**Commentary on the CEDAW Concept Note on its elaboration of a General Recommendation on Trafficking in Women and Girls in the Context of Global Migration.**

Comments for inclusion into the final version of the **General Recommendation on Trafficking in Women and Girls in the Context of Global Migration**. Contribution to be published on the CEDAW website.

by Dr Belinda Brooks-Gordon, Dr Alison Jobe, and Ms Marjan Wijers (LL.M) on behalf of the Sex Work Research Hub Board, United Kingdom.

*Introduction*

The Sex Work Research Hub (SWRH) is a network connecting 150 individual researchers and academics across a range of universities and disciplines researching trafficking, sexual exploitation, sex work, and sex working.  We connect with sex workers, sex work support projects and other stakeholders, such as lawyers, police, educators, youth and community workers, to support and develop research and knowledge as well as delivering tangible public benefit and impact. Our approach is based on ethical participatory principles that respect the lives and experiences of sex workers. The SWRH incorporates knowledge and expertise at the highest level in the UK and internationally. Our reason, therefore, for submitting evidence is to produce evidence-based policy-relevant findings. The network is co-ordinated by a Board.

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To fulfil their obligations under international law It is important for states to take the issue of human trafficking seriously. We argue that, taken as a whole, the General Recommendation (GR) should:

1. Ensure that anti-trafficking laws, policies and measures do not violate (women’s) human rights, that they are evidence-led[[1]](#footnote-1) and gender-sensitive.
2. Cover all forms of trafficking, including for domestic labour, care work, marriage and other female designated labour sectors, and should include in-border trafficking.[[2]](#footnote-2)
3. Emphasize the need to look at the concrete effects of policies and measures on the health, safety and rights of the groups affected. This is in line with CEDAW’s Concluding Observations, as analysed by Van de Brink and Wijers.[[3]](#footnote-3) Caution is needed as regards criminal law and other repressive anti-trafficking strategies which risk increasing vulnerability to exploitation and abuse rather than protecting women against such practices.
4. Focus on measures to empower women, enlarge rather than limit their options and improve the protection of their labour and human rights. Rather than ideologies, the *actual* impact of anti-trafficking laws, policies and measures on often already marginalised groups of women should be the main measure.
5. Have as a leading principle that measures to address trafficking should not negatively impact on the health, safety and rights of trafficked persons and other groups affected by trafficking and/or anti-trafficking policies, in particular female migrants, sex workers, and refugees in line with Principle 3 of the 2002 Recommended Principles and Guidelines on Human Rights and Human Trafficking and the 2010 *Commentary* *on* the Recommended Principles and Guidelines on Human Rights and Human Trafficking of the OHCHR (p.1; p. 83-93).[[4]](#footnote-4)
6. Stress the need for participation and empowerment of trafficked persons and other groups affected by trafficking and anti-trafficking measures. This means their involvement in the design, implementation, monitoring and evaluation of anti-trafficking measures, including the development of the General Recommendation at hand. These are not only core human rights principles, they are an important safeguard for preventing undesirable negative side effects of anti-trafficking measures. See also para 52.
7. Make a clear distinction between trafficking and sex work: delete the reference to the 1949 Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others (para 9). It is obsolete, controversial, only ratified by a limited number of states, does not make a distinction between prostitution and trafficking, and it negates the will and agency of women. It was overturned by, and is in contradiction with, the Trafficking Protocol, that clearly distinguishes between trafficking and sex work, leaving policies on prostitution to the discretion of individual states. In addition, it is in contradiction with the objective and scope of the GR as discussed in the Concept Note, which i) explicitly states that the envisaged GR should focus on trafficking and not on prostitution and ii) that it does not want to broach a political discussion on prostitution (para 53), which it does by referring to the 1949 Convention.
8. Include supporting provision of increased resources to support people who sell sex, including those who want to leave sex work. Existing legislative and crime fighting resources are better focused to ensure improved protection of sex workers and the realisation of their human rights, including the right to be protected against violence and abuse, and to leave prostitution if they wish. The phrase ‘sex work’ does not appear in the draft document; this is controversial as the principle of non-discrimination is fundamental to the realisation of all human rights. All the human rights courts and international treaties reiterate this general principle, including the Universal Declaration of Human Rights.
9. Clarify the interpretation of the definition of trafficking: Many states exclude sex workers from protection against trafficking by wrongly considering consent to sex work as consent to abuse. The same may apply to (undocumented) migrants when they consented to carry false papers or illegally work abroad. It should be stressed that, according to the UN definition, any recruitment, transport, et cetera, by use of coercive or deceptive means should be treated as trafficking. The fact that a victim consented to migrate, to carry false documents, to work illegally abroad, to do domestic work, pick berries or to do sex work, cannot be used to argue that the victim ‘consented’ to work in conditions of forced labour, slavery or servitude. The nature of the labour or services provided, including those in the sex industry, are irrelevant to the question of whether or not the victim’s human rights are violated. In practice, the distinction between ‘innocent’ and ‘guilty’ victims is one of the major obstacles to effectively combat trafficking. As noted by the European Expert Group in its 2004 report:[[5]](#footnote-5)

