





Dear Delegates,

On behalf of UNwomen, “the global champion for gender equality that delivers programmes, policies and standards that uphold women’s human rights and ensure that every woman and girl live up to her full potential”, it’s a pleasure to welcome you to Foscamun 2022.

I will now introduce the chair to you. My name is Allegra Zago and I will be your President, Emma Amato will be your Vice President and Anna Temporin your Moderator.

During the session, we are going to discuss a topic of major importance that has an enormous impact on sex workers, especially women:

A) Protecting women sex workers’ rights, especially in relation to trafficking.

As members of this year’s UNwomen Chair, we earnestly hope that we will be able to reach common agreements, in order to stop the spread of issues that are currently posing challenges to the international community.

Thank you all for your attention.

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“UN Women is the United Nations entity dedicated to gender equality and the empowerment of women. As a global champion for women and girls, UN Women was established to accelerate progress on meeting their needs worldwide.

UN Women supports UN Member States in setting global standards for achieving gender equality, and works with governments and civil society to design laws, policies, programmes and services needed to ensure that the standards are effectively implemented and truly benefit women and girls worldwide. It works globally to make the vision of the Sustainable Development Goals a reality for women and girls and it stands behind women’s equal participation in all aspects of life, focusing on four strategic priorities:

- Women lead, participate in and benefit equally from governance systems.
- Women have income security, decent work and economic autonomy.
- All women and girls live a life free from all forms of violence.
- Women and girls contribute to and have greater influence in building sustainable peace and resilience, and benefit equally from the prevention of natural disasters and conflicts and humanitarian action.

UN Women also coordinates and promotes the UN system’s work in advancing gender equality, and in all deliberations and agreements linked to the 2030 Agenda. The entity works to position gender equality as fundamental to the Sustainable Development Goals, and a more inclusive world.”¹

Topic A

Protecting women sex workers’ rights, especially in relation to trafficking

¹ <https://www.unwomen.org/en/about-us/about-un-women>

INTRODUCTION

The term “sex worker” refers to women, men and transgendered people who sell or exchange sexual services, and who consciously define those activities as income generating, even if they do not consider sex work as their occupation.

UNwomen works “to raise awareness and promote accessible and simple solutions and provide support by finding paths that allow women to access justice when they have been at risk to human trafficking. It also provides assistance in order to increase the number of people who work directly with women’s needs and difficulties”².

These people are also often subjected to discrimination due to a lack of labour rights including the legal right to a safe and healthy workplace and to reasonable terms and conditions of employment.

In the past few years, the ANTI-TRAFFICKING movement has tried to make women sex workers’ voices and perspectives be known, in order to find a strategy to fight for the dignity and rights of whomever works in this environment and “to recognise the need to address human trafficking without undermining the efforts and rights of sex worker”³s.

Women adults who agreed to sexual intercourses in exchange for money or goods, regularly or occasionally, are among the vast majority of population that is being left behind in the HIV respons. Eventhough HIV is usually contracted among sex workers 10 times higher than among the general population, sex workers are poorly served by HIV services and since these people are high up at risk, there should be much more care and services for them.

What sex workers face in accessing HIV services is due to criminalisation and the restrictive laws, regulations and practices they are confronted with.

Sex workers sometimes have to go without medical assistance, due to poor treatment or fear of arrest; in fact, sex work not being treated as a real job leads to sex workers being prevented from accessing employer-based health insurance and makes it impossible for many of them, who have other employment, to afford medical care.

² <http://asiapacific.unwomen.org/en/focus-areas/peace-and-security/preventing-human-trafficking>

³<https://www.opportunityagenda.org/explore/resources-publications/sex-workers-rights-workers-rights-human-trafficking>

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Selling or buying sex is criminalized in at least 39 countries and, in many more, some aspects of sex work are criminalized by applying general criminal laws.(e.g.laws against loitering and vagrancy).

In other countries where sex work is not criminalized, there is barely any protection for sex workers. Furthermore, it is known that female sex workers have to face high levels of violence, whether physical or sexual; sex workers deserve and should take for granted their right of legal protection as any other worker and they should also be able to maintain their livelihood peacefully.

Additionally, sex work and sex trafficking are not synonymous.

Every victim of trafficking is part of a spectrum that involves many choices and circumstances, through force or coercion; the complexity of this spectrum makes it difficult to access the number of people trafficked into the sex trade, since, as a matter of fact, criminalization of sex work increases sex workers' vulnerability to violence, exploitation, and trafficking.

In MCDs countries, like the United States of America, sex workers are either already being sold into sex trafficking in their childhood or have no possibility to escape their forced prostitution, or else started out as sex workers by choice only to fall victim to sex trafficking later on.

