



# Unzip the Lips response to UN Women

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31 October 2016

## Background to Unzip the Lips

Unzip the Lips is a platform of individuals and organizations working for the rights and meaningful participation of **key affected women and girls** in the context of HIV and its intersections with other gender issues in the Asia-Pacific region.

Arising out of grassroots activism, Unzip the Lips has evolved since its inception as a campaign in 2011. Today, it is the only region-wide civil society-led platform bringing together diverse communities of marginalized women who are living with, affected by, and at higher risk of HIV, to advocate collectively for improved health and human rights policies.

The Unzip the Lips platform defines key affected women and girls in Asia and the Pacific as women and girls most at risk of, and most affected by, HIV. They include:

- Women and girls living with HIV
- Female sex workers
- Female drug users
- Transgender people
- Mobile and Migrant women
- Female prisoners
- Women and girls with disabilities
- Women in sero-discordant relationships, and female partners of men who engage in behaviors that put them at higher risk of HIV infection.

## General advocacy issues for Unzip the Lips

Advocacy issues that Unzip the Lips has consistently called for include:

- Recognition that key affected women and girls are most at risk of HIV and that their needs and rights are particularly denied;
- Recognition that gender inequalities and all forms of gender-based violence increase HIV vulnerability of key affected women and girls;

- Recognition that key affected women and girls experience disproportionate levels of gender-based violence, stigma, discrimination and rights violations;
- The review and removal of policies and laws that discriminate and/or criminalise sex workers, people who use drugs, mobile and migrant women, and transgender people;
- Removal of policies and practices that conflate sex work and trafficking, that criminalise HIV transmission and that deport migrants on the basis of HIV status;
- Removal of barriers to access for gender-sensitive, non-judgemental health services, including those related to sexual and reproductive health and rights, and HIV;
- Ensuring access to justice for key affected women and girls, including gender sensitive and non-judgemental legal services and law enforcement;
- Increased access to quality sexual and reproductive health (SRH) services, including safe and legal abortion services and full contraceptive options, and continuum of care consisting of HIV diagnosis, treatment, adherence support and psycho-social support;
- Increased access to youth-friendly HIV and SRH services and comprehensive sexuality education for adolescents in and out of school.

In seeking to achieve these goals Unzip the Lips continuously calls on policy makers to commit to comprehensively work *with* key affected women and girls' communities using a human rights approach to develop policies.

## Concerns with UN Women Consultation exercise

In this regard, Unzip the Lips expresses deep concerns regarding UN Women's "[Consultation seeking views on UN Women approach to sex work, the sex trade and prostitution.](#)" Specifically:

- 1) the late stage at which UN Women are consulting with sex workers<sup>1</sup>;
- 2) the exclusive and non-participatory approach used by UN Women (email, online, short, technical), which has limited the opportunity for participation by many sex workers;<sup>2</sup>
- 3) the use of language that is vague and undefined, or goes against UNAIDS Terminology Guidelines;<sup>3</sup>

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<sup>1</sup> According to the consultation document UN Women "*has been meeting with various organizations on their analysis of sex work and prostitution for the past few years.*" However, sex worker groups in Asia and the Pacific have not been consulted so far, nor are they aware of who has been consulted. See: <https://apnsw.info/2016/10/17/apnsw-letter-to-un-women-16-oct-2016/>

<sup>2</sup> Consultations with marginalized communities in Asia and the Pacific need to take account of the many languages in the region, the range of education and literacy levels, safety and security in arranging meetings, oral as well as written traditions, the cultural significance of face to face conversations, the costs of facilitating such meetings, and the dynamics of power between researchers/consultants conducting consultations and the communities they are talking to. Meaningful consultations require meaningful amounts of time, funding and resources.

- 4) the selective extraction of SDG targets that emphasise gender-based stereotypes of women as mothers or passive victims, rather than empowered agents of change and rights-holders; (Question 2 of the consultation)
- 5) the lack of clarity regarding key issues relating to sex workers' human rights - specifically the conflation of trafficking and sex work, and the framing of sex work as inherently violent; (Questions 2 and 3)
- 6) the lack of reference to existing policy positions which have already been achieved through consultations with sex workers and through activism and advocacy by sex workers who seek gender equality and the empowerment of women.<sup>4</sup>

The above issues raise serious questions about the authenticity and motivations for this consultation exercise.

