



nswp Global Network of Sex Work Projects

Promoting Health and Human Rights

For the Attention of: Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Subject: Input for Report on Disinformation

Date: 10th February 2021

Introduction

NSWP is a global network of sex worker-led organisations, with 313 members in 95 countries, that exists to uphold the voice of sex workers globally and connect regional networks advocating for the rights of female, male and transgender sex workers. It advocates for rights-based health and social services, freedom from abuse and discrimination, and self-determination for sex workers.

NSWP welcomes the opportunity to provide input on the topic of disinformation to the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression as she prepares her annual thematic report for the 47th session of the Human Rights Council. For centuries, disinformation surrounding sex work has shaped policies and public opinions, undermining the protection of sex workers' human rights and perpetuating stigma and discrimination. This submission highlights the impacts of disinformation surrounding sex work and provides suggestions for rights-affirming approaches to address these challenges.

The Impacts of Disinformation on Sex Work

Conflations of Sex Work and Trafficking

The conflation of sex work with trafficking is one of the most prevalent forms of disinformation surrounding sex work, underpinned by fundamental feminist and abolitionist ideology which equates all sex work with violence and exploitation. This ideology, in turn, informs a range of harmful policies and practices, including 'End Demand' models, 'raid and rescue' operations, and coercive 'rehabilitation' and 'exit' services. Although 'End Demand' approaches claim to promote gender equality by reducing the prevalence of sex work and trafficking, a substantial body of evidence has demonstrated that the criminalisation of clients exacerbates sex workers' vulnerability to violence, exploitation, and abuse, while hampering the identification of actual victims of trafficking.¹ 'End Demand' models have also been found to impede sex workers' ability to seek police assistance when they are in danger, with disproportionate impacts on indigenous sex workers.² Moreover, there is no substantive evidence to suggest that 'End Demand' approaches have reduced the prevalence of sex work³ or trafficking.⁴

The conflation of sex work and trafficking also reinforces misinterpretations of international legal frameworks surrounding the "exploitation of prostitution" – a poorly defined concept which has been often misinterpreted to promote 'End Demand' approaches.

¹ NSWP, 2018, "[The Impact of 'End Demand' Legislation on Women Sex Workers.](#)"

² Anna-Louise Crago, Chris Bruckert, Melissa Braschel, Kate Shannon, "[Sex Workers' Access to Police Assistance in Safety Emergencies and Means of Escape from Situations of Violence and Confinement under an 'End Demand' Criminalization Model: A Five City Study in Canada.](#)" *Social Sciences* 10(1), 13 (2021).

³ Jay Levy and Pia 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* 14(5) (2014): 593-607.

⁴ Susanne Dodillet and Petra Östergren, 2011, "[The Swedish Sex Purchase Act: Claimed success and documented effects.](#)"

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Flawed 'Evidence'

Conflations of sex work with trafficking have also led to the frequent misuse of data on human trafficking, forced labour, and 'modern slavery' to inform policies and positions on sex work. The difficulties of obtaining reliable, robust data on human trafficking and forced labour have been long acknowledged by researchers and academics,⁵ as well as by the International Labour Organization (ILO)⁶ and the US Department of State.⁷ The United Nations Office on Drugs and Crime (UNODC) has also noted the potential for statistical bias to skew measurements of 'sexual exploitation,' due to the fact that this form of exploitation is more visible and frequently reported than others.⁸ The pervasive targeting and misidentification of sex workers within anti-trafficking interventions (such as 'raid and rescue' operations), combined with the underreporting of other forms of labour exploitation, further compromise these data, fostering an insidious, self-perpetuating cycle of flawed 'evidence.'

Data may also be misrepresented to disingenuously achieve higher percentages and bolster fictitious claims. In recent years, this form of data 'hacking' has been rife within reports and statements surrounding trafficking, including the *Draft CEDAW General Recommendation on Trafficking of Women and Girls in the Context of Global Migration*,⁹ a CEDAW Committee member's re-election campaign,¹⁰ and an anti-trafficking report of UN Women and OSCE.¹¹

Data and Digital Interventions

In recent years, the increasing focus on 'cybercrime' and technology-based anti-trafficking interventions has expanded the arena for cultivating disinformation on sex work and promoting harmful policies. This has resulted in the widespread profiling and targeting of sex workers online, as well as the non-consensual collection of sensitive data, in violation of sex workers' rights to privacy, freedom from discrimination, and the right to be free from arbitrary interference. Laws enacted to police and criminalise websites used by sex workers, such as the USA's FOSTA-SESTA legislation, have also facilitated widespread censorship and self-censorship of online content, violating the right to freedom of expression on a broader scale. Moreover, FOSTA-SESTA has significantly reduced sex workers' ability to work safely and independently,¹² and has hampered efforts to investigate and prosecute traffickers, who have moved their activities further underground to avoid detection.¹³

Attempts to foster greater 'transparency' and 'awareness' surrounding online-facilitated trafficking have also led to the development of data collection and surveillance tools which violate sex workers' human rights and contribute to an already deeply flawed 'evidence base.' The Spotlight tool, developed by the anti-trafficking group Thorn to identify underage trafficking victims, has admitted to collecting data from millions of online sex work advertisements, sharing this information with law enforcement¹⁴ based on the assumption that "somewhere in that pile of data are children."¹⁵ This brazen form of mass surveillance exposes sex workers to breaches in privacy and legal prosecution, while reinforcing dangerous misconceptions surrounding sex work in digital spaces.

