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27 September 2013

We the undersigned individuals, collectives of sex workers and networks of sex workers across India would like to state that:

Anti-sex work groups have recently criticised the United Nations' call for decriminalisation of sex work. This criticism is a continuation of a long history of mixing messages on sex work and trafficking that serves to undermine the human rights of people in sex work.

Over the past few days, anti-trafficking organisations including Equality Now; Eaves; the Coalition Against Trafficking in Women in the US, Philippines and Australia; the Social Democratic Party in Denmark and organisations in Canada, South Africa, India, Italy, France and Japan have issued statements and protest letters, and called for a campaign against United Nations reports recommending decriminalisation of sex work. These groups want people to believe that all sex work is trafficking. Their continued assertion that there is no such thing as 'voluntary sex work' is a denial of reality.

The United Nations position on decriminalization of sex work echoes that of the Global Commission on HIV and the Law; which has a distinguished panel of high-level officials and other experts, [*Risks, Rights and Health (2012), published by UNDP*] and that of the UN Advisory Group on HIV and Sex Work, which included representatives of major regional networks of sex workers, representing hundreds of thousands of sex workers around the world. Another UN report [*Risks, Rights and Health (2012), published by UNDP, Sex Work and the Law in Asia and the Pacific (2012)*] also calls for the recognition of the rights of people in sex work.

Both reports have played a crucial role in recognising that punitive laws and policies have fuelled the stigma and discrimination resulting in extreme forms of violence against sex workers by State and non – State actors; further exacerbated by the denial of access to justice. The reports have in essence argued that sound laws and policies that protect rights of people in sex work are essential to protect them against HIV. These recommendations are also backed by evidence provided by more than a decade of global HIV prevention efforts.

Sex work organisation do not equate sex work with trafficking or sexual exploitation, which are clear human rights abuses and crimes. A deliberate conflation only results in an analysis that hurts all women whether in sex work or not. Sex work is work, and sex workers are neither criminals nor victims.



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In many instances the anti- trafficking discourse has emerged as a convenient mechanism of restricting the migration of women - especially third world women into the first world.

The argument that decriminalisation will increase exploitation by legalising pimps and brothel owners is made with a limited understanding of the sex trade practice. NNSW states that sex work is work and all workers demand safe working conditions. NNSW works towards making sex work safe.

Some feminists posit sex work as violence, and this viewpoint forecloses any discussion over the rights of people in sex work to pursue it as a livelihood option. Activists and sex worker collectives fighting for the rights of sex workers argue, that in order for stigma of discrimination to end, fundamental rights must be extended to people in sex work and the continued social stigma and misinformation must be challenged. Any framework that sees consenting adult sex work as violent and exploitative, and criminalizes clients will drive the practice underground, and expose already vulnerable sex workers to greater stigma and violence. It will also exacerbate the lack of legal remedies to redress violence and will erode the efforts of sex workers fighting for legal and social recognition of their rights to dignity and livelihood.

Sex worker organizations around the world join anti-trafficking groups in condemning all forms of human trafficking. Indeed, sex worker collectives are frequently important agents for combating trafficking, especially that of minors. Sex workers recognize the ills of trafficking and want to fight it, which is only possible if the community of sex workers are strengthened as workers with a right to fight against criminalization.

The suggestion that criminalizing clients of sex workers is an anti-trafficking solution is not supported by evidence. In fact as is being seen in the case of Sweden where the purchasers of sexual transactions are criminalized, it exposes sex workers to increased violence.

The Supreme Court of India in *Budhadev Karmaskar v. State of West Bengal*, stated that along the recognition of prevention of trafficking and rehabilitation of sex workers **who wish to leave sex work**, it is essential that conditions conducive for **sex workers to live with dignity** in accordance with the provisions of Article 21 of the Constitution, must also be recognised.

The distinction between sexual exploitation and consensual adult sex work is very significant as it enables sex workers and their advocates to legally contest oppressive and forced sex work towards creation of safe and dignified work conditions for sex workers.



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In New Zealand, decriminalization of sex work led to greater protection of sex workers from violence and abuse, and sex workers reported that they were more likely to seek the help of the police. In addition the independent evaluation commissioned by the New Zealand government reported no marked increase in trafficking.

International evidence and experience shows that when sex workers are allowed to organize and do their work, they are among the most effective agents of HIV prevention and care in many communities, but sex worker organizations continue to be harassed and in some cases violently attacked in the name of anti-trafficking.

As the UNAIDS Guidance Note on Sex Work and HIV notes: “The unwillingness or inability of people to recognise that people can freely decide to engage in sex work means that sex workers are often automatically labelled as victims of trafficking when they are not. Assuming that all sex workers are trafficked, denies the autonomy and agency of people who sell sex. Moreover, such perspectives mean that anti-trafficking efforts typically ignore the possibility of engaging sex workers as partners in identifying, preventing and resolving situations that do involve trafficked people. Sex workers themselves are often best placed to know who is being trafficked...”.

We therefore call on all organisations to oppose this attempt to undermine the rights of sex workers world over.

Endorsed by:

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