*The effect is that in many cases, instead of the offender standing trial, it is the victim who has to prove her ‘innocence’, thus shifting the focus from the acts of the trafficker to the morality of the victim.*

The distinction between ‘good’ women who deserve protection and ‘bad’ women who forfeited their right to protection against abuse sends two messages. Firstly, that sex workers may be abused with impunity. This condones violence and abuse against sex workers, adds to the stigma and acts as a barrier for trafficked women to escape, no matter whether they were forced into sexwork or entered sex work from their own decision. And secondly, that the right of women to be protected against violence and abuse is determined by their sexual purity or ‘honour’. This is not only harmful for sex workers, but for all women.[[6]](#footnote-6)

1. Address the problems attached to the distinction between so- called ‘sexual exploitation’ and ‘labour exploitation’. The separation of sexual exploitation from forced labour falsely suggests that forced labour cannot exist in the sex industry, consequently depriving sex workers of protection against the practice. In this regard it should be noted that the International Labour Organization (ILO) Committee of Experts has always dealt with forced prostitution as a form of forced labour. As statedby the 2007 International Labour Conference:

*While a certain distinction has been drawn in the above definition between trafficking for forced labour or services and trafficking for sexual exploitation, this should not lead to a conclusion that coercive sexual exploitation does not amount to forced labour or services, particularly in the context of human trafficking.[[7]](#footnote-7)*

Moreover, despite the distinction the Protocol makes between trafficking and sex work, in practice the singling out of ‘sex trafficking’ has reinforced the conflation of sex work and trafficking, denying women agency and leading states to combat sex work instead of trafficking.

Thirdly, the distinction between ‘sexual exploitation’ and ‘labour exploitation’ gives rise to diametrically opposed strategies in combating trafficking in the sex industry and other industries.[[8]](#footnote-8) In the latter case, strategies focus on strengthening rights of (migrant) workers and enforcing labour standards to combat abusive practices. Conversely, in the case of trafficking in the sex industry, the further criminalisation of prostitution is advocated, thus leaving sex workers with fewer instead of more rights and increasing instead of decreasing their vulnerability for abuse and exploitation. It, moreover, excludes sex work from measures to address forced labour in other industries, such as those contained in the 2014 ILO recommendation for the suppression of forced labour.[[9]](#footnote-9)[[10]](#footnote-10)

1. Extend the right to protection, assistance and compensation to all victims of exploitation under forced labour or slavery-like conditions, no matter how they arrived in that situation, whether through trafficking or through other ways, e.g. debt bondage or inherited status. There is no reason why one category of victims of forced labour and slavery-like practices should have access to assistance and protection and others not, simply because of the way they arrived in that situation:

 *From a human rights perspective, the primary concern is to stop exploitation of people under forced labour or slavery-like conditions, no matter how people arrive in such situations and whether it concerns a victim of trafficking, a smuggled person, an illegal migrant or a lawful resident. The logical way forward—at least from a human rights point of view—would be to focus policy interventions on the forced labour and slavery-like outcomes of trafficking, rather than on the means of trafficking. Importantly, this would shift the debate from morality to actual working conditions.[[11]](#footnote-11)*

In fact, this is precisely what States are already obliged to do under Art. 8 of the Covenant on Civil and Political Rights and the Forced Labour conventions.

