

**The role of civil society organizations in securing the fundamental right to protection  
of sex workers in the CIS countries - Kyrgyzstan, Russia and Tajikistan  
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Statement for presentation  
at the Working Session No. 11 "Fundamental Freedoms"

OSCE Human Dimension Implementation Meeting  
September 10-21, 2018, Warsaw, Poland.

This statement is about how civil society, without the help of the state, and often against the state's will, tries to protect human rights with respect to groups of people who face stigma, violence and intersecting forms of discrimination on a daily basis.

A group of people who are stigmatized and persecuted by the state and society, such as sex workers, can only count on the help of civil society. The long-standing stigma, discrimination and violence against sex workers are supported by prohibition of this activity de jure and de facto, the erection of religious and moral dogmas into the status of law, the formation and promotion of negative images of sex work and sex workers.

In Kyrgyzstan, Tajikistan and Russia, mechanisms to protect human rights of sex workers do not work. Only civil society can identify the facts of discrimination and violence against sex workers, document them and assist in the investigation, seek restoration of violated rights and punishment those responsible. Only civil society is interested in bringing information about the facts of discrimination to officials, decision-makers and those responsible for protecting the rights of citizens, and it does so.

The state prefers not to see sex workers, not to recognize the problem of violence against them. Therefore, sex workers have a slogan: "Until we are not visible, our pain is not visible!"

Who are sex workers? These are adult women, men and transgender people who voluntarily provide sexual services to other adults on an agreement for a fee.

The intersecting discrimination of these people stems from irrational fears, or whorephobia. Stigma and hate towards sex workers are based on erroneous beliefs that they are all dangerously ill, destroy families, associated with the criminal world, break down moral standards and destroy spiritual bonds. In some States, sex work is prosecuted by law, and this leads to additional violence and discrimination against sex workers, to the fact that they cannot exercise their fundamental rights and freedoms.

The state's reaction to the fact that some people make a living by providing sexual services is inadequately cruel and irrational. The State declares public safety as a prime justification for its measures against sex workers. By other words, sex workers are not considered as a part of society, it's exclusion and isolation.

Civil society documents facts, which confirm that sex workers cannot count on the realization of such fundamental human rights as the right to life, the right to a fair trial, the presumption of innocence, the right to defend honor and dignity. Violence against sex workers by society and law enforcement agencies is not recognized by the state. It prefers not to notice the violence. State does not want to know nor respond to blatant facts of violence against sex workers. Moreover, the state itself in the form of law enforcement bodies and police everywhere and constantly violates their rights.

Here is one of the recent facts of violence and discrimination revealed by civil society: This is how a police officer talked to a sex worker who was brought to the police station "for a conversation": **"Shall I give you a kick? Do you want we'll throw you away by the hair? Who are you? You're a prostitute. You understand? You're not a human"**. After that, he tried to rape her. The prosecutor's office did not find a crime in his actions.

Sex workers whose rights are violated cannot directly rely on the realization of their right to protection and a fair trial, since in most cases when they contact law enforcement bodies they will face refusal, humiliation and even more violence.

Another fact of human rights violations identified by civil society last month: The Investigative Committee refused to investigate the rape of a sex worker. The investigator wrote: **"Given the identity of the applicant, the fact that she is engaged in prostitution, the actions of the men are no more represent a social danger and are not a crime"**.

Also, civil society constantly identifies facts of beatings and killings of sex workers because they provide sex services. Some examples of cases occurred in 2018:

- The father strangled her daughter for her refusing to stop sex work.
- The client threw the girl from the 4th floor, because he did not want to pay for the services.
- Man called a girl and took money from her, because he "hates prostitutes".

Perpetrators are sure of their impunity, they know that the state will not protect sex workers. And they are right. Sex workers' allegations of violence are not accepted, or investigation of those facts is not carried out. Turning to the police for help, sex workers are subjected to bullying, humiliation, insults and even sexual and physical violence.

Thus, the state is the source and catalyst of violence against sex workers. Even where sex work is not punishable, police officials call on the population to pursue sex workers, take pictures, bring them to the police, where they are punished on false pretenses or police extort bribes. There are facts when sex workers were forced to take HIV and STI tests after being detained.

The punishment for sex work in different states of the OSCE region is different - from a fine of \$20-30 to administrative arrest for several days. But the consequences of the criminalization of this type of activity are not only in a specific punishment. Criminalization leads to increased violence in society, leads to increased violence and corruption by the police, denies access to justice for sex workers and full-fledged medical care for them, forces sex workers to work in hazardous conditions with a risk to life and health, not letting them to leave this work after registered them as offenders of the administrative article on sex work, negatively affects the future of sex workers and their children. The criminalization of sex work demonstrates a lack of respect for human rights and personal dignity on the part of the state.

The fact that sex workers are mostly women, makes them consider violations of their rights in a gender aspect as well. The society believes that sex workers do not have any rights, because they violate the generally accepted gender norms. In the understanding of society, a woman should be a wife, a mother, to do household chores and not have the right to dispose of her body, her sexuality and choose the way she can earn. For their work, sex workers pay with humiliations and complete helplessness in front of violence.

Civil society organizations dealing with sex workers are also pressured and limited in their fundamental freedoms.

States ignore the recommendations of the UN Committees on the decriminalization of sex work, the termination of police raids and the monitoring of violence against sex workers.

### **Recommendations**

Promoting the protection of human rights, strengthening the rule of law and promoting gender equality in society are priority areas for the OSCE. Therefore, we, civil society and NGO representatives who work to protect the rights and health of sex workers, **call on the Governments of Kyrgyzstan, Tajikistan and Russia** to

1. Implement the UN recommendations to decriminalize sex work, introduce mechanisms for monitoring violence against sex workers by the police
2. Terminate the practice of police and public raids in places where sex workers are located
3. Respond to the appeals of sex workers about crimes committed against them, conduct thorough checks and investigations on these cases, and bring to justice those responsible
4. Recognize the crimes committed against sex workers as hate crimes
5. Thoroughly investigate of discrimination of sex workers in other spheres and bring to justice those responsible
6. Taking effective measures to reduce stigma against sex workers among the population

### **We appeal to the OSCE with the call to include**

- in the guidelines and programs on gender equality the sections on measures to prevent and to protect sex workers from violence
- in the programs for the humanization of police work the sections on the observance of the human rights of sex workers