



Global Network of Sex Work Projects
Promoting Health and Human Rights

Global Monitoring of CEDAW Concluding Observations Relating to Sex Work

case **STUDY**



Introduction

NSWP has developed a global monitoring system to track and analyse the concluding observations relevant to sex work that are published by the Committee for the Elimination of All Forms of Discrimination Against Women (CEDAW) three times a year for those countries that have ratified the CEDAW Convention¹. The purpose of the monitoring is to track which types of recommendations that CEDAW makes for different countries to improve the status of women and what this shows about CEDAW's awareness and inclusion of sex workers' rights. The term "sex work" is not used by CEDAW, as they use the language of the "exploitation of prostitution" and "trafficking" of women, contained in Article 6 of the CEDAW Convention. Article 6 states: "State Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women." The vagueness² of the language used in Article 6 of CEDAW, and in CEDAW General Recommendation 38³, and the failure to distinguish between trafficking, exploitation and sex work fuels harmful legislation, policies, and practices that impact sex workers' human rights, including an overly broad application of anti-trafficking measures. This also provides an opportunity for the Convention to be used to advance fundamentalist feminist and abolitionist groups' harmful perspectives on sex work.

Therefore, it is important that sex workers and sex workers' rights activists engage with the Convention and seek to influence the CEDAW Committee's recommendations that impact the lives of sex workers. Not only can sex workers' rights activists challenge the harmful interpretations of Article 6 that are proposed by fundamentalist feminists and abolitionist groups, but they can also play an active role in claiming CEDAW as a human rights instrument that protects women sex workers in all

their diversity. Monitoring is useful for identifying which recommendations that affect sex workers with reference to Article 6 are made most frequently, so that future advocacy for sex workers' rights in the CEDAW review process can challenge the recommendations that are harmful towards sex workers, while encouraging recommendations that strengthen sex workers' rights.

NSWP's monitoring to date encompasses the concluding observations from CEDAW sessions 60-85 (2017-2023). Within this time period, 190 country reviews were carried out (including 31 countries that were reviewed twice within this period). The analysis recorded the concluding observations for each country under categories of recommendations made by CEDAW. The categories created were based on the most frequent types of concluding observations and corresponding recommendations made for each country that pertained to sex work. The concluding observations were counted across the different sessions and recorded in relation to specific queries, such as how many rights-affirming or harmful recommendations were made over time, or how many rights-affirming recommendations were made for countries where sex worker shadow reports were submitted from NSWP-supported organisations. From this analysis, it was possible to assess the extent to which concluding observations have changed across the review sessions; the impact of NSWP's technical support for shadow reports; the impact of sex worker shadow report submissions to the CEDAW Committee; and the trends in concluding observations made across regions.

¹ Committee on the Elimination of Discrimination against Women, 1979, "[Convention on the Elimination of All Forms of Discrimination against Women](#)."

² NSWP, 2019, "[Briefing Note: Sex Work is not Sexual Exploitation](#)."

³ NSWP, 2020, "[NSWP Statement on CEDAW committee general recommendation no. 38 \(2020\) on trafficking in women and girls in the context of global migration](#)."



Review of Rights-Affirming Concluding Observations

The concluding observations understood as rights-affirming include those aimed at reducing stigma and discrimination against sex workers, promoting access to healthcare, addressing barriers in accessing justice, criticising the unintended consequences of anti-trafficking measures, reducing violence against sex workers, encouraging the removal of penalties for engaging in sex work, supporting the rights of migrant sex workers, and increasing the right to safe workplaces.

For the purposes of this case study, all CEDAW session information and associated documents can be searched for on this central link; <https://www.nswp.org/what-we-do/cedaw>. NSWP's comprehensive CEDAW page hosts a wide range of useful information, including helpful resources, reporting guidelines, shadow reports, as well as links to state party reports and the Committee's concluding observations of relevance to sex work.

The CEDAW committee has periodically expressed concern regarding the stigmatisation of women sex workers by the general public (Vietnam, 61st session; Mongolia, 63rd session; Bangladesh, 65th session). Likewise, the CEDAW Committee has repeatedly expressed concern relating to general discrimination against women sex workers (Kyrgyzstan, 60th session; Mongolia, 63rd session; Bangladesh, 65th session). A particularly strong example of this comes from the concluding observations for Bangladesh in 2016:

“The Committee is also concerned about discrimination and violence against women in prostitution and their children who face stigmatisation ...The Committee Recommends that the state party provide effective protection and prevent discrimination and violence against women in prostitution and their children...”