“Moreover, since prostitution is illegal in most places, there are few legal protections in place for prostitutes; many fear that seeking help will only lead to arrest, and many who do seek help are arrested and then have to battle the stigma of a criminal record while they try to reintegrate into society.”⁴

Another point that requires immediate attention is protecting and decriminalising sex workers from police violence, which would guarantee them access to health care, lower the risk of violence from clients and finally reduce mass incarceration.

Indeed, clients also take advantage of a criminalized environment where sex workers risk their own safety to avoid arrest, and this shows the importance of decriminalization and equal protection by police officers.

⁴ <https://harvardcrcl.org/to-protect-women-legalize-prostitution/>

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Since sex workers are less protected by the law than other human beings and workers, clients can more easily rob, assault and murder them without having to pay for their actions.

Sex workers became even more vulnerable to abuse from clients after the SESTA/FOSTA Act was passed in 2018. SESTA/FOSTA banned many online platforms for sex workers, including client screening services, like Redbook, which allowed sex workers to share information about abusive and dangerous customers and build communities to protect themselves.

Lastly, the COVID-19 pandemic has also contributed to increase risks and challenges for sex workers and victims of trafficking, as shown by the global survey on survivors of trafficking and frontline stakeholders, carried out by ODIHR and UNWomen.

The survey findings indicate that throughout the COVID-19 pandemic, exacerbation of vulnerability of women and young girls to THB (Trafficking in Human Beings) for the purposes of sexual exploitation has increased and will keep doing so.

“Online recruitment, grooming and exploitation have been widely used by traffickers during the pandemic. There are also indications that trafficking for the purpose of sexual exploitation online, including the demand for Child Sexual Abuse Material (CSAM) has increased.

The majority of anti-trafficking stakeholders and survivors of trafficking reported decreased accessibility of assistance and services for VoTs and survivors of trafficking as for 2020.”⁵

PROJECTS AND ACTIONS TAKEN

⁵<https://respect.international/addressing-emerging-human-trafficking-trends-and-consequences-of-the-covid-19-pandemic/%5D>

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The European Court of Human Rights, in its 2010 judgment in the case “*Rantsev v. Cyprus and Russia*,” ruled that trafficking in human beings, as defined in the *UN Trafficking Protocol* and the *Council of Europe Convention on Action against Trafficking*, is prohibited by “Article 4” of the **Convention for the Protection of Human Rights and Fundamental Freedoms** (hereinafter the ECHR) without the need to determine whether it should be qualified as slavery, servitude or forced labour:

[Like slavery,] “trafficking in human beings, by its very nature and aim of exploitation, is based on the exercise of powers attaching to the right of ownership. It treats human beings as commodities to be bought and sold and put to forced labour, often for little or no payment, usually in the sex industry but also elsewhere. It implies close surveillance of the activities of victims, whose movements were often circumscribed. It involves the use of violence and threats against victims, who live and work under poor conditions”.⁶

Moreover, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude, debt bondage, forced marriage, forced begging, (sexual) exploitation of children and the worst forms of child labour are human rights violations in themselves, and unambiguously prohibited under international human rights law.

The United Nations Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others (1949), adopted by its General Assembly, states in its preamble that “Prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person”⁷.

The United Nations 1979 Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) states their aim to “take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women”⁸.

Amnesty International has spent more than two years developing their policy to grant human rights to sex workers, after research and consultation with a wide range of organizations and

⁶<https://www.opportunityagenda.org/explore/resources-publications/sex-workers-rights-workers-rights-human-trafficking>

⁷ <https://www.ohchr.org/en/professionalinterest/pages/trafficingpersons.aspx>

⁸ <https://www.ohchr.org/en/professionalinterest/pages/cedaw.aspx>, article 6

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people. They examined research by organizations, such as World Health Organisation, UNAIDS, the UN Special Rapporteur on the Right to Health and other UN agencies. They also consulted research by other agencies, such as the Global Alliance Against Traffic in Women, while also carrying out detailed research in Argentina, Hong Kong, Norway and Papua New Guinea and interviewing more than 200 sex workers from around the world.

Their departments round the world also contributed to Amnesty International's policy through extensive and open consultation with sex worker groups, groups representing survivors of prostitution, organizations promoting criminalization, feminist and other women's rights representatives, LGBTQ+, anti-trafficking agencies, HIV/AIDS activists and many others.⁹

QUESTIONS

1. Why is criminalisation of sex work a human rights issue?
2. How can decriminalising sex work help protect sex workers?
3. Would decriminalising sex work encourage other human rights violations, such as human trafficking?
4. Does your country's government consider sex work to be a form of sexual violence?
5. What should governments do in order to reduce abuses and trafficking?
6. What action has been taken by your country in order to reduce trafficking?

⁹<https://www.amnesty.org/en/latest/news/2016/05/amnesty-international-publishes-policy-and-research-on-protection-of-sex-workers-rights/>

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