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Empower Foundation Submission
“Consultation seeking views on UN Women approach to sex work”
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Question 1) The 2030 Agenda commits to universality, human rights and leaving nobody behind.

Empower Foundation has been a leading force in the movement for the rights of sex workers in Thailand for over 30 years. In 1985, the same year that sex workers in Thailand began to organize more formally for recognition as women, as workers and as family providers the United Nations Development Fund for Women (UNIFEM) was created. UNIFEM mandate included the aim to provide a voice and visibility to the women of the developing world. The regional Asia Pacific UNIFEM office was established in the UN Building in Bangkok just a few kilometres from Empower Patpong. For 26 years we looked for an opportunity to work with and inform UNIFEM about women working in sex work but the opportunity never came.

In 2008 the Commission on AIDS in Asia presented its report to UN Secretary General Ban Ki-moon. He echoed its findings that noted that the criminalization of sex work was “counterproductive and dangerous”. A year later in 2009 the UNAIDS Advisory Group on HIV and Sex Work commissioned by the Executive Director of UNAIDS recommended that States should move away from criminalizing sex work or activities associated with it. Other prominent and respected agencies followed suit over the next 2 years. We hoped this would make UNIFEM feel better about working with us – but we didn’t hear from them. Then in 2011 when UNIFEM merged into UN Women we had new hope. In 2013 UN Women made a statement, noting that as a UNAIDS co-sponsor, it “supports the decriminalization of sex work in order to ensure the access of sex workers to all services”. UN Women also underscored the importance of distinguishing between sex work and sex trafficking so as not to “infringe on sex workers’ right to health and self-determination.”¹ They had at least begun to speak about us.

Another 2 years have gone by and our Global Sex Worker Network NSWP let us know that UN Women is planning to launch a UN Women Policy on Sex Work. After so many years we now

¹ UN Women. Note on sex work, sexual exploitation and trafficking. New York, 9 October 2013.

have just a few short weeks to help UN Women understand who we are, how we work and live and what we are demanding. Our only avenue to do this is via internet in English. We know many of our sister sex worker organizations in ASEAN and beyond who have a lot of strength and expertise to help UN Women will not be able to participate at all. So we try to answer with everyone in mind.

We understand that UN Women has a basic mandate to uphold the universality of human rights. The human right of a sex worker doesn't differ in any way at all from the human rights of any other human beings i.e. sex worker's rights are human rights. We believe leaving no one behind means that we all must move together. Sex workers can no longer be considered lesser women, sex workers can no longer be the last to be heard; our analysis and demands can no longer be given less weight than the opinions of those not impacted.

Question 2) (SDGs) set out to achieve gender equality and to empower all women and girls. The SDGs also include several targets pertinent to women's empowerment

a) reproductive rights

b) women's ownership of land and assets

c) building peaceful and inclusive societies

d) ending the trafficking of women

e) eliminating violence against women.

How do you suggest that policies on sex work can promote such targets and objectives?

Sex workers are ready to help UN Women and the rest of the world achieve the SDGs. Sex workers can help address reproductive rights ... our right to control our own body... to say yes, as well as no. Tens of millions of us are the ones who work to provide the land for our mothers to grow food – we are the women who are lifting our families and communities out of poverty. We can help achieve the targets of women's land ownership and assets. An inclusive society is a society that includes sex workers so we can move everyone a step closer to that goal. We are the women who can help provide the solutions to end trafficking in our industry – we are not the problem, we are a huge part of the solution.

Policy on sex work alone cannot eliminate violence against women. Men's violence against women, especially in the family has been going on for centuries. To consider men's violence against women who are sex worker's as a separate kind of violence related to occupation is unfair and misleading. Men's violence against women is not an issue of occupation. Our recognition and acceptance as women must be universal not applied only if we are victims of men's violence. At the same time all society must stand with us to say that violent men can no longer attack or kill sex workers with impunity.

Without the recognition of sex worker's full human rights the SDGs will never be reached. The tens of millions of women who do sex work will have to continue dealing with all the listed issues unsupported and largely unseen by the women's movement and other social movements. A policy that acknowledges and enshrines the equal worth and human rights of sex workers is a first step in achieving the SDGs, CEDAW and all the other Conventions that need sex worker's collaboration.

Question 3) Sex work is gendered. How best can we *protect* women in sex work from harm, violence, stigma and discrimination?

The workforce in the sex industry, like nursing and other caring work is largely made up of women. Its concerning that the question is posed as an issue of protection from harm rather than promotion of labor rights, as would be the norm in any other industry. Workers generally are protected from exploitation and harm by systems of labor laws and worker's rights. The protection of sex worker's needs to be seen as the protection of workers. The language needs to be the language used by the International Labor Organization For example: decent sex work, forced labor, unacceptable forms of sex work. Sex workers need to be able to define their own work, replacing out dated undefined and subjective terms like "exploitation of prostitution" with measurable descriptions from lived experience. ² A policy is made of words so the words chosen really matter. Sex workers and sex work are the correct terms as defined by sex workers, not prostituted women, commercial sex worker etc,, and without the need for extra words like consensual, adult or voluntary added. No one talks about 'consensual adult voluntary' bus drivers, fruit pickers, UN staff or any other workers.

Sex workers are seen as immoral women. However unlike other immoral women, we carry an extra burden of stigma as criminals. Government workers including those who work in the justice systems and health systems don't like to provide services to criminals so we meet stigma and discrimination regularly. This prevents us from accessing protection and redress under criminal law e.g. for crimes of violence.

It is impossible for UN Women '*protect women in the trade from harm, violence, stigma and discrimination*' while ever our work is not recognized as work, while ever our work is criminalized and while ever we do not have our human rights respected.

Instead of protection we ask that UN Women develops a policy that:

- 1) Is based on evidence and a profound understanding of sex worker's work and lives, not simply drawn from notions of morality or ideological beliefs about prostitution, sex and gender equality**
- 2) Endorses an end to the criminalization of sex work in accordance with your responsibility as a co-sponsor of the UNAIDS Joint Programme policy and**

² Sex Workers in Thailand Community Research Moving Toward Decent Sex Work May 2016
<http://www.nswp.org/resource/moving-toward-decent-sex-work>

guidance on sex work. The decriminalization of sex work means removing criminal sanctions against employers, managers, customers and workers.

- 3) Demands respect for the human dignity of sex workers at all times in all situations**
- 4) Validates respect for our right to physical integrity and bodily autonomy. We must have the right to say yes and the right to say no. Freedom from and freedom to - our occupation does not in any way reduce our right to give consent or to refuse consent. This includes sexual consent, consent for medical testing and treatment, and consent to do or not to do sex work.**
- 5) Insists that we must be treated as human beings before the law, including but not limited to access to a fair trial and all other justice mechanisms.**
- 6) Asserts that we have a right to the same protections and benefits as is standard for other workers e.g. maximum working hours, adequate leave, paid sick leave, maternity leave. Our workplaces must be safe and healthy complying with Occupational Health and Safety Standards. We also must have access to any social security that exists for other workers e.g. child care payments, aged pensions, unemployment benefits, disability payments**
- 7) Positions sex workers as women, mothers and family providers who are an integral part of the global movement for human rights and justice.**