Bangladesh, 2016, CEDAW/C/BGD/CO/8, paras. 20, 21f

The Committee has asserted that *“special attention should be given to the health needs and rights of*

women belonging to vulnerable and disadvantaged groups” including women sex workers (General recommendation No. 24, para.6). It has also acknowledged that sex workers are among the groups of women “particularly vulnerable” to STIs and expressed concern relating to inequality and discrimination in sex workers’ access to health services (ibid, para. 18; CEDAW Background paper concerning article 6, para. 16; Tanzania, 63rd session; Bangladesh, 65th session; Malawi, 62nd session). The Committee has also expressed concern relating to the health implications of legal regimes that criminalise third parties and clients and emphasised the need for monitoring of unintended consequences of the Nordic Model on sex workers’ health (Canada, 65th session). It has asserted the need to study the effects of the criminalisation of clients and third parties on the security and health of women sex workers. (France, 64th session).

The CEDAW Committee has expressed concern for the barriers women sex workers face in accessing justice (General recommendation No. 33 on women’s access to justice, para 49, 47a), in particular justice for women sex workers who are victims of violence (General recommendation No. 19: Violence against women, para 15; CEDAW Background paper concerning article 6, para. 15; Kyrgyzstan, 60th session; Belarus, 65th session). Sex workers also experience violence and injustice through the enforcement of anti-trafficking legislation, such as raids of brothels and other sex work venues. The Committee has expressed concern regarding discrimination of and violence against sex workers in the implementation of anti-trafficking legislation (El Salvador, 66th session; Thailand, 67th session; Cambodia 74th session; Latvia, 75th session; Denmark, 78th session; Senegal, 81st session). This is an important concluding observation to highlight as it is directly related to the conflation of sex work and trafficking. When sex workers are regarded as victims of criminal activity, then interactions with police authorities will most often be in the form of raids and surveillance of their workplace. Sex workers will be less inclined to trust the police and recoil further out of sight to avoid raids and other intrusions into their workspaces. Sex worker-led organisations’ advocacy with CEDAW can help expose the injustices sex workers experience from carceral anti-trafficking measures which are



framed as action to 'reduce exploitation'. This could pave the way for encouraging the Committee to recommend human rights-based anti-trafficking measures that do not harm sex workers.

The CEDAW Committee has frequently recognised and condemned violence against sex workers by state and non-state actors. (General recommendation No. 19: Violence against women, para 15; Vietnam, 61st session; Belarus, 65th session; Ukraine, 66th session). The committee has at times also noted the direct link between criminalisation and violence: "The Committee...is concerned at...the reports of widespread violence and discrimination against women in prostitution, enabled by the penalisation of prostitution as an administrative offence under article 6.11 of the Code of Administrative Offences, which results in various forms of abuse, including extortion, beatings, rape and even killing of women in prostitution" (Russian Federation, 62nd session).

Generally, the CEDAW Committee has called to end criminalisation of behaviour that is unequally policed or enforced between genders, calling on States to "[a]bolish discriminatory criminalisation and review and monitor all criminal procedures to ensure that they do not directly or indirectly discriminate against women...[and]...decriminalise forms of behaviour that are not criminalised or punished as harshly if they are performed by men" (General recommendation No. 33 on women's access to justice, para. 51).

The Committee has occasionally recommended the "decriminalisation of women in prostitution" acknowledging for some States that sex workers are negatively impacted by criminalising measures that impede their access to justice (General recommendation No. 35 on gender-based violence against women, para. 29a,i; Angola, 72nd session; Qatar, 73rd session; Lithuania, 74th session; Russia, 80th session). The intention of the "decriminalisation" recommendation, however, does not consistently stem from a human rights-based view of sex work. For Qatar, for example, the Committee expressed concern that sex workers

could face up to five years imprisonment and thereupon recommended "decriminalisation" of "women in prostitution." For Lithuania, however, the Committee "recommends that the State party... decriminalise prostitution and recognise women in prostitution as victims." In the latter case, "decriminalisation" is recommended because the CEDAW Committee sees sex workers as victims who should be rescued.

The Committee has equally paid attention to and condemned ways that sex workers remain criminalised, prosecuted, or harassed through administrative penalties and other measures. (Vietnam, 61st session; Russia, 62nd session; Belarus, 65th session; Canada, 65th session; Romania, 67th session). Also noteworthy is the Committee's condemnation of licensing schemes that impose penalties on sex workers who fail to register (Senegal, 61st session). The Committee has specifically called on States to end direct criminalisation of women sex workers (United Arab Emirates, 62nd session; Malawi, 62nd session; Tanzania, 63rd session), having noted "positively the decriminalisation of prostitution"⁴ (Greece, 20th session) and recommended it in the States parties where prostitution was reported to be an illegal activity, for example in China and Liechtenstein. At the same time, the Committee has often recommended the criminalisation of third parties involved in sex work, frequently recommending "that States parties review their criminal code in order to punish persons who procured women for prostitution" (CEDAW Background paper concerning article 6, 2003, para. 12, 8). There is an inconsistency in pushing for the 'decriminalisation' of sex workers on the one hand, yet encouraging the criminalisation of others involved in sex work, such as clients and third parties. This is still harmful towards sex workers and denies sex work as work (see following section "Anti-third party and anti-trafficking recommendations").

