List of Key Resources on Sex Workers’ Rights

This list of resources provides key policy documents, positions and on the ground researches regarding sex work and the impact of laws and policies that aim to protect people selling sex. The current state of play can be summarised as follows:

• Through excessively enforced third party laws (laws criminalising profiting from prostitution), sex workers working together are routinely criminalised by authorities for illegal brothel-keeping; consequently, sex workers themselves are punished for prostitution related criminal offences, despite the important role working together plays in keeping sex workers safe.
• Sex workers are pushed to operate in more isolated and dangerous environments.
• Prostitution laws are disproportionately enforced in the spaces occupied by sex workers: their homes, neighbourhoods, working establishments and other workspaces. As a result, sex workers, not clients, incur the majority of profiling, surveillance and policing under these measures, not only while working but also in their day-to-day lives.
• Sex workers who do not agree with the narrative of prostitution as violence against women risk losing custody of their children.
• Migrant sex workers risk losing their residence permit if they are identified as sex workers and are detained and deported, including EU citizens.
• As a result of excessive enforcement of pimping laws, landlords are criminalised and sex workers face evictions from their homes and risk homelessness.
• Societal stigma and the notion of what is appropriate behaviour for women, together with the above mentioned risks, drives structural violence, discrimination and has far reaching consequences on sex workers’ access to justice, access to health services, and access to housing.
• In delineating the scope of application of the Council of Europe’s Istanbul Convention, its monitoring body GREVIO noted that the convention does not define prostitution as a form of violence against women.
• UN agencies, including UNDP, UNFPA, UNAIDS and the World Health Organisation, documented that in the context of consensual adult sex and sex work, criminal laws actually cause harm, especially for already marginalised groups. In principle, any criminalisation of sex work contradicts the Global AIDS Strategy.
• Policies criminalising the purchase of sex introduced in numerous European countries have proven ineffective, impeding sex workers’ agency, wellbeing, safety, access to services and justice. Research from France, Ireland, Northern Ireland, Sweden and Norway, by academics and NGOs such as Amnesty International and Medecins du Monde, point out how such policies fail to protect people selling sex.
Global AIDS Strategy 2021-2026

‘Global AIDS Strategy 2021-2026 - End inequalities. End Aids.’

This document is important in addressing the issue of sex work - since any call for criminalisation of (any aspect) of sex work would in principle contradict the Global AIDS Strategy and its targets.

Strategy Targets: Less than 10% of countries have punitive legal and policy environments that deny or limit access to services.

Subtarget: Less than 10% of countries criminalise sex work, possession of small amounts of drugs, same-sex sexual behaviour, and HIV transmission, exposure or nondisclosure by 2025 (p138 of the Strategy).

Priority Actions

Result Area 5: People living with HIV, key populations and people at risk of HIV enjoy human rights, equality and dignity, free of stigma and discrimination.

Priority Action C: Create an enabling legal environment by removing punitive and discriminatory laws and policies, including laws that criminalise sex work, drug use or possession for personal use and consensual same-sex sexual relations, or that criminalise HIV exposure, nondisclosure or transmission. Introduce and enforce protective and enabling legislation and policies, and end the overuse of criminal and general laws to target people living with HIV and key populations.

Regional Priorities for Western and Central Europe and North America

Priority Action I: Remove punitive and discriminatory laws and policies that affect the HIV response for LGBTI communities, sex workers, people who inject drugs, people living with HIV and migrants.

UNAIDS Global AIDS Updates

UNAIDS Global AIDS Update 2022 - In Danger includes a chapter on decriminalisation (p153) and more specifically on decriminalisation of sex work in Belgium and Victoria-Australia (p156).

UN AIDS Global Update 2021 - Confronting Inequalities - includes a chapter on criminalisation of sex work (p157) and one on sex workers in Europe during COVID-19 that denounces the criminalisation of sex buyers (p162).
Terminology Guidelines

The 2015 UNAIDS terminology guidelines and the recommendations of the Global Commission on HIV and the Law advise against the use of the terms “prostitution”, “prostitute”, “women in prostitution” or “prostituted women”, as they denote value judgement; the term “prostitution” has connotations of criminality and immorality. Many people who sell sexual services prefer the term “sex worker”, and find “prostitute” demeaning and stigmatising, which contributes to their exclusion from health, legal, social and justice services. The term “people providing sexual services” is generally also acceptable.