Human Rights Institutions and Disinformation

Human rights institutions can play an important part in addressing disinformation. The role of propaganda and disinformation in causing "violence, discrimination, [and] hostility against identifiable groups in society" has been recognised by a number of international and regional human rights

⁵ Elzbieta Gozdiak and Micah N. Bump, "[Data and Research on Human Trafficking: Bibliography of research-based literature](#)," (Washington, D.C.: Georgetown University, 2008).

⁶ International Labour Organization, 2012, "[ILO Global Estimate of Forced Labour: Results and methodology](#)."

⁷ U.S. Department of State, 2016, "[Trafficking in Persons Report](#)," p. 10.

⁸ United Nations Office on Drugs and Crime, 2009, "[Global Report on Trafficking in Persons](#)," p. 6.

⁹ UN Committee on the Elimination of Discrimination against Women, 2019, "[DRAFT General recommendation on Trafficking in Women and Girls in the Context of Global Migration](#)."

¹⁰ Dalia Leinarte, "[Twitter / @DLeinarte: Candidate to UN CEDAW elections June 29, 2020 New York](#)," 7 Feb. 2020, 8:14 a.m.

¹¹ UN Women and OSCE, 2020, "[Addressing Emerging Human Trafficking Trends and Consequences of the COVID-19 Pandemic](#)."

¹² Danielle Blunt and Ariel Wolf, "[Erased: The impact of FOSTA-SESTA and the removal of Backpage on sex workers](#)," *Anti-Trafficking Review* 13 (2020): 117-121.

¹³ Lura Chamberlain, "[FOSTA: A Hostile Law with a Human Cost](#)," *Fordham Law Review* 87 (2019).

¹⁴ Violet Blue, "[Sex, lies, and surveillance: Something's wrong with the war on sex trafficking](#)," *Engadget*, 31 May 2019.

¹⁵ "[Spotlight](#)," Thorn.



institutions, including OSCE and OHCHR.¹⁶ In response to the rampant spread of disinformation amidst the COVID-19 crisis, the UN also launched *Verified*, a global campaign dedicated to promoting accurate information surrounding the pandemic.¹⁷

In spite of these acknowledgments, however, disinformation surrounding sex work is seldom addressed by international human rights stakeholders, and is even perpetuated by some. In July 2020, UN Women and OSCE published *Addressing Emerging Human Trafficking Trends and Consequences of the COVID-19 Pandemic*,¹⁸ a biased and empirically flawed report promoting erroneous connotations and policies which exacerbate sex workers' vulnerability to violence, discrimination, and criminalisation. Capitalising on the fear and sense of urgency engendered by the pandemic, this report baselessly claimed that COVID-19 has exacerbated vulnerability to online-facilitated trafficking, citing flawed 'evidence' and biased conjectures as 'facts.' By espousing harmful and discriminatory views under the guise of neutrality, human rights stakeholders consciously mislead and disinform the public, undermining the universal protections which they are mandated to uphold.

Rights-Affirming Approaches to Address Disinformation

In order to address disinformation on sex work, and to uphold the human rights of sex workers, states, intergovernmental organisations, and other stakeholders should take the following steps:

- **Meaningfully engage with sex workers in all their diversity to challenge disinformation on sex work.** As experts in their own lives and work, sex workers are ideally suited to challenge inaccurate and misleading information, including in the realms of policy, public discourse, and research.
- **Promote clear distinctions between human trafficking, sexual exploitation, and sex work.** The conflation of these distinct phenomena fosters harmful policies and practices which violate sex workers' human rights and hinder anti-trafficking efforts.
- **Base approaches to addressing disinformation on international human rights law, rather than ideology.** Biased misinterpretations of international human rights law surrounding sex work and "the exploitation of prostitution" facilitate human rights violations and perpetuate disinformation. All interventions aimed at countering disinformation must be unbiased and grounded in a human rights framework.
- **Repeal laws and provisions which require policing, censorship, and/or closure of online platforms used by sex workers.** These measures violate sex workers' human rights to privacy, self-expression, freedom from discrimination, and the right to be free from arbitrary interference. They also compromise sex workers' safety and force them to work in precarious settings to avoid detection. More broadly, these laws also have a chilling effect on certain types of online content, threatening the right to freedom of opinion and expression on a wider scale.
- **Decriminalise all aspects of sex work.** Governments, policymakers and advocates must recognise sex work as work, and actively pursue the full decriminalisation of sex work, including sex workers, clients and third parties.

Conclusion

At a time when it has never been easier to manipulate and disseminate disinformation, the importance of challenging dominant narratives, positions, and 'facts' on sex work has never been clearer. When accepted uncritically, these falsehoods perpetuate dangerous policies and practices which harm sex workers and undermine the integrity of international human rights mechanisms. Additionally, efforts to combat disinformation must be inclusive of sex workers, respecting their human rights and agency.

¹⁶ OSCE et al., 2017, "[Joint Declaration on Freedom of Expression and 'Fake News', Disinformation and Propaganda.](#)"

¹⁷ "['Verified' initiative aims to flood digital space with facts amid COVID-19 crisis,](#)" United Nations Department of Global Communications, May 2020.

¹⁸ UN Women and OSCE, 2020, "[Addressing Emerging Human Trafficking Trends and Consequences of the COVID-19 Pandemic.](#)"