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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

From: Sex trade survivors and their allies

Survivors of Prostitution Response to UN WG Publication

We, survivors of the business of sexual exploitation, found the document by Office of the High Commissioner for Human Rights (OHCHR)¹ to be contrary to everything we know about the sex industry. Here are the main points of our disagreement:

1. The document uses 'sex work' as a "term preferred by persons who sell sexual services." Consistent with the same approach, the document calls pimps "managers, organizers, and facilitators" (p. 4). We oppose use of the term 'sex work' since we consider it to be a word that reflects pimp advocacy for the sex trade. The term 'sex work' disappears the abuse inherent in the sex trade and turns our abusers into 'employers' and 'customers.' Most people exploited in the sex industry do not agree with the ideology that proposes to normalize prostitution. Many do not even understand that bizarre line of reasoning. Hence, any document that calls us - survivors of prostitution - 'sex workers' does not represent us.

For many reasons, prostitution can never be 'work'. No 'work' is performed by a customer inside an employee's body. There is no 'work' where being a child and being inexperienced and naïve is rewarded. Also, in prostitution, the preconditions for non-coerced consent do not exist. Consent relies on three preconditions: the freedom to choose a sexual partner, the freedom to select the nature of the sexual activity, and the freedom to choose the timing. None of these exists in prostitution, which makes its entire practice an offense or, at the very least, an act of abuse – definitely not a job.

2. The document lists some human rights violations such as "arbitrary arrest and detention, violence by State agents and private actors, lack of access to health and social services, impeded access to justice, interference with private and family life, and exclusion from civil, political, and cultural life". Yet minimizes the fact that the primary violators of our human rights and the main perpetrators of violence toward us are pimps and sex buyers. Furthermore, this violence is built-in to the sex trade and is create its very existence. You can't have a business without a seller and buyer. In the case of prostitution, the sellers and buyers are extremely violent actors.

3. The document claims that "sex work" is "legitimate work which should benefit from labor and social protections" (p. 2, 11). However, a population in prostitution rarely enjoys the status of salaried workers, regardless of the legal framework in that country. So-called prostitution unions are organized by pimps and don't reflect what traditional labor unions do – they organize workers without the bosses, advocate for shorter hours and better wages. How can

¹ <https://www.ohchr.org/sites/default/files/documents/issues/women/wg/sex-work-pp-fin-proofread-24-sept.pdf>

you form a union of people who sometimes describe a prostitute as being "a professional rape victim."²

4. The OHRCR document suggests that some people have chosen to engage in prostitution, which must be respected (for example, p. 2, 3). Researchers and even "sex work advocates" agree that only a tiny minority in prostitution actually choose it from a selection of real alternatives. The urgent need for money for survival coerces the alleged "choice" to prostitute. Prostitution does not exist because some people "choose" to engage in it. Even if we pretend that prostitution is "just work" - the suggestion that the choices of prostituted individuals drive the industry is nonsensical. Businesses are driven by customer demand - whether authentic demand from consumers or artificial demand created by marketers. No industry exists simply because the workers want it.

5. The document insists that the best prostitution policy is blanket decriminalization of pimps, sex buyers, and persons in prostitution. There is no empirical basis for this propagandistic allegation. Evidence is mounting about the disastrous effects of NZ decriminalization. While we abolitionists certainly agree that those in prostitution should not be arrested for the crimes committed against them – we further acknowledge the harm and stigma of arrest. But we advocate arresting pimps, traffickers, and sex buyers – the perpetrators of paid sexual violence. The claim that any regulation at all would be a harmful act - is appalling. We should not legalize the abuse of prostitution simply because the legal or social system may confuse victim with attacker. A more reasonable request would be to improve the legal system.

6. This extremely biased pro-sex-trade document ignores current sources of information. These more recent sources indicate negative consequences of enabling legal brothels, such as the expansion of the sex trade, a high rate of violently-coerced entry into prostitution, and extreme violence against many prostituted people, of which the authorities are unaware^{3 6 5 4}

7. The document ignores the fact that decriminalization of pimps and sex buyers is controversial among prostituted persons. We must also consider the possibility that these two groups of stakeholders - pimps and punters - who own the resources that drive the sex trade - are also responsible for promoting attitudes that support their own decriminalization. Pimping by organized crime groups is ignored in this document.

For all these reasons, we want you to know that the document's recommendations, if implemented, will not benefit the individuals in the sex trade, nor vulnerable individuals at risk of being prostituted, nor society as a whole. It is our opinion that the OHRCR does not have a mandate to promote the decriminalization of our exploiters and abusers.

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² Farley, M., Bergkvist, E., Asbogard, M., Pethrus, J., Lannergren, M., Fein, L. & Jerari, N. B. (2023). *Pornography Production Harm in Sweden: Filmed Prostitution is Inseparable from Non-Filmed Prostitution*. Prostitution Research and Education.

³ <https://digitalcommons.uri.edu/dignity/vol3/iss2/6/>

⁴ https://1425f57e-5a05-4bdc-8183-747efed61d9f.filesusr.com/ugd/7f14e6_e427c650927141b9b9a2cfed936e1ca1.pdf

⁵ <https://nordicmodelnow.org/wp-content/uploads/2021/03/helmut-sporer-statement-in-english-1.6.21.pdf>

⁶ <https://prostitutionresearch.com/wp-content/uploads/2022/11/Sex-buyersEnglish-11-8-2022pdf.pdf>

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