***Unzip the Lips calls for UN Women to delay the publication of their proposed policy and engage in meaningful and participatory consultations of sex workers of all sexual orientations and gender identities in all areas of policy development that affect their lives. These consultations must respect the best practice principles of sex worker community empowerment, community involvement and community leadership.***

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<sup>3</sup> “Sex work” has a widely accepted definition that includes age (18 or over) and consent. “Sex trade” is not an expression commonly used in Asia and the Pacific. This suggests an Anglo-American cultural bias in the framing of this consultation; and is also problematic because this phrase is undefined in relation to consent or age. Use of the term “prostitution” may be necessary when referring to specific laws that use this language, and has been reclaimed by some sex worker groups; but in general, use of this word goes against the Terminology Guidelines developed by the UN Joint Program on HIV/AIDS, of which UN Women is a member. At the very least, justification must be provided for the uncritical use of language that carries implied value judgement.  
[http://www.unaids.org/sites/default/files/media\\_asset/2015\\_terminology\\_guidelines\\_en.pdf](http://www.unaids.org/sites/default/files/media_asset/2015_terminology_guidelines_en.pdf) (p10).

<sup>4</sup> Such as the UNAIDS Guidance Note on HIV and Sex Work (2012) and the “SWIT” (WHO etc., 2013) which, in addition to health services and direct HIV prevention efforts, call for action to address structural issues that harm the health and human rights of sex workers, such as: gender-based violence, stigma and discrimination, punitive laws and policies, and access to justice.

## Agenda 2030, human rights and leaving nobody behind

Unzip the Lips endorses and amplifies the perspectives of sex worker groups and networks in Asia and the Pacific who are leading actors in promoting and protecting the human rights of sex workers<sup>5</sup> in the region.

Key Affected Women and Girls (KAWG) were some of groups that were left behind under the Millennium Development Goals, and they run that risk under the Sustainable Development Goals (SDGs) unless Agenda 2030 truly succeeds in reaching the furthest behind first. This requires recognition that KAWG, including sex workers, are equal partners in achieving sustainable development, and that their rights are human rights.

Implementation of the SDGs must align with the international human rights framework and international human rights law and treaty bodies. Governments, UN agencies such as UN Women, and civil society need to fully include KAWG including sex workers “in the development of effective laws, policies and practices that respect, protect and fulfil their human rights.” (SDG 16.7)

The voices of sex workers are critical to guide the development of policies that affect their lives:

*“Leaving nobody behind means recognising sex workers exist, and that sex workers rights are human rights.”* [[APNSW response](#)]

*“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.”* [[Empower Foundation response](#)]

*“Sex workers are rights-holders just like everybody else, sex worker’s human rights should not be up for ‘interpretation’.”* [[Scarlet Alliance joint response](#)]

Sex workers should have *“the right to health and safety in the workplace and the right to legal redress in situations such as sexual harassment. They have the right to determine whether or not to provide commercial sexual services in the context of sex work.”* [[NZPC response](#)]

*“Sex workers rights need to be recognized as human rights.”* [[AINSW joint response](#)]

*“Policy and law making bodies/ agencies must be Transparent, Accountable, Answerable to and Inclusive of sex workers at every stage of the formulation and implementation process.”* [[SWASA joint response](#)]

Unzip the Lips welcomes the recognition of human rights as the foundation for Agenda 2030.

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<sup>5</sup> This document uses the definition of sex work in accordance with UNAIDS: ‘Sex workers include female, male and transgender adults (18 years of age and above) who receive money or goods in exchange for sexual services, either regularly or occasionally. Sex work is consensual sex between adults, can take many forms, and varies between and within countries and communities.’ ( “Guidance Note on HIV and Sex Work”, UNAIDS (2009/2012), quoted in: “Technical Brief – HIV and Young People Who Sell Sex” WHO, UNAIDS etc. (2015) [http://www.unaids.org/sites/default/files/media\\_asset/2015\\_young\\_people\\_who\\_sell\\_sex\\_en.pdf](http://www.unaids.org/sites/default/files/media_asset/2015_young_people_who_sell_sex_en.pdf) )

Unzip the Lips also welcomes the principle of coherence in Agenda 2030. Efforts to achieve one set of goal and targets must not be at the expense of meeting others. Anti-trafficking policies, for example, should not negatively impact sex workers' health, or migration rights.<sup>6</sup>

Policy on sex work must recognise the diverse reasons people engage in sex work, and support and improve the situation of sex workers. Policy on sex work should empower sex workers and should not contribute to systemic harms through the criminalisation of sex work and sex workers.