General Recommendation No. 26 on Women Migrant Workers (2008) offers a sturdy framework through which to discuss the situation of migrant

⁴ The definition of decriminalisation used by CEDAW only refers to the removal of penalties for selling sex, which is often accompanied by a legalisation model, as in Greece: <https://www.nswp.org/country/greece>



women sex workers in countries that have implemented 'end demand' approaches (which criminalises the purchase of sexual services), who often disproportionately suffer under such legal frameworks⁵. Most noteworthy, the Recommendation urges States to meaningfully involve migrant women workers at all stages of policy formation and development (para. 23b), repeal direct and indirect discrimination against women in visa schemes (para 26a), and ensure occupations dominated by migrant women workers are granted labour protections (para 26b). The recommendation also urges States to ensure that women migrant workers have the ability to access remedies when their rights are violated (para 26i) and to promote the social inclusion of women migrant workers (para 26k). These recommendations have occasionally been reflected in the concluding observations for State parties pertaining to Article 6, particularly with regard to work permits, as for Switzerland following the 65th review session: "The Committee recommends that the State party...regularly review the situation of foreign women who are engaged in prostitution, or who are affected by the State party's decision to abolish the status of 'cabaret dancer', in order to protect them," (CEDAW/C/CHE/CO/4-5). In most of the concluding observations, the Committee recommends granting "temporary residence permits" to "women and girl victims of trafficking". (Portugal, 62nd session; Germany, 66th session; Turkey, 82nd session; United Arab Emirates, 82nd session). While migrant women in sex work could benefit from this recommendation being implemented, it is still connected to their being viewed as victims rather as workers in need of labour rights. Recommendations to strengthen migrant women's rights still fail to explicitly include women sex workers who are migrants. Future advocacy addressing this part of the Convention must highlight this nuance and show the harms of conflating sex work and trafficking when addressing the challenges faced by migrant women.

On four occasions, the Committee has supported access to safe workplaces for women sex workers (Costa Rica, 67th session; Thailand, 67th session;

Norway, 68th session; Nepal, 71st session). For three out of the four countries assigned this concluding observation, sex worker shadow reports were submitted prior to the review session that drew attention to the importance of including sex workers in social protection and of the application of labour regulations to ensure safe working conditions. For Thailand, for example, "the Committee recommends that the State party...ensure the full application of labour laws and social benefits in all enterprises in the entertainment sector, especially to women employed in the legally operating enterprises in that sector" (CEDAW/C/THA/CO/6-7, para. 27f). Calling for the right to safe workplaces is an example of a rights-affirming recommendation that ensures that sex workers are covered by the CEDAW Convention. Including evidence for the importance of good working conditions for sex workers in shadow reports is key to encouraging the CEDAW Committee to make this recommendation more frequently in concluding observations.

Review of Harmful Concluding Observations

The concluding observations understood as harmful encourage investigation of root causes of "prostitution and trafficking"; 'end demand' legislation; exit programmes; anti-third party sanctions; and alignment with the Palermo Protocol and the language of "sexual exploitation" in reference to sex work.

In many instances, the Committee has recommended that State parties invest more in measures to address the "root causes of prostitution" (Azerbaijan, 60th session; Gambia, 61st session; Portugal 62nd session; Mongolia, 63rd session; Turkey, 64th session; Netherlands, 65th session; Rwanda, 66th session; Italy, 67th session; Paraguay, 68th session; Fiji, 69th session; Turkmenistan, 70th session; Congo, 71st session; Angola, 72nd session; Guyana, 73rd session; Cambodia, 74th session; Zimbabwe 75th session; South Africa, 80th session; Namibia, 82nd session;

⁵ NSWP, 2018, "Policy Brief: The Impact of 'End Demand' Legislation on Women Sex Workers."



Belgium, 83rd session; Georgia, 84th session). This damaging approach by the Committee distracts from encouraging States to invest in more meaningful, rights-affirming measures. Focussing on 'root causes' implies that the Committee continues to view sex work itself as a problem and the wording in the concluding observations alternates between examining the 'root causes of trafficking' and 'root causes of prostitution'. Since CEDAW still conflates sex work and trafficking, the recommendation to look at 'root causes' must be understood as a concern about sex work in general.