**Re**his is rather and Littlefield. (10) sorkers less safe S. and McGarry, K. Realising Justice for Sex Workers. Rowman and Littlefie**commendations for specific paragraphs of the draft Concept Note**

The following comments relate to the specific paragraphs in the Concept Note listed below:

Para 7: This is nebulous and needs to make clear what these ‘new realities’ are, for example the UNODC Report (2018) shows that countries with strong economic performance, international economic crises, and globalisation, create increased migration around the world. It is important also to add specific cases on forced labour and servitude (see e.g. *Siliadin v France*, ECtHR, application no. 73316/01, 26/10/2005).

Para 8: It is important to note that under international Human Rights law states have an obligation to provide victims of Human Rights violations with an adequate remedy. Reference should be included to the major UN and European human rights treaties, which include:

* International Covenant on Civil and Political Rights (ICPR).
* International Covenant on Economic, Social and Cultural Rights (ICSCR).
* International Convention on the elimination of all forms of racial discrimination (ICERD).
* European Convention of Human Rights and Fundamental Freedoms (ECHR).
* Council of Europe Convention on Action against Trafficking in Human Beings (ECATHB)

Para 9: Delete reference to the 1949 Convention. See point 6 above. Add: ILO 2014 Forced Labour Protocol.

Para 11 & 25: It is disturbing that the draft Concept Note uncritically repeats unsubstantiated figures and refers to ‘an increase of trafficking’, ‘a majority of women and girls’, ‘of which the majority is for ‘sexual exploitation’’, and ‘women and girls continue to be the prime targets, especially for sexual exploitation’, This contradicts other major sources. E.g. ILO reports:

*Out of the 24.9 million people trapped in forced labour, 16 million people are exploited in the private sector such as domestic work, construction or agriculture; 4.8million persons in forced sexual exploitation, and 4 million persons in forced labour imposed by state authorities. Women and girls are disproportionately affected by forced labour, accounting for 99% of victims in the commercial sex industry, and 58% in other sectors*.[[12]](#footnote-12)

By repeating such flawed figures, the Concept Note also contradicts one of its own main sources, i.e. the UNODC Global Report on Trafficking in Persons (2018) which lays out many of the inherent problems in counting, for example discrepancies in states’ definitions, recording systems, and the fact that internationally standardized data are not available. In addition, for many countries where 2016 data were not available, data from other years was used (e.g. 2017, 2015, or 2014 (UNODC 2018, p. 17)). This is no basis on which to base such sweeping statements in the draft Concept Note and we suggest they be changed. The use of unsubstantiated data compounds our concern that by a dominant focus on trafficking for prostitution, the GR will lose focus on the other sectors and purposes for which women are trafficking, especially domestic labour and marriage.

Para 19: When mentioning “Intensifying efforts to address the demand fostering the trafficking of women and children” it is important to understand ‘demand for what’? Research points out that rather than a demand for the labour or services of trafficked persons, there is predominantly a demand for cheap and exploitable labour/ workers without rights.[[13]](#footnote-13) In this context it is important to note that one of the gender-based factors that put women at risk of trafficking and exploitation, is the fact that women’s work in female designated labour sectors, such as domestic work, sex work and entertainment, is not or only marginally recognised as work, with the ensuing lack of labour rights and labour protections. Throughout history labour rights and labour law protections have proved to be the most successful means of protecting vulnerable workers against exploitation and abuse.

Para 15, 19, 25, 27 and 52: To refer to the ‘demand side of the commercial sex industry’ (para 27) is to use a phrase that has been proved to be used in a targeted way against people who sell sex, and is used as a means to reduce or eradicate sex work. This is directly counter to the aims of the document which is to eradicate trafficking. On the one hand, it should be noted that ‘addressing demand’ is not the same as criminalising clients of sex workers.[[14]](#footnote-14)

On the other hand, when discussing the role of demand in relation to the sex industry, the link between criminalisation of prostitution, including of clients, and susceptibility for trafficking and other abuses should be taken into account. This is because the ideological underpinning (i.e., separatist feminism, Marxism, and religious evangelism) is influenced by prohibitionist pressure groups which: *use trafficking rhetoric and inflated which may also exploit migration fears and mask immigration statistics and practices* (Brooks-Gordon 2010, p156)*.* It is also nonsensical to assume that a basic economic model of demand-led supply or supply-driven demand is applicable to transactional sexual activity when research evidence shows the answer to be more multifarious, encompassing complex feelings of fantasy and desire that are psychological and cultural. It is a flawed simplistic perspective that assumes otherwise; such a flawed perspective also does not account for male sex workers or transgender people in sex work either.