Unzip the Lips urges all policy makers at national, regional and international levels to actively include sex workers in the development of laws and policies that directly impact on sex worker communities. Only through this inclusion can we achieve *"A just, equitable, tolerant, open and socially inclusive world in which the needs of the most vulnerable are met"*.<sup>7</sup>

## SDG targets relating to women's empowerment

In 2015, Unzip the Lips engaged in a consultation with members following the establishment of Agenda 2030. At this meeting participants reviewed the SDGs most directly applicable for key affected women and girls, including sex workers.<sup>8</sup>

All the SDGs should work together to contribute to gender equality and empowerment of women and girls, so highlighting a short list of priority SDGs is difficult. The bullet points highlighted by UN Women, however, miss out some critically important goals and targets relating to sex workers. Below is a selection of SDG targets that Unzip the Lips identifies as directly relevant to sex workers. A more comprehensive approach to the SDGs and UN Women policy could form part of a meaningful and participatory consultation with sex workers.

**SDG 3.3** By 2030, end the epidemics of AIDS, tuberculosis, malaria and ... hepatitis ...

Through advocacy, activism and engaging with the UN system, sex workers have achieved recognition of wider issues that go beyond focusing on prevention of diseases, and move into addressing gender equality and empowerment of women in sex work. For example, the latest WHO guidelines for health

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<sup>6</sup> Ahmed and M Seshu, "We have the right not to be "rescued"...": When anti-trafficking programmes undermine the health and well-being of sex workers", *The Anti-Trafficking Review*, Issue 1, 2012, pp.149-165.

"No easy exit – Migration bans affecting women from Nepal", International Labour Office, *Fundamental Principles and Rights at Work (FUNDAMENTALS)*; Labour Migration Branch (MIGRANT) - Geneva: ILO, 2015 - [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_428686.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_428686.pdf)

<sup>7</sup> "Transforming our world: the 2030 Agenda for Sustainable Development", para 8, available at: [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/RES/70/1&Lang=E](http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E)

<sup>8</sup> "Unzipping Agenda 2030", Unzip the Lips (2015) <http://unzipthelips.org/wp-content/uploads/2016/04/Unzipping-Agenda-2030.pdf> (page 3)

interventions with sex workers begin with: community empowerment, addressing violence against sex workers and developing community led services:

*“Sex workers take charge of the community empowerment process by mobilizing with other sex workers to develop solutions to the issues they face as a group, and by advocating for their rights as sex workers and as human beings. ... Community empowerment is also a broader social movement that supports the self-determination of sex workers.”<sup>9</sup>*

UN Women’s policy on sex work must recognize the enormous amount of work that has been done by sex workers in HIV/AIDS response, and acknowledge and build on their achievements.

**SDG 5.1** End all forms of discrimination against all [sex workers] everywhere

SDG 5.1 means ending all forms of discrimination against sex workers everywhere.<sup>10</sup> This means accepting that sex workers exist; accepting that sex workers rights are human rights; ending punitive laws and policies that harm sex workers health and human rights; and passing anti-discrimination laws which prevent discrimination on the basis of sexual orientation, gender identity and past or present occupation.

**SDG 5.2** Eliminate all forms of violence against all [sex workers] in the public and private spheres, including trafficking and sexual and other types of exploitation

SDG 5.2 in the context of sex work means ending all forms of violence against sex workers. In addition to ending trafficking, this should also include ending the many forms of systemic violence and occupational health and safety violations that are more common and widespread in the sex industry than trafficking, and which have been identified by sex workers as priority issues.<sup>11</sup>

These issues include verbal, physical and sexual violence from police and uniformed personnel, from clients and third parties, from general public, and from domestic partners. They include structural and institutional violence in the form of laws, policies and practices that prevent the realisation of sex workers’ human right, such as: the criminalisation of sex work, stigma and discrimination, barriers to accessing health services and social/labour protections available to