Recommendations to 'end demand' for sex work

The Committee has demonstrated substantial inconsistency on the Nordic Model. Regarding countries that have implemented this model, the CEDAW committee has given frequent praise to Sweden, while expressing concern over the ways that sex workers continue to be criminalised in Canada and calling on Norway to continue to monitor data relating to public attitudes on sex workers and clients. For Norway specifically, the Committee has expressed concern "about the unintended consequences of the criminalization, since 2009, of the purchase of sexual activity or a sexual act from adults, in particular the higher risk for the personal safety and physical integrity of women in prostitution, as reflected in the low reporting rate of physical and sexual violence, exploitation and harassment, and the risk of their being evicted from their premises when used for prostitution" (CEDAW/C/NOR/CO/9, 2017, para.28).

Recommendations to address the demand for sex work were often accompanied by shadow reports submitted to the country review sessions from anti-sex work NGOs (Equality Now for Lebanon and Liberia, 2015; CAATW for Haiti, 2016; Nordic Model Now for United Kingdom, 2019). In some cases, an 'end demand' recommendation was assigned, despite the submission of shadow reports from sex workers' rights organisations (Russia, 62nd session; Kenya, 68th session) or from shadow reports from women's rights organisations advising against the 'end demand' approach (Spain, 61st session). In the first two cases, the 'end demand' recommendation was made alongside other rights-affirming recommendations in the concluding observations,

demonstrating a failure to understand that the 'end demand' approaches cause significant harm to sex workers.

The committee has remarked on the size of the sex industry in Nordic Model countries. For example: "the Committee...notes with appreciation the information provided that street prostitution has been reduced by 50 per cent in the State party since the adoption in 1999 of a law prohibiting the purchase of sexual services." (Sweden, 63rd session). After the 80th session in 2021, CEDAW encouraged Sweden to continue with its "pioneering role and innovative approaches" to fighting trafficking through the 'end demand' approach. Interestingly, however, the Committee's assessment of the sex industry in Sweden since the introduction of the sex purchase ban took a turn in 2021. According to the concluding observations for Sweden issued after the last country review (CEDAW/C/SWE/10, para. 25f):

"The Committee is nevertheless concerned about ... The increasing demand for prostitution and the lack of information on the measures taken by the State party to reduce it."

CEDAW/C/SWE/10, para. 25f

However, in Sweden's State Party Report submitted in June 2020, "The Government has assigned the Swedish Institute to support Sweden's missions abroad in their work to provide information about the Swedish prohibition of purchase of sexual services." (Para. 94). Therefore, it appears contradictory that the CEDAW Committee claims that there is a lack of information on the measures taken by the State Party to reduce demand for sex work. Moreover, Sweden has repeatedly championed the sex purchase ban as a measure to address the demand for sex work. In contrast to the concluding observation issued by CEDAW in 2021, the reports about the effect of client criminalisation published by the Swedish Ministry of Justice in



2010⁶ and by the Swedish Institute in 2019⁷ claim that there has been a decrease in demand since the introduction of the law in 1999. However, in 2021 a report by the Swedish CEDAW Network⁸ (25 NGOs) could only indicate the number of cases involving clients that had taken place in Sweden since the introduction of the ban, revealing little about the size of the demand:

"Furthermore, few cases of procuring and buying sex lead to prosecution and a conviction. In several counties, not one single person was convicted of buying sexual services in 2019, despite 764 cases being reported in Sweden overall. No-one has been given a custodial sentence for buying sex since the law was introduced."

CEDAW Network Kvinnor i Sverige, 2021

The contrast in perspectives evident in the State party reports, NGO reports and CEDAW concluding observations for Sweden regarding the development of the sex industry point to a striking instability in the case for the 'end demand' model. The contradictory outcomes of these reports show that claims about the effect of criminalising the purchase of sex on the demand for sex work, or on the size of the industry, are not robust and therefore cannot be used as a basis for policymaking.

With countries that have not yet implemented the 'end demand' model, the Committee has prioritised different aspects of the model for each country. For several countries, the committee has recommended the criminalisation of clients. For example: "The Committee...recommends that the State party adopt a comprehensive policy to address the demand side of prostitution and that it consider adopting the use of sanctions against purchasers of sexual services." (Denmark, 60th session; Liberia, 62nd session; Lebanon, 62nd session; Mongolia, 63rd session;

Philippines, 64th session; Argentina, 65th session). It has also expressed concern about the policy of exempting clients from prosecution if they are able to provide information about trafficking activities in sex work. For example: "The Committee recommends that the State party... ensure the effective protection of women in prostitution from exploitation, including by reviewing its criminal law provisions on the exploitation of prostitution in consultation with the Advisory Commission on Human Rights, especially the requirement of proving the vulnerability of victims and the exemption from prosecution of clients if they disclose information on procuring or trafficking rings" (Luxembourg, 69th session, CEDAW/C/LUX/CO/6-7 para. 34b).