WHO, UNFPA and UNAIDS

Prevention and Treatment of HIV and other Sexually Transmitted Infections for Sex Workers in Low- and Middle-income Countries Recommendations for a public health approach (2012)

The World Health Organisation (WHO), United Nations Population Fund (UNFPA) and Joint United Nations Programme on HIV/AIDS (UNAIDS) recommend that:

• All countries should work toward decriminalisation of sex work and elimination of the unjust application of non-criminal laws and regulations against sex workers.
• Governments should establish anti-discrimination and other rights-respecting laws to protect against discrimination and violence, and other violations of rights faced by sex workers in order to realise their human rights and reduce their vulnerability to HIV infection and the impact of AIDS. Anti-discrimination laws and regulations should guarantee sex workers’ right to social, health and financial services.
• Health services should be made available, accessible and acceptable to sex workers based on the principles of non-discrimination, avoidance of stigma and promoting the right to health.
• Violence against sex workers is a risk factor for HIV and must be prevented and addressed in partnership with sex workers and sex worker-led organisations.
Council of Europe Istanbul Convention

Group of Experts on Action against Violence against Women and Domestic Violence (GRE-VIO) monitoring the implementation of the Council of Europe Istanbul Convention at its 19th meeting discussed the topic of women in prostitution. In delineating the scope of application of the Istanbul Convention, it noted that it does not define prostitution as a form of violence against women. Instead, it focuses on the support and protection of women and girls who engage in prostitution for any instances of gender-based violence they may experience.

GREVIO agreed that prostitution should be considered an important risk factor in the likelihood of women experiencing violence. Therefore, evaluation procedures should systematically address the situation of women in prostitution, including their specific risk of multiple and intersectional discrimination and their challenges in accessing general and specialist support services, including access to shelters. GREVIO noted that women belonging to minority groups, women in addiction and/or prostitution, and migrant women are those most exposed to intersectional discrimination.

European Court of Human Rights

In April 2021 the European Court of Human Rights registered the complaint of 261 sex workers - most of them migrants - against France in a case M.A. and others vs. France (Request n. 63664/19) to assess the French law ‘against the prostitution system’. The case establishes serious doubts about compliance of ‘Swedish model’ law with the European Convention of Human Rights.

Relying on Articles 2 and 3 of the European Convention on Human Rights (the Convention), the applicants argue that the French law criminalising the purchase of sexual services threatens the physical and mental integrity and health of those who, like them, practise prostitution activities. They argue that through the criminalisation of buyers of sexual services, France has pushed prostitutes underground and into isolation. That has made them more vulnerable to violence from their clients or unsafe practices, more exposed to theft, assault, stigma and increased risks of contracting diseases, and has restricted their access to prevention services, health care and to integration. Relying on Article 8 of the Convention, the applicants argue that criminalising the use of a sex act between consenting adults in private spaces radically violates the right to respect for private life insofar as it includes the right to personal autonomy and sexual freedom.
‘End Demand’ and Anti-Trafficking Policy Framework

The EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016 under Priority B set Action 1: Understanding and Reducing Demand. In order to increase understanding on the reduction of demand, in 2013, under the Seventh Framework Programme, the Commission launched a call to fund research on reducing the demand for and supply of services and goods by victims of trafficking in human beings, including victims trafficked for the purpose of sexual exploitation and specific categories of victims such as children.

The research project DemandAT (Project number: 612869, Project budget EU contribution: €2,498,553) was awarded to the multidisciplinary consortium of nine partners under the lead of the International Centre for Migration Policy and Development (ICMPD). Running from 1 January 2014 - 30 June 2017, DemandAT aimed to understand the role of demand in trafficking in human beings and assess the impact and potential of demand-focused measures to reduce trafficking.

The DemandAT project research aimed to help policymakers reduce trafficking in human beings to the greatest possible extent by developing an integrated approach to the demand side of human trafficking. A number of case studies, policy briefs and working papers were produced, several of them on addressing demand for the purpose of sexual exploitation. One of these, the European Policy Brief: Preventing Exploitation and Trafficking in the Sex Work Sector, recognises that prostitution policy regimes can be identified as repressive, restrictive and integrative, or a combination of these. The main strategies for preventing exploitation are those that can reduce sex workers’ vulnerability, limit opportunities for exploitation, and build alliances between sex workers, NGOs, and authorities. The working paper From Zero-Tolerance to Full Integration: Rethinking Prostitution Policies presents a typology of three general prostitution policy models (or regimes), as repressive, restrictive or integrative as a tool to assess, evaluate and compare prostitution policies.

The full research is still available on DemandAT websites and include key resources on the issue of the role of demand in addressing trafficking including blog posts.