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<sup>9</sup> “Implementing Comprehensive HIV/STI Programmes with Sex Workers - Practical Approaches From Collaborative Interventions” WHO, UNFPA, UNAIDS, NSWP, World Bank (2013) (p4), [http://www.who.int/hiv/pub/sti/sex\\_worker\\_implementation/en/](http://www.who.int/hiv/pub/sti/sex_worker_implementation/en/)

<sup>10</sup> It is widely accepted that the vast majority of sex workers are cis- and transgender women. In working out the details of any policy it is important to include the multiple dimensions of gender, and include the needs of minority groups as well as the majority. With sex work this means considering the needs of cis- and transgender men who do sex work, as well as those who do not conform to binary gender identities. This should be taken into account anywhere in this document where “sex worker” is substituted for “women” into the language of the SDGs for emphasis.

<sup>11</sup> “The Right(s) Evidence”; “Hit and Run” & “Towards Decent Sex Work” (Empower Foundation); “Raising Sex Worker Voices” DMSC, WNU, Tactical Tech (2012), <https://tacticaltech.org/raising-sex-worker-voices>

others, and barriers to accessing justice. They also include a range of bad employment practices that range from unfair to exploitative.

In discussing violence against sex workers it is also important to distinguish between violence against sex workers, and the opinions of individuals and groups who believe that selling sex is *inherently* violent. Sex workers reject such views – often put forward by people who are not and have never been sex workers<sup>12</sup> – as abusive, dehumanising, infantilising, ideologically motivated and disrespectful of sex workers’ agency.

To suggest that sex workers cannot distinguish between consenting sex, violence and rape is abusive because it denies a sex worker’s right and ability to give or refuse consent. It is dehumanising<sup>13</sup> and patronising because it denies sex workers’ ability to think for themselves. It is ideological because it is a subjective statement of opinion or moral judgement, which is not backed up by evidence.<sup>14</sup> And it is harmful because it implies a position of privilege and power over and above the sex worker, and a paternalistic position of “knowing better” what the sex worker needs. It is also harmful because the proposed policies closely associated with such views have been demonstrated to increase dangers to sex workers.<sup>15</sup>

It is also essential to distinguish between sex work and trafficking. It has been well documented elsewhere how the conflation and confusion of trafficking with sex work has led, and continues to lead, to a range of human rights violations against sex workers.<sup>16</sup> It is also well documented how those who deliberately

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<sup>12</sup> Kapur, Ratna. “Sorry Meryl Streep, Sex Workers Have the Right to Be Human Too.” *The Wire*, August 5, 2015. <http://thewire.in/2015/08/05/sorry-meryl-streep-sex-workers-have-the-right-to-be-human-too-7877/>

<sup>13</sup> “dehumanize” verb (transitive), 1. to deprive of human qualities 2. to render mechanical, artificial, or routine. *Collins English Dictionary - Complete & Unabridged 10th Edition*. HarperCollins Publishers. <http://www.dictionary.com/browse/dehumanise>

<sup>14</sup> Regarding those who describe themselves as “survivors of prostitution”, Unzip the Lips respect all survivors of violence, and respect each individual’s right to express their opinions using language they feel most appropriately describes their situation. However, to project individual experiences across an entire community or population is not rational, reasonable or fair – especially in the face of evidence to the contrary. The publications, research and resources produced by the global sex worker movement – and increasingly also by academic researchers - illustrate a diverse range of experiences in sex work, as with any other occupation.

For an overview of the complexity and nuance in sex workers lives *outside* of the organized sex worker collective movements in India, for example, see: Sahni, Rohini, and V. Kalyan Shankar. *Sex Work and Its Linkages with Informal Labour Markets in India Findings from the First Pan-India Survey of Female Sex Workers*. Brighton: IDS, 2013. <http://www.ids.ac.uk/files/dmfile/Wp416.pdf>.

<sup>15</sup> Levy, Jay, and Pye Jakobsson. “Sweden’s Abolitionist Discourse and Law: Effects on the Dynamics of Swedish Sex Work and on the Lives of Sweden’s Sex Workers.” *Criminology and Criminal Justice*, March 31, 2014; “Norway: The Human Cost of ‘crushing’ the Market: Criminalization of Sex Work in Norway.” Accessed July 18, 2016.