There is a wealth of academic research and community-based evidence showing how criminalisation of sex work compromises the safety, health and human rights of people who sell sex and directly contributes to human rights abuses.[[15]](#footnote-15) This includes laws that criminalise the organisation or ‘promotion’ of prostitution, the renting of housing or workspace to sex workers, living of the earnings of sex work, the selling of sex and/or the purchase of sex through a variety of different criminal offences. The impact is also seen in other laws such as immigration provisions which stipulate the suspicion of prostitution as a reason for immediate deportation (like in Sweden).

We would especially like to draw attention to the recent research of Platt et al (2018) on the impact of criminalisation, including client criminalisation, on the health, safety and rights of sex workers, based on a comparison of 33 countries.[[16]](#footnote-16)

More specifically, the impact of the ban against purchasing sex, often in the name of combatting trafficking, has been researched by a wide variety of authors, academics and NGOs, for example by Brooks-Gordon (2010), Levy (2014), Amnesty International (2016) and Mai et al (2018), in various countries, including Sweden, Norway and France.[[17]](#footnote-17)

Criminalisation often has the opposite results than that which was intended. Criminalising buyers reduces the bargaining power of sex workers, including for safe sex, makes them more dependent on intermediaries and even pimps, banishes them to dangerous and isolated areas, prevents them from reporting to the police in case of violence or other abuses, and increases stigma. There is, moreover, significant evidence that sex workers continue to be criminalised and penalised directly and indirectly by any legal framework that criminalises their clients. In Norway for example, after the criminalisation of buying sexual services, it was found that the public viewed the sellers of sex much more negatively with a resulting stigmatisation and vulnerability of the women involved in it. This change in attitude was the opposite of what was intended by the legislators. Similarly, in Sweden where after the criminalisation of clients a change in public opinion took place in the direction of support for prohibition towards both the sale and purchase of sex. The impact of such public stigma on people who sell sex impacts on the health and wellbeing of women,[[18]](#footnote-18) but there are indicators that negative attitudes towards sex work and sex workers have a manifestly detrimental impact on the well-being of sex workers. For example, an officer from Pro Sentret in Norway described to Amnesty International how:

’*a lot of the women told us that every time there was a big debate about the law (in media or parliament) there would be people driving in the prostitution areas, cock, shouting, throwing things, calling the women ‘dirty* whores’. (Amnesty, 2018, p89)[[19]](#footnote-19)

It was also found that an increased percentage of sex workers report being unwantedly “felt up”, called abusive terms, threatened or forced, pushed, threatened with a weapon, tugged, spat on, choked, bitten, kicked and scratched. In most cases, the perpetrator was either a random customer (67%), or a passer-by (22%). So, clearly, the risk of opportunistic violence on sex workers had increased.

In this context, it is interesting to note that states with a decriminalized sex industry have less trafficking. An example is New Zealand: ‘where trafficking for forced labour was a more common form of exploitation than for sexual exploitation’ (UNODC, p. 67) and *‘most of the victims of trafficking for forced labour were men’* (p. 69). New Zealand also better labour rights. Case law from employment tribunals shows in *DML v. M & T Enterprises Ltd* where damages of $25,000 NZD were paid to a sex worker for inappropriate, suggestive, remarks made to her by a brothel owner. The case explicitly shows that labour rights and recourse to justice in order to exercise those rights are much greater in a decriminalized environment than any other.[[20]](#footnote-20)

Para 8, 18 & 19: ‘Integrating a human rights approach’ implies the protection of the human rights of *all* groups affected by anti-trafficking policies, laws, measures, and obligations to ensure that anti-trafficking measures in no way harm or undermine human rights. In formulating policy political parties have found:

“*The principles that guided the policy…included ‘The harm principle’, a person’s inalienable right to bodily integrity, that every person should have control over their own body, equality and the avoidance of stigma and discrimination. These were underpinned by the social justice …‘to build a fair, free and open society, in which no one shall be enslaved by poverty, ignorance, or conformity.’[[21]](#footnote-21)*