Due to the fact that the research did not meet the ideological expectations of the then EU Anti-Trafficking Coordinator, the research was no longer promoted and not used for better policy making. The then anti-trafficking coordinator, Ms. Myria Vasiliadou, was one of the proponents of the so-called Swedish model and ignored the evidence that the independent and credible research produced.
Global Alliance Against Traffic in Women (GAATW)

Moving Beyond ‘Supply and Demand’ Catchphrases: Assessing the uses and limitations of demand-based approaches in Anti-Trafficking (2011)

This report notes that the need to reduce ‘demand’ for trafficked persons is widely mentioned in the anti-trafficking sector but few have looked at ‘demand’ critically or substantively. ‘End demand for prostitution’ approaches have been most heavily promoted by prostitution abolitionists, who claim that penalising sex workers’ clients will help fight trafficking, but this does not withstand critique. The report emphasises that sex workers rights groups and anti-trafficking organisations (including GAATW) have strongly opposed criminal penalties against clients as this approach:

- Has not reduced trafficking or sex work
- Threatens sex workers’ income security and working conditions
- Has not stopped violent or abusive clients who are more experienced at evading law enforcement
- Dismisses and silences the concerns, priorities and knowledge of sex workers
- Muddles anti-trafficking efforts by confusing trafficking with sex work
- Increases police’s power over sex workers
- Increases stigma against women in sex work

Sex Workers Organising for Change: Self-representation, community mobilisation and working conditions (2018)

This report highlights cases where sex workers, or sex worker organisations, learnt of situations where a woman was experiencing violence, working under unacceptable conditions, or was brought to the industry through force or deception, for the purpose of exploitation. In these instances, sex workers resolved the issue as a collective, by providing advice and referral to other organisations, negotiating with the brothel owner/madam, chasing the pimp out of their area, or gathering money to help the woman return home. The report also documents how sex worker rights organisations mobilise sex workers and their allies to resist stigma, discrimination and oppression, and to collectively voice their concerns, demand their rights, and participate in public and political life.

Despite this important work, sex worker rights organisations are largely unrecognised and even vilified by the anti-trafficking community. Sex worker rights organisations are generally viewed with suspicion by anti-trafficking activists and, as a result, excluded from anti-trafficking responses. In some of the studied countries, GAATW found that the contribution of sex worker organisations for anti-trafficking work was recognised by at least certain individuals in the local police or anti-trafficking unit. However, GAATW also documented several cases where sex worker organisations had tried to join their national anti-trafficking task force or NGO network, but were either not allowed to or had to withdraw due to hostility.
Front Line Defenders
Sex Worker Rights Defenders At Risk (2021)

Between 2017 and 2020, Front Line Defenders interviewed more than 350 sex worker rights defenders and sex worker community members in more than a dozen countries. The report features case studies, testimonies, security analysis, and protection requests from human rights defenders, documented on collaborative research trips conducted by Front Line Defenders researchers and HRDs. It documents threats and attacks against sex worker rights defenders occurring as a direct result of their activism; shines a spotlight on their human rights work; and affirms their Human Rights Defenders (HRD) status to support greater access to HRD protection services and mechanisms.

Sex workers, like many marginalised and stigmatised groups, experience extremely high rates of human rights violations, including of their rights to health, to justice, to live free from violence and torture, to a fair trial, to housing. The report documents a range of strategies and programs Sex Worker Rights Defenders use to protect their communities, featuring cases, stories and testimonies which transcend narratives of a victimised, sexualised population employing ad hoc survival tactics, and explores a broader, more nuanced collection of strategic, creative, methodical and intersectional systems of protection designed and deployed by HRDs. It also includes a chapter on Sex Workers Rights Defenders life-saving work that experts in human trafficking identify as anti-trafficking work and outlines in which way “anti-trafficking” language is often deployed against sex worker communities, organisations, collectives and individual activists.
The Left in the European Parliament - GUE/NGL

*Less equal than others: The laws affecting Sex Work, and Advocacy in the European Union (2020)*

Conducted by Alexandra Oliveira, this EU research highlights the great variation from member states when it comes to legislate the exchange of sex for money in the European Union. This ranges from countries that fully criminalise the activity to states that regulate it, allowing it to be exercised as a profession. This diversity is found not only at a national level, between countries and regions, but also at local and municipal levels. Relating to the impact of laws, evidence demonstrates that criminalisation and regulation of any form of sex work has devastating consequences on the lives of national and migrant sex workers who live in the European Union in terms of health care, prevalence and risk of contracting HIV and sexually transmitted diseases, stigmatisation and discrimination, physical and sexual victimisation and marginalisation due to marked social inequalities.

