

October 11th, 2023

General Assembly of the United Nations

UN Secretary General

Office of the United Nations High Commissioner for Human Rights (OHCHR)

UN Human Rights Council President

Members of the UN Human Rights Council

UN Special Rapporteur on Violence against women and girls, its causes and consequences

UN Special Rapporteur on Trafficking in Persons, especially women and children

UN Special Rapporteur on sale the and sexual exploitation of children

UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

CEDAW Chair and Committee

CC/ UN Working Group on Discrimination against Women and Girls

PLEASE HOLD THE WORKING GROUP EXPERTS ACCOUNTABLE

Dear Madam or Sir;

We address this letter to you appalled at the latest position paper on **Eliminating discrimination against sex workers and securing their human rights by the Working Group (WG) on discrimination against women and girls**¹, issued in September 2023. This paper completely ignores international law conventions on the matter of trafficking and prostitution², dishonors the purpose of the Working Group³ and greatly contradicts their mandate.

The 2020 CEDAW Committee General Recommendation No. 38 presents a detailed analysis of the body of international law showing that trafficking for the purpose of exploitation of prostitution and other forms of sexual exploitation of women and girls are based on harmful stereotypes, which constitute discrimination against women, violence against women and even amount to torture⁴. However, the WG's paper bluntly contradicts the international human rights law and standards:

¹ <https://www.ohchr.org/en/special-procedures/wg-women-and-girls/eliminating-discrimination-against-sex-workers-and-securing-their-human-rights>

² Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others; Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) Art 6 ; Declaration on the Elimination of Violence against Women of the United Nations General Assembly in 1992; Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol) of 2000; CEDAW General Recommendations No. 12, 19, 28, 35, 38.

³ The main mandate of the Working Group on discrimination against women and girls according to resolution A/HRC/RES/15/23 of 2010 of the Human Rights Council is: a) to develop a dialogue with States, the relevant United Nations entities, national human rights institutions, experts on different legal systems, and civil society organizations to identify, promote and exchange views on best practices related to the elimination of laws that discriminate against women or are discriminatory to women in terms of implementation or impact and, in that regard, to prepare a compendium of best practices and among others, c) to make recommendations on the improvement of legislation and the implementation of the law, to contribute to the realization of the Millennium Development Goals, in particular goal 3 on the promotion of gender equality and the empowerment of Women.

This mandate has been renewed twice to include among many other objectives, international obligations to support substantive equality by adopting appropriate measures, including temporary special measures, necessary to prevent, redress and eliminate patriarchal and gender stereotypes that cause or perpetuate discrimination in all spheres of life.

⁴ See the CEDAW Committee General Recommendation No. 38 on Trafficking in Women and Girls in contexts of global migration, 2020.

- The WG presents prostitution as “sex work”⁵ and pushes for the total decriminalization of the prostitution system, i.e. the decriminalization of the profiteers activities (such as pimping, brothel keeping and sex purchasing).
- The WG adopts the same ideology marketed by well-known philanthropic/interest group which have been aggressively funding since decades NGOs and platforms to embrace this ideology.
- The WG mentions consultations with “sex workers” from different regions of the world, however calls for papers were never announced publicly.
- The WG discounts independent⁶ and official reports⁷ on results of legislation that seeks to abolish the system of prostitution, as well as studies⁸ that have evidenced the great mental and physical harm of prostitution in the lives of women and vulnerability to human rights violations.
- Most importantly, it denies survivors and exited survivors of the system of prostitution a voice on which is the best legislation and practice⁹.
- The WG overlook the inequalities that bring women and girls into prostitution (such as sexism, racism, marginalization, exclusion in migration, severe disparities) and in which “choice” is never possible, and justify maintaining a system of exploitation for women who have very limited opportunities to earn money.
- The WG disregards that international law stated “consent of victims is irrelevant¹⁰” and therefore no one can consent to the exploitation of their prostitution, while emphasis is put on the conduct of those who profit and exploit victims.
- The WG ignores the analysis and data that concludes the failure of the total decriminalization of the system of prostitution approach¹¹ and the recent resolution of the European Parliament¹² recommending the Nordic/Equality or abolitionist legislation as one in line with achieving equality between women and men. It seems like the WG does not understand that the Nordic/Equality model DOES NOT criminalize anyone exploited in prostitution, offering them alternatives to exit while preventing among vulnerable groups and by shifting the stigma to the sex buyers and pimps/traffickers.

⁵ <https://www.opensocietyfoundations.org/explainers/understanding-sex-work-open-society> ; <https://www.newsweek.com/great-sex-trade-swindle-how-aids-campaigners-joined-fight-pimp-prostitution-668359> ; <https://www.digitallcommons.uri.edu/dignity/vol3/iss1/1/> ; <https://sexworkdonorcollaborative.org/current-members> ; <https://www.redumbrellafund.org/our-donors/> ; <https://www.theguardian.com/commentisfree/2015/oct/22/pimp-amnesty-prostitution-policy-sex-trade-decriminalise-brothel-keepers>

⁶ **Sweden** <https://www.sccjr.ac.uk/wp-content/uploads/2011/12/Briefing-Law-and-policies-on-prostitution-and-THB-Sweden-Gunilla-S.-Ekberg-130704.pdf> ; **France** https://www.fondationscelles.org/pdf/eval2b/Evaluation_locale_MAJ_06_2023_version_finale_compressed.pdf; **Germany** <https://www.spiegel.de/panorama/gesellschaft/prostituierte-in-deutschland-vergewartigt-vergessen-verloren-a-8b3d6b82-8c5b-430c-be19-70cf52d3535c> ; <http://www.spiegel.de/international/germany/human-trafficking-persists-despite-legality-of-prostitution-in-germany-a-902533.html> ; <https://nordicmodelnow.files.wordpress.com/2021/03/helmut-sporer-statement-in-english-1.6.21.pdf> ; **Ireland** https://www.ucd.ie/geary/static/publications/Confronting_the_Harm.pdf ; **Europe** <https://www.elysee.fr/admin/upload/default/0001/05/cfb1e2ba2b9aa09c1660f1b6df2cabbc815eccc2.pdf> .