Exit programmes

The CEDAW Committee has consistently called on States to "develop exit programmes, including alternative income-generating opportunities, for women who wish to leave prostitution," (Uruguay, 64th session, CEDAW/C/URY/CO/8-9 para. 26; and also: Ecuador, 60th session; Croatia, 61st session; Slovenia, 62nd session; Iceland, 63rd session; Turkey, 64th session; Bangladesh, 65th session; Sri Lanka, 66th session; Nigeria, 67th session; Guatemala, 68th session; Korea, 69th session; Mexico, 70th session; Tajikistan, 71st session; Serbia, 72nd session; Cote d'Ivoire, 73rd session; Kazakhstan, 74th session; Eritrea, 75th session; Kyrgyzstan, 80th session; Panama, 81st session; Namibia, 82nd session; Belgium, 83rd session; Georgia, 84th session). Exit programmes were included 136 times in the concluding observations from the 60th to the 85th sessions, making this the most frequent recommendation in relation to sex work. Focussing on exit programmes shows that the Committee still views sex work itself as a problem, rather than when the conditions in which sex work takes place are problematic. While this is framed as a neutral recommendation for improving the situation of those who do wish to leave sex work, it is not a

⁶ Ministry of Justice Sweden, 2010, "[Ban on the Purchase of Sexual Services - An Evaluation 1999-2008 English Summary.](#)"

⁷ The Swedish Institute, 2019, "[Prostitution Policy in Sweden – targeting demand.](#)"

⁸ CEDAW Network Kvinnor i Sverige, 2021. "[Women in Sweden 2021: A review of Sweden's compliance with the Convention on the Elimination of All Forms of Discrimination Against Women \(CEDAW\), page 19.](#)"



rights-affirming recommendation. Most 'exit' programmes for sex workers focus on 'rehabilitation' and on steering sex workers toward alternative employment rather than fostering economic security. Many programmes require participants to stop sex work before receiving any support and fail to meaningfully involve sex workers in the design of the programmes. This ignores the call for quality and rights-based programming that centre on the expressed needs of sex workers. At the same time, successful sex worker-led programmes are often overlooked, underfunded and rarely considered for scale-up and roll-out.⁹ Constantly promoting exit programmes perpetuates the stigma against sex work as an undesirable occupation that has no place in society, which in turn fuels discrimination against sex workers.

Anti-third party and anti-trafficking recommendations

Less frequent, but also troubling, are recommendations from the Committee to expand the definition of 'pimping' or 'promoting crimes'. For example: "The Committee recommends that the State party...[a]dopt a comprehensive definition of pimping to make possible the adequate prosecution of those who exploit prostitution" (Spain, 61st session). Anti-third party recommendations are frequently phrased as such: "Ensure the effective prosecution and conviction of perpetrators of exploitation of the prostitution of women and girls;" (Timor-Leste, 62nd session) or "...provide for stricter penalties for traffickers and those who exploit women in prostitution..." (Tunisia, 84th session). Without clearly defining what "exploitation" means, this inevitably includes people who earn money through the organisation or facilitation of sex work, such as through the provision of premises, or including drivers, cleaners, security, or receptionists. Third parties should not be automatically portrayed as taking advantage of sex workers by providing workspaces or other services that support them.

Such recommendations place third parties on par with organisers of trafficking for the purposes of exploitation. This often results in the prosecution of venue owners, managers or other third parties, and other sex workers, and the closure of safe and reliable workplaces for sex workers.

Finally, the Committee has often recommended the alignment of State parties' anti-trafficking legislation with the language and definitions of exploitation used in the "Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons"¹⁰ (Bolivia, 61st session; Sri Lanka, 66th session; Singapore, 68th session; New Zealand, 70th session; Zimbabwe, 75th session; South Africa, 80th session; Senegal, 81st session; Switzerland, 83rd session). CEDAW does not use the term 'sexual exploitation' in the Convention itself. However, the CEDAW Committee has regularly incorporated the language of the Protocol, including the use of 'sexual exploitation', into its general recommendations and concluding observations. The impact of this ambiguity, given the significant influence of these two instruments, has been extremely problematic and has increased the vulnerability of sex workers, undermining their protection under human and labour rights law.¹¹ Also problematic is the distinction that the Protocol makes between "sexual exploitation / the exploitation of prostitution" and forced labour, meaning that it fails to recognise sex work as a form of labour. If countries create policies for sex work in line with this perspective, then sex workers will continue to be treated differently to other types of workers by being subject to discriminatory regulations that conflate sex work and trafficking. Exceptionalising the type of exploitation that can occur in sex work dismisses the more common forms of labour exploitation that are also found in other types of work. This is not a rights-affirming foundation that can pave the way towards decriminalisation, which would enable labour laws and regulations to apply to sex work, so that sex workers can effectively be protected from

⁹ NSWP, 2020, "Briefing Paper: Economic Empowerment for Sex Workers."