Anti-Trafficking Review

*No. 12 (2019): Special Issue–Sex Work*

The first open access, peer-reviewed journal dedicated to the issue of human trafficking, it explores trafficking in its broader context and intersections with gender, labour, and migration. This issue highlights some of the current achievements of – and challenges faced by – the global sex worker rights movement. Contributors examine the ways in which organising and collectivisation have enabled sex workers to speak up for themselves and tell their own stories, claim their human, social, and labour rights, resist stigma and punitive laws and policies, and provide mutual and peer-based support.
Country-Specific Resources on the “Swedish Model”

List of key researches and studies from European countries that introduced criminalisation of sex workers’ clients - or the so-called ‘Swedish Model’.

Ireland
Amnesty International: “We live within a violent system”: Structural violence against sex workers in Ireland (2022)

The research study reveals how the criminalisation of aspects of sex work is forcing sex workers to take more risks as they avoid the police, putting their lives and safety in jeopardy. The research also shows how the lack of trust in the police and social stigma reinforced by the criminal law are key concerns for sex workers. For many of those interviewed, the criminalization of paying for sex adds to the already high levels of societal stigma and discrimination they experience on other grounds, such as race, ethnicity, gender, gender identity, disability, drug use, homelessness or migrant status. The research highlights the lack of data on sex workers’ experiences and the government’s reliance on outdated and flawed research that conflates human trafficking for sexual exploitation with sex work. It also highlights that the state failed to sufficiently consult sex workers when drafting the 2017 law.

Norway
Amnesty International: The human cost of ‘crushing’ the market: Criminalization of sex work in Norway (2016)

This report demonstrates that Norway is not implementing its international obligations to respect, protect and fulfil the rights of people who sell sex. Amnesty International spoke with sex workers who had experienced violations of the right to housing, the right to security of person, the right to equal protection of the law, the right to health, the right to non-discrimination and the right to privacy. With this report, Amnesty International issued a call for the Norwegian authorities to change their approach and instead place the protection of the human rights of all people who sell sex at the centre of its responses to commercial sex. Together with studies from other countries, the research from Norway also led Amnesty International to introduce their official policy on sex work in 2016.
Nordic Region (Sweden, Finland and Norway)

Centre for Women, Peace and Security (London School of Economics): Criminalising of the sex buyers: Experiences from the Nordic Region (2022)

This policy brief examines the effects of criminalisation of sex buying on sex workers and people in the sex trade, especially on their vulnerability to violence and exploitation. In the Nordic region - as in many other countries - the majority of the people in the sex trade are migrants. This brief therefore places particular emphasis on how the policing of commercial sex under the ‘Nordic model’ intersects with immigration policies and their enforcement. **It demonstrates a discrepancy between the ideological discourse equating commercial sex with sex trafficking and exploitation, and the realities experienced by sex workers and people in the sex trade.** Only a small minority of those interviewed – 6 per cent – considered themselves to have been trafficked or forced by someone else to sell sex.

Northern Ireland (UK)

NI Department of Justice: Assessment of impact criminalisation of the purchase of sexual service in Northern Ireland (2019)

Based on research by Queen's University Belfast, this assessment includes two publications: a review of the criminalisation laws and the official conclusions of the Department of Justice. The research stands out for having compared data from before and after the implementation of the Sex Purchase Act. Among the main findings are: a trend analysis of 173,460 advertisements indicates that the legislation has had little effect on the supply of or demand for sexual services. Serious crimes against sex workers in Northern Ireland are fortunately rare. However, between 2015 and 2018 there has been an increase in the number of reports on the Uglymugs.ie website in relation to, for example, assaults (from 3 to 13) sexual assaults (from 1 to 13) and threatening behaviour (from 10 to 42). Sex workers are also exposed to higher rates of anti-social and nuisance behaviour and they reported higher levels of anxiety and unease, and increased stigmatisation.
France


This study conducted interviews and focus group consultations with sex workers and sex worker organisations. The majority of the sex workers interviewed reported that the criminalisation of clients has in practice been more detrimental to themselves than the previous laws against soliciting. The law has had a detrimental effect on sex workers’ safety, health and overall living conditions. The results of the qualitative survey also reveal that cases of violence, of all kinds, have increased: insults in the street, physical violence, sexual violence, theft, and armed robbery in the work place. Sex workers experienced greater impoverishment, increased health risks and increased exposure to violence that formed a vicious circle.