⁷ **Sweden** <https://swedishgenderequalityagency.se/men-s-violence-against-women/prostitution-and-human-trafficking/prostitution-policy-in-sweden-targeting-demand/> ; **Germany** Federal Ministry for Family Affairs, Senior Citizens, Women and Youth: Gender Datenreport ; **Ireland** https://www.ucd.ie/geary/static/serp/Shifting_the_Burden_Report.pdf ; <https://immigrantcouncil.ie/sites/default/files/2020-01/2020HLWGInterimReportSOA2017ByGeoffreyShannon.pdf>; **France** Evaluation de la loi du 13 avril 2016 visant à renforcer la lutte contre le système prostitutionnel et à accompagner les personnes prostituées - Inspections générales des affaires sociales (IGAS), de l’administration (IGA) et de la justice (IGJ) – 2019 <https://www.igas.gouv.fr/IMG/pdf/2019-032r-prostitution-d.pdf> ; **Europe** <https://www.osce.org/cthb/489388> ;

⁸ To mention only some: <http://www.trauma-and-prostitution.eu/en/2015/01/26/prostitution-and-trafficking-in-nine-countries-an-update-on-violence-and-posttraumatic-stress-disorder/>; Screening for Traumatic Brain Injury in Prostituted Women, Melissa Farley and others, <http://digitalcommons.uri.edu/dignity/vol3/iss2/5/>. Disproportionate and Unique Health Risks for Women in Prostitution <https://elvyarrow.wordpress.com/2021/11/06/disproportionate-and-unique-health-risks-for-women-in-prostitution/> ; <http://www.trauma-and-prostitution.eu/fr/2015/01/21/pour-mieux-penser-la-prostitution-quelques-outils-et-quelques-chiffres-qui-peuvent-etre-utiles/> ; <http://www.michaela-huber.com/files/vortrage2014/trauma-und-prostitution-aus-traumatherapeutischer-sicht.pdf> ; <https://prostitutionresearch.com/wp-content/uploads/2022/11/Sex-buyersEnglish-11-8-2022pdf.pdf>

⁹ <https://www.nytimes.com/2015/09/13/books/review/paid-for-by-rachel-moran.html> ; <https://www.spaceintl.org/> among many other survivors.

¹⁰ See Art 1 of the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Other: State Parties agree to punish any person who, to gratify the passions of another: (1) Procures, entices or leads away, for purposes of prostitution, another person, even with the consent of that person; (2) Exploits the prostitution of another person, even with the consent of that person. See Art 3b of the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime: (b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used.

¹¹ The New Zealand Prostitution Reform Act 20 Years on: The Truth Uncovered, <https://nordicmodelnow.org/2023/06/26/the-new-zealand-prostitution-reform-act-20-years-on-the-truth-uncovered/> ; <https://nordicmodelnow.org/2023/09/25/what-really-happened-in-new-zealand-after-prostitution-was-decriminalised/> ; <https://nordicmodelnow.org/wp-content/uploads/2022/04/Decrim-vs-the-NM-booklet.pdf>

¹² European Parliament resolution of 14 September 2023 on the regulation of prostitution in the EU: its cross-border implications and impact on gender equality and women’s rights (2022/2139(INI)) https://www.europarl.europa.eu/doceo/document/TA-9-2023-0328_EN.html

- The WG privileges agency, bodily autonomy, privacy and free decision-making over human rights like right to life, to liberty, to dignity, to a life free from inhuman or degrading treatment and torture, to a family.

Such a paper produced by a UN Special Procedure mechanism and WG is a dangerous precedence and should be addressed by the council.

Please, hold the experts behind this accountable.

220 SIGNATORY ORGANISATIONS

Mary Collins	European Women's Lobby	Europe
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Taina Bien-Aimé	Coalition Against Trafficking in Women	Global
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Linda MacDonald and Jeanne Sarson	Persons Against Non-State Torture	Canada
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Ana Sofia Fernandes	Portuguese Platform for Women's Rights (Plataforma Portuguesa para os Direitos das Mulheres)	Portugal
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Isabel	Fundación Mujer y Futuro	Colombia
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Sara Carreño Valero	Luisa Marín	Spain
Leire Candel Funes	Emargi Elkarte	Spain
Araceli Salamanca Muñoz	Encuentro y Solidaridad	España
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Hilde Schwathe	Geschlecht zählt (geschlecht-zaehlt.de)	Germany
Sandra McNeill	Justice for Women	England
Chris Green	Male Allies Challenging Sexism	United Kingdom
Kim Zander	Women's Space Vancouver	Canada
Liljana Popovska	Macedonian Women's Lobby	N. Macedonia
Adriana Lecona Escartín	Ultravioleta Feministas	México
Silvia Guichard	ApoMunda colectiva feminista	México
Fátima Retta	Niñas Mal	Mexico
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