<sup>16</sup> [“Collateral Damage: the Impact of Anti-Trafficking Measures on Human Rights around the World”](http://www.gaatw.org/Collateral%20Damage_Final/singlefile_CollateralDamagefinal.pdf) Global Alliance Against Traffic in Women (2006) [http://www.gaatw.org/Collateral%20Damage\\_Final/singlefile\\_CollateralDamagefinal.pdf](http://www.gaatw.org/Collateral%20Damage_Final/singlefile_CollateralDamagefinal.pdf)

push these points of view are not motivated by the human rights or best interests of sex workers, but instead seek to bring about an end to the practice of buying/selling sex for religious or ideological reasons.<sup>17</sup>

Recognising the difference between sex work and trafficking does not mean denying the existence of exploitative practices in the sex industry. On the contrary, sex workers are very aware of bad treatment by abusive managers and agents, and often endure poor working conditions. As with all industries, there is a continuum of experiences between good, decent, bad and awful. By only focussing on trafficking, or 'ending' sex work, law enforcement and others justify ignoring a whole range of issues that need addressed. (A first step in addressing many of these issues would be through the decriminalisation of sex work and the establishment of labour and occupational health and safety rights for sex workers: such as limits on working hours, breaks, pay, conditions, sick leave, maternity leave, holidays, social security and insurance and so on.)

Even for those whose conditions in the sex industry are so bad that they do meet the specific international definition of trafficking, current anti-trafficking response frameworks rarely meet their needs. Rehabilitation programs do not usually provide adequate compensation for lost/stolen earnings. They often involve judgemental attitudes towards people who have been selling sex, including conditions and restrictions on movement or behaviour, and coercion to take part in time-consuming court proceedings. And they almost always involve repatriation irrespective of consent or the outcome of court proceedings. Confidential and adequate support services, including access to peer support and

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["Hit and Run: True Stories of Raids and Rescues"](http://www.empowerfoundation.org/sexy_file/Hit%20and%20Run%20%20RATSW%20Eng%20online.pdf), EMPOWER Foundation, (2011), [http://www.empowerfoundation.org/sexy\\_file/Hit%20and%20Run%20%20RATSW%20Eng%20online.pdf](http://www.empowerfoundation.org/sexy_file/Hit%20and%20Run%20%20RATSW%20Eng%20online.pdf)

["Migrant sex workers in Australia"](http://scarletalliance.org.au/library/Migrantsexworkersreport2015) (Australian Institute of Criminology / Scarlet Alliance, 2015), <http://scarletalliance.org.au/library/Migrantsexworkersreport2015>

<sup>17</sup> *"These laws ... are in large part the result of a decades-long anti-prostitution crusade from Christian "abolitionists" and anti-sex feminists"* quoted in: "The War on Sex Trafficking Is the New War on Drugs", Nolan Brown, E (2015), <http://reason.com/archives/2015/09/30/the-war-on-sex-trafficking-is>

"Militarized humanitarianism meets carceral feminism: the politics of sex, rights, and freedom in contemporary antitrafficking campaigns", Bernstein E (2010), <https://www.ncbi.nlm.nih.gov/pubmed/20827852>

*'Our real goal is to bring people out of slavery into the free market'* quote from: "Sex, secularism, and religious influence in U.S. politics" Bernstein & Jakobsen, 2010 <https://www.opendemocracy.net/5050/elizabeth-bernstein-janet-r-jakobsen/sex-secularism-and-religious-influence-in-us-politics>

*'if one wants to achieve a gender-equal society, then prostitution must cease to exist'* quote from: Dodillet, Susanne, and Petra Östergren. "The Swedish Sex Purchase Act: Claimed Success and Documented Effects." In *Conference Paper Presented at the International Workshop: Decriminalizing Prostitution and Beyond: Practical Experiences and Challenges. The Hague*. Citeseer, 2011. <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.694.9804&rep=rep1&type=pdf>

specialist health care, are often lacking throughout the process, including on return.<sup>18</sup>

UN Women policy should call for state level anti-trafficking policies to focus on actual exploitation and abuse, and not be used as tool for populist anti-immigration policies or as an excuse to crack down on the human rights of migrant sex workers.