*The evidence taken, and the fundamental importance of consent, led the party to conclude that they could only propose a system that is based on full realisation of sex workers’ human rights and underlines the states’ obligations to address them. Inevitably this includes decriminalisation as a path to harm reduction. To ensure harm reduction, people who voluntarily choose to engage in sex work would have the same employment and civil rights as any other person and be freed from discrimination by legal, health, and financial institutions.’ (Liberal Democrats, 2017)[[22]](#footnote-22)*

International obligations to respect, protect and fulfil these rights as they relate to people who sell sex include the right to security of the person, the right to equal protection of the law, the right to non-discrimination, the right to health, the right to privacy and the right to housing. States that do not implement their international obligations to respect, protect and fulfil these rights as they relate to people who sell sex are not complying with their international obligations.

*It also means that we should not only be concerned about the human rights of trafficked persons, but also about the impact of anti-trafficking policies and measures on the human rights of other groups affected by them, in particular sex workers, migrants and refugees. With regard to the first group, there is a lot to learn from the sex workers’ rights movement. It is up to the anti-trafficking movement to listen. Lack of awareness is no excuse: the body of research on the negative human rights impacts of anti-trafficking measures is ever growing. The same goes for the impact on the rights of migrants and refugees. (Wijers 2015: 78)*

Para 29: We would like to encourage CEDAW to apply their analysis of the effects of the lack of labour protection also to sex work.

Para 31: Based on research we suggest adding to the ‘’groups most at risk’ sex workers and transwomen.

Para 34: An additional barrier is that women not only face prosecution and punishment for irregular migration but also for involvement in prostitution.

Para 54: List of subthemes

A fundamental element of access to justice is access to an adequate remedy, including access to specialised legal aid, compensation and redress:

*Under international human rights law States have an obligation to provide victims of human rights violations with adequate and appropriate remedies and to protect them from further harm. The provision of adequate remedies serves multiple purposes. It offers the victim payment or reparation for injury, loss or harm and is an essential element of access to justice. It helps to empower the victim, contributes to their recovery and reduces the risk of re-trafficking. At the same time it serves as punishment and deterrence of traffickers.*

*The right to a remedy is a human rights norm widely recognized in the major international and regional human rights instruments. The International Covenant on Civil and Political Rights (ICCPR), for example, requires States Parties to ensure “that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy” (Art. 2(3)). A similar provision is found in Art. 13 of the European Convention on Human Rights (ECHR).*

*As stated in Guideline 9 of the OHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking: “Trafficked persons, as victims of human rights violations, have an international legal right to adequate and appropriate remedies. This right is often not effectively available to trafficked persons as they frequently lack information on the possibilities and processes for obtaining remedies, including compensation, for trafficking and related exploitation. In order to overcome this problem, legal and other material assistance should be provided to trafficked persons to enable them to realize their right to adequate and appropriate remedies.”*

*The right to an effective remedy contains both substantive elements and procedural rights needed to be able to access remedies. According to the Basic Principles and Guidelines on Remedy and Reparation,[[23]](#footnote-23) adequate reparations include: restitution, rehabilitation, compensation, satisfaction, and guarantees of non-repetition. See also the report on compensation of the UN Rapporteur on Trafficking Joy Ngozi Ezeilo.[[24]](#footnote-24)*

*Procedural rights include:*

* *Access to information about available remedies in a language the victim understands;*
* *The right to legal assistance, including to pursue compensation;*
* *The right to remain in the country during legal proceedings, including those for claiming compensation;*
* *Protection against unlawful interference with the victim’s privacy and safety from intimidation and retaliation before, during and after proceedings;*
* *The right to play a meaningful role in legal proceedings, to being heard and to act;*
* *In the case of children: the appointment of a guardian.*
* *Medical, psychological, social, administrative and any other assistance that they may require in order to exercise the right to an effective remedy in a meaningful manner.[[25]](#footnote-25)*

We urge CEDAW to address these issues in the final version of the Recommendation on TWGCGM to take account of the evidence to ensure the human rights of women and girls are upheld in the context of global migration.