¹⁰ "OHCHR, 2000, Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, Article 3a.

¹¹ NSWP, 2019, Briefing Note: Sex Work is not Sexual Exploitation.



exploitation.

Changes in Concluding Observations over time

There were **34 countries** for which **3-6 rights-affirming concluding observations** were made between the 60th and the 85th sessions. For **54 countries**, **3-5 harmful concluding observations** were made between the same sessions. Within that session time frame, there were more countries with at least three harmful recommendations than those with at least three rights-affirming recommendations. This provides strong evidence that efforts to push for sex workers' rights through active engagement with the CEDAW process must continue, in order to increase the number of countries with rights-affirming recommendations.

There had been a steady decrease in the overall number of harmful recommendations made from the 60th to the 72nd sessions, and then this trend reversed with a steady increase from the 73rd to the 82nd sessions. The most frequent harmful recommendation made is exit programmes.

Conversely, there was a significant increase in rights-affirming recommendations made after the 63rd session, then after some slight fluctuations, a further significant increase after the 75th session.

There is a slight change in the number of rights-affirming recommendations made within each category from the 60th to 82nd sessions (looking at the numbers of each type of recommendation made in smaller session intervals). Disappointingly, after the 82nd session, there is a significant drop in the number of rights-affirming recommendations. This correlates with the fewer shadow reports submitted and fewer representations to the Committee by sex worker-led organisations after the 81st session. The change in harmful recommendations made within each category is similarly insignificant from the 60th to the 82nd sessions. However, it is notable that there were a significantly greater number of harmful recommendations made during each session interval from the 60th to the 85th sessions than rights-affirming recommendations.

From the 60th to the 85th sessions, there were more harmful recommendations made than rights-affirming recommendations in total. However, there are more different types of rights-affirming recommendations than harmful recommendations. This could be because the rights-affirming recommendations tend to echo the various demands made in shadow reports from sex workers' rights organisations (i.e.: the right to safe workplaces, sexual and reproductive health service needs). Without this representation by sex worker rights organisations, CEDAW Committee members have a limited awareness of the circumstances of sex workers and their diverse needs.

There are still very limited recommendations that acknowledge the rights of sex workers directly or that address non-discrimination and substantive equality for sex workers. Many recommendations that CEDAW maintain are intended to 'protect victims of trafficking', impact negatively on sex workers, such as criminalising demand for sexual services and increasing police inspections of workplaces.

However, some recommendations intended to support victims of trafficking, such as improved access to justice and healthcare and migrant residency rights, are the kinds of recommendations that would also be of benefit to sex workers.

Shadow reports

Out of the 190 country reviews that took place from the 60th to the 85th session, 33 were accompanied by a sex worker shadow report (17%). In view of the change in rights-affirming and harmful concluding observations made across sessions before and after a shadow report was submitted, 15 of the 33 countries (45%) were assigned at least three rights-affirming recommendations for sex workers after the review session accompanied by a sex worker shadow report. This makes for a solid case for the positive impact of shadow reports by sex worker-led organisations. Seventeen of these countries received NSW technical support for their shadow reports submitted in the latest year of review. Across the 33 countries for which sex worker shadow reports were submitted, the most prevalent rights-affirming recommendations for the



corresponding session were for **anti-violence measures, anti-discrimination, access to healthcare, and the removal of penalties**. A review of shadow reports from sex worker-led organisations and the concluding observations reveals that the CEDAW Committee has tended to consider rights-affirming recommendations contained within the shadow reports and incorporated them into the concluding recommendations. The recommendation for addressing gender-based violence and discrimination against sex workers is a strong example of this pattern. For the 80th session in 2021, NSWP member OPSI (Organisasi Perubahan Sosial Indonesia) submitted a shadow report that richly documented incidents of violence against sex workers in Indonesia and the exacerbating impact that several local regulations prohibiting activities related to sex work have had on the levels of violence. In its concluding observations for Indonesia following the review session, the CEDAW Committee included a clear recommendation to “Repeal discriminatory local regulations” and “Investigate and prosecute cases of gender-based violence and discrimination against women in prostitution, bring perpetrators to justice, and destigmatize women and girls in prostitution” (CEDAW/C/IDN/CO/8, para. 32b&c). Shadow reports do have an impact on the CEDAW Committee’s concluding observations, and it is worthwhile to continue to submit shadow reports documenting sex workers’ experiences for CEDAW review.

