Comunicação &amp; Gênero; International Community of Women Living with HIV&amp;AIDS Southern Africa (ICW-Southern Africa); International Women's AIDS Caucus; International Women's Health Coalition (IWHC); Latin American and Caribbean Women's Health Network; Open Society Initiative for Southern Africa (OSISA); Program on International Health and Human Rights, Harvard School of Public Health; SANGRAM; VAMP; and Women and Law in Southern Africa (WLSA).</i> | Global       |
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