**Joint oral submission to CEDAW on trafficking in women and girls in the context of global migration, 22 January 2019.**

Oral Statement on behalf of the Joint United Nations Programme on HIV/AIDS (UNAIDS Secretariat) and the United Nations Development Programme (UNDP) and the United Nations Population Fund (UNFPA)

**Statement:**

Madam Chair,

I make this statement on behalf of the Joint United Nations Programme on HIV/AIDS (UNAIDS Secretariat), the United Nations Development Programme (UNDP) and the United Nations Population Fund (UNFPA)

The Joint UN Programme on HIV/AIDS, its co-sponsors, as well as the Global Commission on HIV and the Law condemn trafficking in persons, as well as sexual violence and exploitation, in all contexts, including migration – and support measures against these practices.

Our submission relates to the distinction between sex work and trafficking in women and girls. The UNAIDS Guidance Note on HIV and Sex Work defines sex workers to include female, male and transgender adults, over the age of 18, who receive money or goods in exchange for sexual services, either regularly or occasionally, and who may or may not self-identify as sex workers. Sex work and trafficking are not the same. The Global Commission on HIV and the Law and the UNAIDS Guidance Note explain that difference between sex work and trafficking is that the former is consensual whereas the latter is coercive. Acts involving deceit, fraud, coercion, force or violence do not fall under the definition of sex work.

We note that some governments deploy anti-human-trafficking laws so broadly as to conflate consensual adult sex work with the exploitative, coerced trafficking of people (primarily women and girls) for the purposes of sex. Any conflation of voluntary, adult sex work with trafficking in persons is an abuse of sex workers’ human rights, and can result in increasing harassment and confinement of sex workers, and reducing their access to life-saving HIV and violence prevention interventions”.

If we are to achieve the SDG target of ending AIDS as a public health threat by 2030, it is critical to advance the health and human rights of sex workers who are thirteen times more likely to contract HIV compared to adults who are not sex workers. Research has shown that decriminalisation of sex work would lead to between 33–46 per cent overall reduction of new HIV cases over the next decade, the single biggest factor in reducing HIV transmission.

Abolishing punitive approaches and the adoption of enabling laws, policies and practices is especially important in the context of women and girls, as well as in the context of migration.

Anti-human-trafficking laws and policies should be drafted in such a way that they do not allow for a broad interpretation that would include sex work and sex workers.

Anti-trafficking efforts should be carefully tailored and based on intelligence of actual trafficking situations. “Blind sweeps” – where all sex workers are rounded up and detained – should be replaced with “smart raids” – intelligence-based and focused interventions that target known cases of TiP. Where possible, these interventions should be carried out in consultation with sex workers and their communities and organisations.

Anti-trafficking efforts should not justify or result in criminal prosecution or other coercive measures against adults who engage in sex work on a consensual basis, either as sex workers or clients. Persons who are trafficked should not face criminal prosecution but should receive care and support, including access to comprehensive health services. If sex workers are caught up in anti-trafficking efforts they should not be penalised or further detained.

Where sex workers’ communities are empowered, supported and consulted, they can be strong allies for anti-trafficking efforts, providing critical information about trafficked and underage people.

Enforcement of laws against human trafficking is carefully targeted to punish those who use force, dishonesty or coercion to procure people into sex, or who abuse migrant sex workers through debt bondage, violence or deprivation of liberty. Laws against human trafficking must be used to prohibit sexual exploitation, but they must not be used against adults involved in consensual sex work.