1. For example, Belinda Brooks-Gordon (2018) Into the Light: A Model of Justice for Workers’ Rights in the Shadow and Gig Economy. In Fitzgerald, S. and McGarry, K. *Realising Justice for Sex Workers*. Rowman and Littlefield. ISBN 978-1-7866-0395- [↑](#footnote-ref-1)
2. As is the case with the Global Report on Trafficking in Persons (2018) UNODC https://www.unodc.org/documents/data-and-analysis/glotip/2018/GLOTiP\_2018\_BOOK\_web\_small.pdf [↑](#footnote-ref-2)
3. Van den Brink & Wijers (2012).Because to me a woman who speaks in public is a public woman, 30 years Women’s Convention and the struggle to eliminate discrimination of women in the field of trafficking and prostitution, in: *The Women’s**Convention Turned 30*, Ingrid Westendorp (ed.), Maastricht Centre for Human Rights: Intersentia. [↑](#footnote-ref-3)
4. <https://www.ohchr.org/Documents/Publications/Traffickingen.pdf>; https://www.ohchr.org/Documents/Publications/Commentary\_Human\_Trafficking\_en.pdf [↑](#footnote-ref-4)
5. Experts Group on Trafficking in Human Beings, ‘Report of the European Experts Group on Trafficking in Human Beings’, European Commission, 2004, p. 51, available at http://lastradainternational.org/doccenter/1049/report-of-the-experts-group-on-trafficking-in-human-beings [↑](#footnote-ref-5)
6. M Wijers, ‘Purity, Victimhood and Agency: Fifteen years of the UN Trafficking Protocol’, Anti-Trafficking Review, issue 4, 2015, pp. 56—79, www.antitraffickingreview.org [↑](#footnote-ref-6)
7. ILO, ‘Eradication of Forced Labour’, ILO, 2007, p. 42. 32. [↑](#footnote-ref-7)
8. See also Simmons F. & David F. (2012). ‘The Road to Effective Remedies: Pragmatic reasons for treating cases of “sex trafficking” in the Australian sex industry as a form of “labour trafficking”’, Anti-Trafficking Review, issue 1, 2012. [↑](#footnote-ref-8)
9. ILO, R 203, Forced Labour (Supplementary Measures) Recommendation’, no. 203, 2014, available at http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\_INSTRUMENT\_ID:3174688. [↑](#footnote-ref-9)
10. M. Wijers (2015), p. 68. Ibid note 6. [↑](#footnote-ref-10)
11. Ibid, p. 70. [↑](#footnote-ref-11)
12. *.* ([Global Estimates of Modern Slavery: Forced Labour and Forced Marriage](https://www.ilo.org/global/publications/books/WCMS_575479/lang--en/index.htm), Geneva, September 2017) [↑](#footnote-ref-12)
13. See Anderson. B. & O’Connel Davidson J. (2004). Trafficking: a Demand-led Problem? Save the Children Sweden; DemandAt, Addressing Demand in Anti-Trafficking Efforts and Policies, <http://demandat.eu/publications/policybriefs>. [↑](#footnote-ref-13)
14. See also the work of Petra Östergren and Demand at <https://www.demandat.eu/>, i.a. Östergren, P. (2017). *Preventing exploitation and trafficking in the sex work sector*. DemandAt (Addressing Demand in Anti-Trafficking Efforts and Policies) Policy Brief. http://demandat.eu/sites/default/files/DemandAT\_PolicyBrief\_Preventing%20Vulnerability.pdf.. [↑](#footnote-ref-14)
15. Pai A, Murthy L., Saraswathi Seshu M. & Shukla R. (2018). Raided. How anti-trafficking strategies increase sex workers vulnerability for exploitative practices. Maharashtra (India): SANGRAM/VAMP.. GAATW (Global Alliance Against Traffic in Women). (2007). *Collateral damage: The impact of anti-trafficking measures on human rights around the world*. Bangkok; ICRSE (2016). *Surveilled. Exploited. Deported. Rights Violations against Migrant Sex Workers in Europe and Central Asia.