Unzip the Lips calls for decriminalisation of sex work, work-places, clients and third parties; and for anti-discrimination laws that prevent discrimination on the basis of sexual orientation or gender identity, and past or present occupation.

Unzip the Lips calls on UN Women to reject ideological and fundamentalist beliefs that are not backed up by evidence.

Unzip the Lips calls for safer migration opportunities, and a labour rights framework for protecting and asserting the rights of migrant sex workers.

**SDG 5.5** Ensure [sex workers'] full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life

This consultation exercise and UN Women's entire policy development process in relation to sex work falls far short of the "full and effective participation ... at all levels of decision-making" for cis- and transgender women sex workers. Unzip the Lips calls for a meaningful and participatory process.

**SDG 3.7** By 2030, ensure universal access to sexual and reproductive health-care services ...

**SDG 5.6** Ensure universal access to **sexual and reproductive health** and reproductive rights

Why does UN Women only reference "reproductive rights" in the consultation document and not "sexual and reproductive health"? (*Are women defined only by their ability to reproduce? Whether this was shorthand and SRH was implied, or an accidental omission, it is indicative of the sloppy, thoughtless nature of this consultation and process.*)

SDG 5 means women sex workers are not defined only by their ability to reproduce but are recognized as rights holders entitled to the highest attainable standard of health. This includes access to quality, accessible, affordable and acceptable sexual and reproductive health services, as well as reproductive rights.

A major flaw in the SDGs is that the full definition of sexual and reproductive health and rights (SRHR) is not included. Unzip the Lips goes beyond the SDGs in advocating strongly for sexual and reproductive health *and rights* for key affected women and girls.

Sexual rights include the right to a safe and full sexual life, and the right to make free, informed and voluntary decisions regarding sexuality, sexual orientation and gender identity - without coercion, discrimination, or violence. SRHR includes issues such as universal access to comprehensive sexuality education

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<sup>18</sup> Collateral Damage (GAATW); Hit and Run (Empower Foundation); "Status of Sex Workers in India - Submission to CEDAW 2014," Pai, Seshu, Gupte, VAMP (2014.) [http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/Ind/INT\\_CEDAW\\_NGO\\_Ind\\_17395\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/Ind/INT_CEDAW_NGO_Ind_17395_E.pdf)

and access to affordable, accessible and decriminalized safe abortion, which are both gaps in Agenda 2030.<sup>19</sup>

**SDG 5.a** Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws

Unzip the Lips calls for an end to the theft of sex workers' earnings by police or the state, either through bribery and corruption or as a result of anti-trafficking raids and policies.

Unzip the Lips calls for full citizenship rights and legal identity papers, for sex workers and their children, including the right to own property and access financial services.

Unzip the Lips calls for recognition of the right to a livelihood for sex workers, and the right to freely choose the nature of their work. This means being free to choose to do sex work, and having the right to refuse to do sex work. It means the right to safe and healthy conditions of work, and the protection of the law from coercion, violence and abuse including theft of money and property.

**SDG 8.7** ... eradicate forced labour, ... trafficking ... worst forms of child labour

**SDG 8.8** Protect labour rights and promote safe and secure working environments for all [sex workers], including migrant [sex workers], in particular women migrants, and those in precarious employment

**SDS 10.7** Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies

(See initial comments about trafficking under SDG 5.2 above.)

In relation to sex work it is impossible to talk about SDG 8.7 without also considering SDG 8.8. Sex workers across Asia and the Pacific need safe and secure working environments, and many are in precarious employment situations due to laws and policies that criminalise sex work.

Migrants sex workers rights are routinely infringed by anti-trafficking policies. This can include age and gender related restrictions on women's freedom of movement when leaving a country. It can include restrictive rules on immigration that push migrant sex workers' towards undocumented migration channels – increasing their vulnerability to potentially exploitative situations by depending on third parties. It can include excessive and privacy invading questioning, sexual harassment and violence at border crossings. It can mean being abducted from a place of work by over-zealous religious NGO staff or armed state operatives (often accompanied by media) carrying out 'raid and rescue anti-trafficking operations', and placed in a 'rehabilitation' home without consent. It can mean migrants being sent home irrespective of their visa status, consent, or desire to remain in the country and continue working. On return, it can mean being labelled with stigmatising language or having their occupation revealed to family and community.