It is worth noting that from the 81st to 85th sessions, only four sex worker shadow reports were submitted (from Panama, Switzerland, Germany, and Spain), three of which were submitted as part of a coalition. This means that there was very limited focussed input from sex workers’ rights organisations for these review sessions, which correlates with the low number of rights-affirming recommendations made in this period. In general, the number of shadow report submissions from sex workers has been low over the past seven years. Lack of awareness of CEDAW engagement opportunities as well as lack of funding for shadow

report submission are key barriers to sex worker participation in the CEDAW review process. Advocacy efforts must focus on awareness raising within sex worker communities of opportunities to input in CEDAW review sessions as well as increasing funding for capacity-building and shadow report writing.

Impact of NSWP technical support

NSWP has provided technical support for sex worker-led organisations in seventeen countries to submit shadow reports to CEDAW, starting from the 68th session in 2017 up to the 86th session in 2023. The technical support involves reviewing the shadow reports produced by sex worker-led organisations, to ensure that they respond directly to the CEDAW Convention and the concluding observations made for their countries. Sex workers drafting the reports are also offered guidance on structuring the report and framing critiques and recommendations effectively. During the drafting phase, NSWP also provides suggestions of resources relevant to the concluding observations that the organisations can choose to prioritise in their shadow reports, as well as the international best practice evidence, guidelines and policy frameworks that can be referenced in support of sex workers’ rights. NSWP connects member organisations engaging with CEDAW with allies in the feminist movement who help to secure briefings with the CEDAW Committee. Activists engaging with the CEDAW Committee during the review sessions are also supported in the preparation of their oral statements. In the longer term, the support and materials provided throughout the shadow reporting process are intended to strengthen sex worker-led organisations in their national advocacy, beyond the submission of the shadow report.

15 of the 33 countries from which sex worker shadow reports were submitted received technical support for their shadow reports from NSWP.¹² 7 of

¹² Norway, Singapore, Kenya, 68th session; Mexico, New Zealand, 70th session; Nepal, North Macedonia, 71st session; Botswana, Serbia, 72nd session; DRC, Mozambique, 73rd session; Kazakhstan, Seychelles, 74th session; Zimbabwe, 75th session; South Africa, 80th session



these countries were given an above average number (4-6) of rights-affirming recommendations after the most recent review, including Kenya, Norway, Nepal, North Macedonia, Botswana, Kazakhstan, South Africa. For Kenya, Nepal, North Macedonia, Botswana and South Africa, there were previously zero rights-affirming recommendations made relating directly to sex work. This showed the positive impact of NSWP technical support for shadow reporting.

Whereas the CEDAW Committee previously promoted 'end demand' legislation by default, in 2019 only 6 out of 22 concluding observations advocated for these models. Since the increase in shadow report submissions from sex worker-led organisations, the Committee has more frequently expressed concern over punitive laws, stigma and discrimination, and access to justice for sex workers – a direct result of sex workers' presence and persistence within CEDAW processes.¹³ Since 2021, however, there has been a resurgence in the frequency of 'end demand' recommendations, particularly in the 81st and 83rd sessions where there were a very limited number of sex worker shadow reports, after which the Committee included a recommendation to "take measures to reduce the demand for prostitution" in ten countries. This coincides both with the Committee's adoption of the deeply problematic General Recommendation No. 38 in late 2020, and with the rise and growing influence of anti-rights movements who seek further punitive solutions at the expense of the rights of criminalised and marginalised populations.

Across the countries with sex worker-led organisations who received technical support from NSWP, there was an overall increase in rights-affirming recommendations from the CEDAW Committee (with the exception of Zimbabwe). However, harmful concluding observations persisted between the last two sessions when these countries were reviewed. NSWP technical support has had the impact of encouraging more awareness of sex

workers' needs and rights, resulting in CEDAW including more rights-affirming recommendations, but the Committee simultaneously continues to recommend policies that threaten sex workers' rights. These recommendations include exit programmes (Kenya, Nepal, Norway, Mexico, Macedonia), which in practice would result in a reduced effort to implement rights-based programmes that improve sex workers' access to justice and essential services. This shows the continuing need to engage with the CEDAW review process, and to increase the understanding among CEDAW Committee members of the consequences of these harmful recommendations. There remains an exaggerated focus and over-broad interpretation of "victims of trafficking" in the concluding observations pertaining to Article 6. The Committee must be sensitised to the dangers of sex work being conflated with trafficking.¹⁴

Love Alliance countries

Across nine of the ten Love Alliance countries¹⁵, there is a consistent increase in the number of concluding recommendations related to sex work. For three countries, there were no rights-affirming recommendations in the last two review sessions (Egypt, Morocco, Zimbabwe). For six countries, there was a slight increase in the number of harmful recommendations made between the latest session and the previous review. Three countries received 'end demand' recommendations (Egypt, 45th session; Kenya, 48th session; Uganda, 81st session). However, for four countries, there was a significant increase in the number of rights-affirming recommendations in the last session compared with the previous review (Kenya, Nigeria, South Africa and Uganda). Two of those countries received NSWP technical support for shadow report submission (Kenya in 2017 and South Africa in 2021). For Kenya, the increase in rights-affirming recommendations is particularly significant, from 0

