



Only Rights Can Stop the Wrongs

NSWP STATEMENT

CRIMINALISATION OF THIRD PARTIES AND ITS IMPACTS ON SEX WORKERS' HUMAN RIGHTS

NSWP wishes to clarify a number of issues in the light of some recent media coverage on the subject of the decriminalisation of sex work. Several articles have appeared recently that have made some alarmist and extremely misleading statements in response to an original article in the New York Times Magazine (published 5th May 2016).

As a sex worker-led global network with 262 member organisations across 77 countries from Africa, Asia Pacific, Caribbean, Europe, Latin America and North America, representing tens of thousands of sex workers from diverse cultures and experiences, NSWP has a fundamental right to be involved in consultations around international and national policies that impact on sex workers' lives and work. Attempting to silence sex workers by denying our agency and calling us pimps, traffickers and industry lobbyists is unacceptable.

The sex workers' rights movement is committed to the full decriminalisation of sex work in the belief that it will help sex workers organise to eliminate exploitation, oppression and violence and address unfair and abusive working conditions instituted by state and non-state actors. Branding the decriminalisation of third parties as an attempt to 'legalise pimps and brothel keeping' undermines sex workers in their struggle for labour rights and justice.

In reality, sex workers can be employees, employers, or independent workers and participate in a range of other work-related relationships with third parties, for example paying someone to drive them to appointments or do their advertising.

Third party laws are used in various ways that impact upon sex workers, including to target their personal relationships:

- Criminalisation of sex workers' workplaces (and the third parties who own and run them) increases sex workers vulnerability to HIV transmission, in contravention of ILO's Recommendation 200.





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- Criminalisation of managers exposes sex workers to unsafe working environments. The decriminalisation of managers has enabled sex workers to challenge unfair and abusive working conditions, and refuse clients that they don't want to see.
- The police use condoms as evidence against both sex workers and third parties - which puts sex worker's health at risk.
- The police use third party laws to harass sex workers and limit their access to services and support by targeting other parties, such as landlords who are threatened with prosecution if they allow sex workers to rent premises or media outlets who accept sex workers' advertisements.
- Sex workers themselves can be prosecuted if they work together using third party laws, increasing their vulnerability to violence.
- The children or partners of sex workers can be prosecuted as third parties, for living of the earnings of a sex worker.

Criminalisation of sex work contributes to violence against sex workers – including violence perpetrated by state actors, human rights violations such as mandatory testing, stigma and discrimination in health services, and fear of seeking government-supported services. The criminalisation of sex work keeps governments and employers from prioritising workplace health and safety for sex workers.

In some of the recent media articles, the authors have made inaccurate statements in reference to Alejandra Gil, who was Vice-President of NSWP, Pye Jakobsson, who is President of NSWP and other sex worker rights activists Robyn Few and Margo St. James, who have all defended sex workers' human rights for decades. Legislation that is based upon stigmatising and discriminatory assumptions that conflate sex work and human trafficking and coercion and the denial that female, male and transgender sex workers have agency to decide to migrate and to engage in sex work is undermining the human rights of sex workers, and does little to protect the human rights of those who are victims of trafficking. Bad laws are not in the interest of anyone's human rights!

NSWP have issued several statements in relation to the [criminalisation of clients](#) and the [Swedish Model](#), the [criminalisation of third parties](#) and Alejandra's case. These include, in the case of Alejandra, a [full briefing here](#) which was presented to the office of the UN Special Rapporteur on the situation of Human Rights



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Defenders in Geneva in March 2014, and a more recent statement [here](#) on our website.

The [UNAIDS Guidance Note on HIV and Sex Work](#) (2012) clearly states that many anti-trafficking laws encourage the assumption “that all or most sex workers are trafficked into sex work against their will.” It also clearly calls for anti-trafficking interventions to “be reviewed and evaluations carried out to ensure that the human rights of both sex workers and trafficked persons are being protected.” Criminalisation of sex work impedes the anti-trafficking efforts of sex worker-led organisations and makes it easier for sex workers to be wrongly categorised as trafficked persons or as human traffickers. Anti-trafficking initiatives must be evidence-based and grounded in human rights principals. They must not negatively impact on the human rights of sex workers, their clients or third parties¹.

[The Joint United Nations Programme on HIV/AIDS \(UNAIDS\)](#), [UNFPA](#), [WHO](#), [UNDP](#), [Amnesty International](#), [Human Rights Watch](#), the [Global Commission on HIV and the Law](#), [the World Bank](#), [Open Society Foundations](#), the [Global Network of People Living with HIV](#), the [Global Forum on MSM and HIV](#), the International Women’s Health Coalition, the [Association for Women in Development](#), the [American Jewish World Service](#), the [Global Alliance Against Traffic in Women \(GAATW\)](#), [The Lancet](#), The Global Fund for Women, the Elton John Foundation and the [International Community of Women Living with HIV](#) all support the decriminalisation of sex work. Undeniably, there is a growing body of evidence to support the positive impact that decriminalisation can have upon ALL women’s human rights.

¹ The term ‘third parties’ includes managers, brothel keepers, receptionists, maids, drivers, landlords, hotels who rent rooms to sex workers and anyone else who is seen as facilitating sex work.