Migrant sex work can be precarious employment. Visas and work permits for the purpose of sex work are non-existent, so migrant sex workers routinely work outside or in the margins of the law. This increases their vulnerability to police

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<sup>19</sup> Unzipping Agenda 2030; Montevideo Consensus.

abuse, since police in Asia and the Pacific routinely arrest sex workers for “visa violations.” And it increases their vulnerability to exploitation by abusive managers and agents, who can simply threaten to call immigration if someone does not comply with their wishes.

These structural vulnerabilities in the name of anti-trafficking increase migrant sex workers’ risks of experiencing exploitation.

Decriminalisation of sex work, establishing labour rights, and *granting migrant sex workers appropriate working visas* are essential steps in improving the lives of sex workers in Asia and the Pacific.

**SDG 10.2** By 2030, empower and promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status

**SDG 10.3** Ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard

**SDG 16.b** Promote and enforce non-discriminatory laws and policies for sustainable development

Unzip the Lips calls for an end to discrimination on the basis of sexual orientation, gender identity and past or present occupation; and for the inclusion of sex workers as equal citizens in all aspects of life.

**SDG 16.3** Promote the rule of law at the national and international levels and ensure equal access to justice for all

Sex work, work places, clients, and third parties must be decriminalised in order to enable sex workers to have the same protection of the law that others take for granted.

**SDG 16.5** Substantially reduce corruption and bribery in all their forms

Bribery, corruption, and coercive measures at the hands of police are commonly experienced by sex workers who operate in criminalised environments. In New South Wales, Australia, legislation decriminalising sex work was introduced specifically to curb police corruption, and to provide a clear separation between policing duties such as the investigation of crimes, and the management of the sex industry.<sup>20</sup>

**SDG 16.7** Ensure responsive, inclusive, participatory and representative decision-making at all levels

Sex workers must be meaningfully included in the making of decisions that affect their lives (including this UN Women policy consultation!)

**SDG 16.9** By 2030, provide legal identity for all, including birth registration

Difficulties in obtaining legal identity papers are a significant issue for many sex workers, especially migrant sex workers, and are key to accessing many social

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<sup>20</sup> “8th IACC: Royal Commission into the New South Wales Police Service.” The Hon. Justice James Wood, Supreme Court New South Wales. <http://www.8iacc.org/papers/jwood.html>.

protections and benefits. In some countries registering the birth of a child can be difficult for sex workers, along with obtaining citizenship for their child.

### **“Question 3) The sex trade is gendered. How best can we protect women in the trade from harm, violence, stigma and discrimination?”**

The phrasing of this question is problematic. Portraying women as inherently vulnerable, weak and in need of protection is the kind of gendered stereotype that UN Women should be challenging, not reinforcing.

Cis- and transgender women will be best protected from harm when they are recognised as equal human beings, as equal rights holders, as people fully able to make their own decisions and exercise agency; and who are able to work in safe environments with the protection of the law.

Decriminalisation of sex work is not a magic formula that will make violence against sex workers disappear over night. Men’s violence against women, sadly, exists across all levels of society and in all forms of relationships.

Decriminalisation of sex work will, however, give sex workers the same base as others from which to fight for their rights, to hold perpetrators accountable, and seek to change the behaviour of future generations.

Gender-based violence inside and outside the sex industry will not end without addressing systemic issues of gender inequality, economic inequality, classism, racism, hetero-/cis-normativity, and ableism. This involves a recognition of the intersectionality of these issues and a commitment to dismantling the power structures which support and enable them.

(See additional comments under SDG 5.2 and others above.)

## **Conclusions**

The UN Women consultation process should be extended, the policy publishing date delayed, and meaningful, participatory and inclusive consultations conducted with sex workers.

These consultations need to respect the principles of community empowerment, community involvement and community leadership. They should be adequately funded. They should be grounded in an evidence-based human rights approach and not skewed by ideology, fundamentalism, or privileged perspectives from the global north.

UN Women should “ensure full and effective participation ... at all levels of decision-making” of people who will be affected by this policy on sex work.

Special consideration needs to be given to consultations with communities who face intersecting levels of stigma and discrimination such as transgender sex workers, sex workers who use drugs, and sex workers with disabilities.