¹³ NSWP, 2021, "[Sex Worker-led Organisations' Engagement with International Policies and Guidelines: A Review of Policy Impacts from 2016–2020.](#)"

¹⁴ NSWP, 2019, "[Policy Brief: The Impact of Anti-trafficking Legislation and Initiatives on Sex Workers.](#)"

¹⁵ Burkina Faso, Burundi, Egypt, Kenya, Morocco, Mozambique, Nigeria, South Africa, Uganda, Zimbabwe



to 6, between the 48th and the 68th review sessions. For both countries, rights-affirming recommendations were made in the areas of anti-discrimination, healthcare, access to justice, gender-based violence and the removal of administrative penalties (CEDAW/C/KEN/CO/8, para. 29 a,b,c,d and para. 39a; CEDAW/C/ZAF/CO/5, para. 38b). These recent trends show that funding for the shadow reporting process does have an impact and encourages rights-affirming recommendations for sex workers in Love Alliance countries.

Conclusion and Implications for Advocacy

From the 60th to the 85th sessions, more and varied rights-affirming concluding observations have been made by the CEDAW Committee, but the frequency of harmful recommendations continues to outweigh those that strengthen the rights of sex workers. There is however a measurable correlation between the submission of sex worker shadow reports and the types of rights-affirming concluding observations made after review sessions.

Along with the recommendation for increasing funding for exit programmes, the CEDAW Committee continues to recommend that States focus on reducing the demand for sex work or on the 'root causes' of sex work. Both recommendations are harmful to sex workers and divert attention away from the challenges faced by sex workers as a result of criminalisation. The increase in 'end demand' recommendations from the 81st to the 85th sessions reflects the growing influence of the anti-rights movements, which seek to undermine sex worker rights through regressive, carceral approaches.

Supporting sex workers' rights organisations to engage with CEDAW makes a positive difference to the types of recommendations that the Committee makes to States about amending legislation that affects sex workers. Shadow reports are an opportunity for sex workers' rights organisations to highlight ways that CEDAW can support the rights of sex workers; as well as those who have been trafficked for the purposes of exploitation. Overall, the wording in concluding observations continues to

conflate sex work with human trafficking and exploitation, thereby disregarding the need for sex workers' rights. There is still overwhelmingly a lack of positive acknowledgement and inclusion of sex workers in the concluding observations of most countries.

While the Convention includes articles that address specific conditions and circumstances that sustain discrimination against women, such as unsafe workplaces, criminalisation, lack of access to justice, stigma, and lack of access to healthcare, these are still habitually ignored when considering the rights of sex workers. The shadow reports can help to strengthen awareness of the conditions and circumstances that must be addressed in the concluding observations made by the CEDAW Committee to be more effective in reducing discrimination against sex workers.

Shadow reports can also be used to highlight how certain recommendations frequently made by the Committee are harmful towards sex workers. Advocacy should focus on discouraging harmful recommendations such as exit programmes, 'end demand' legislation and poorly designed anti-trafficking legislation. Sex workers' rights organisations can include case studies in their shadow reports about exit programmes in their respective countries to provide evidence for how discriminatory and stigmatising these are in practice. It is also important to continue to highlight the harms caused by anti-trafficking legislation that conflates sex work with trafficking, particularly how the measures contained in most anti-trafficking legislation exacerbate discrimination against sex workers.

Future advocacy will continue to emphasise to the CEDAW Committee that concluding observations that frame sex work as exploitation and trafficking actively harms sex workers. More recommendations are needed that directly address the needs of sex workers in all their diversity, who suffer from discrimination, violence and barriers to their human rights.



The Global Network of Sex Work Projects uses a methodology that ensures the voices of sex worker-led organisations are made visible. Case studies examine the strategies, activities and impact at global, regional and national levels of NSWP and regional sex worker-led networks in consultation with NSWP members. Case studies are based on ongoing monitoring, utilising internal reports, and in-depth interviews.

The term 'sex workers' reflects the immense diversity within the sex worker community including but not limited to: female, male and transgender sex workers; lesbian, gay and bi-sexual sex workers; male sex workers who identify as heterosexual; sex workers living with HIV and other diseases; sex workers who use drugs; young adult sex workers (between the ages of 18 and 29 years old); documented and undocumented migrant sex workers, as well as and displaced persons and refugees; sex workers living in both urban and rural areas; disabled sex workers; and sex workers who have been detained or incarcerated.



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