* <http://www.sexworkeurope.org/sites/default/files/userfiles/files/ICRSE_Briefing%20paper_MIGRANTS%20RIGHTS_November2016_A4_PRINT.pdf>; ICRSE (2018). Policing and Detention of Sex Workers in Europe and Central Asia. [http://www.sexworkeurope.org/news/news-region/icrse-launches-new-resource-policing-and-detention-sex-workers-europe-and-central;](http://www.sexworkeurope.org/news/news-region/icrse-launches-new-resource-policing-and-detention-sex-workers-europe-and-central;l) Amnesty International. (2016a). *Amnesty International policy on state obligations to respect, protect and fulfil the human rights of sex workers*. [www.amnesty.org/en/documents/pol30/4062/2016/en/](http://www.amnesty.org/en/documents/pol30/4062/2016/en/); Belinda Brooks-Gordon (2008) State Violence Towards Sex Workers. BMJ 337; a908, https://www.bmj.com/content/337/bmj.a908 ; Day, S. and Ward, H. (2004) *Sex Work, Mobility and Health in Europe*. London. Kegan Paul. [↑](#footnote-ref-15)
16. Lucy Platt, Pippa Grenfell, Rebecca Meiksin, Jocelyn Elmes, Susan G. Sherman, Teela Sanders, Peninah MwangiI, Anna-Louise Crago (2018). Associations between sex work laws and sex workers’ health: A systematic review and meta-analysis of quantitative and qualitative studies. PLOS Medicine | https://doi.org/10.1371/journal.pmed.1002680 December 11, 2018. [↑](#footnote-ref-16)
17. See Belinda Brooks-Gordon (2010) ‘Bellwether Citizens’. In *Global Perspectives on Prostitution and Sex Trafficking,* pp43-66. Rochelle L Dalla, Lynda M Baker, John DeFrain, and Celia Williamson (eds), Lexington. New York; Levy J. & Jacobsson P. (2014). Sweden’s abolitionist discourse and law: Effects on the dynamics of Swedish sex work and on the lives of Sweden’s sex workers. Criminology & Criminal Justice, Vol. 14(5), 593-607; Jay Levy (2014) Criminalising the Purchase of Sex: Lessons from Sweden. Routledge. London; Mai, N., Giametta, C. And Le Bail, H. (2018) *The Impact of the 'Swedish model' in France: Chronicle of a Disaster Foretold.* <https://www.opendemocracy.net/beyondslavery/nicola-mai-calogero-giametta-h-l-ne-le-bail/impact-of-swedish-model-in-france-chronicl>; Amnesty International (2016). *The Human Cost of ‘Crushing’ The Market: Criminalization of Sex Work in Norway*. <https://www.amnesty.org/en/documents/eur36/4034/2016/en/>; Dodillet S. & Östergren P. (2011). *The Swedish Sex Purchase Act: Claimed Success and Documented Effects.* Conference paper presented at the International Workshop: Decriminalizing Prostitution and Beyond: Practical Experiences and Challenges. The Hague, March 3 and 4, 2011. See also note 8 and 9. [↑](#footnote-ref-17)
18. Scambler, G. and Paoli, F. (2008) Health Work, Female Sex Workers and HIV / AIDS: Global and local dimensions of stigma and deviance as barriers to effective interventions. *Social Science and Medicine*. 66, 1848-1862. [↑](#footnote-ref-18)
19. Amnesty International (2016). *The Human Cost of ‘Crushing’ The Market: Criminalization of Sex Work in Norway*, p. 91. <https://www.amnesty.org/en/documents/eur36/4034/2016/en/>. [↑](#footnote-ref-19)
20. See Brooks-Gordon (2018) ibid at p192. [↑](#footnote-ref-20)
21. Brooks-Gordon, B., Paddick, B., Bettsworth, H., Brown, S., Cane, C., Clucas, F., Cooke, C., Cordon, S., Hobson, S., Ingham, C., Khan, M., Scott, N., Kyrle-Pope, W. (2017) *A Rational approach to harm reduction.* Liberal Democrats Policy Paper 126. [↑](#footnote-ref-21)
22. Brooks-Gordon, B., ibid at p14

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23. UN General Assembly, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violation of International Humanitarian Law, adopted by the General Assembly 21 March 2006, A/RES/60147. [↑](#footnote-ref-23)
24. Report of the Special Rapporteur on trafficking in persons, especially women and children, Joy Ngozi Ezeilo, 13 April 2011 (A/HRC/17/35). [↑](#footnote-ref-24)
25. Wijers (2014), Paper Compensation of victims of trafficking under international and Dutch law, The Hague: Netherlands Helsinki Committee. [↑](#footnote-ref-25)