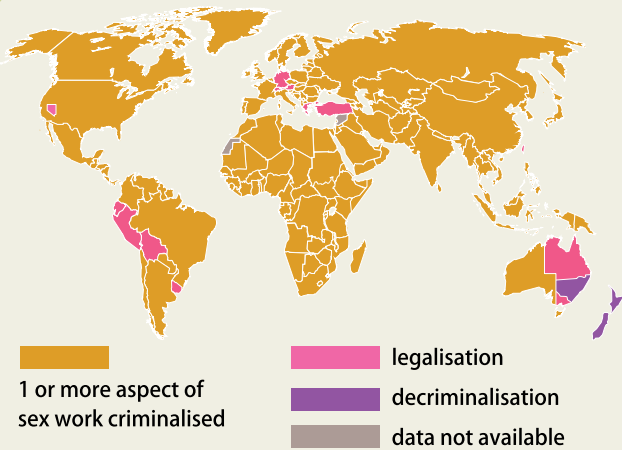




"ONLY RIGHTS CAN STOP THE WRONGS"

The far-reaching impact of the laws governing sex work

There are a variety of different legal models to regulate sex work across the world. A few countries that have laws that respect the rights of sex workers, others have various levels of punitive, oppressive laws with devastating consequences for sex workers, their families and for society at large. Unfortunately, the latter characterises the approach of most countries in the world.



Different sex work legal models

EXAMPLES

1	Full criminalisation	All aspects of selling and buying sex or organisation of sex work are prohibited.	South Africa, Sri Lanka
2	Partial criminalisation	Organising of sex work is prohibited, including working with others, running a brothel, involvement of a third party*, or soliciting.	India, United Kingdom (except Northern Ireland)
3	Criminalisation of purchase of sex	Laws penalise sex workers working together (under third party laws), any aspect of participating in the sex trade as a third party*, and buying sex. Also referred to as the sex-buyer model, the End Demand, or Nordic Model.	Sweden, Serbia
4	Regulatory models	Sale of sex is legal in licensed models and/or managed zones and is often accompanied by mandatory condom use, HIV/STI testing, or registration.	Netherlands, Mexico
5	Full decriminalisation	All aspects of adult sex work are decriminalised, but condom use is legally required in some locations	New Zealand, Some states in Australia

**Table adapted from Platt et al (2018)*

**A third party is anyone who facilitates sex work (such as brothel-owners, managers, landlords etc.)*

The dangers of criminalisation

Most countries in the world criminalise some aspect of sex work. In these cases, the law is used to oppress sex workers through criminal law, local regulations and punitive practices of law enforcement.

The consequences of criminalising *any* aspect of sex work:

- **Turns sex workers into criminals**, and subjects them to a range of indignities, penalties, harassment, extortion, and limitations on their rights. This increases sex workers' fear of authorities, which means that sex workers are less likely to report crimes, seek support or access services.
- **Sex workers are not afforded the protection of the law.** For example, sex workers who want to report rape to authorities are often turned away because of the belief that sex workers cannot be raped, or that they do not deserve social services or justice.
- **Reinforces the stigma attached to sex work** and legitimises people's prejudices, abuse and discriminatory treatment of sex workers and their clients.
- **Leaves sex workers with a criminal record** preventing them from accessing other employment opportunities or services.
- **Sex workers are excluded from laws designed to safeguard workers** such as occupational health and safety laws, labour law, and unemployment benefits as sex work is not regarded as a form of work
- **Makes sex work unsafe** as practices such as treating "condoms as evidence" of sex work by law enforcement means that sex workers and their clients are less likely to carry condoms, which increases the risk of STIs (including HIV) and ill-health.

"Criminalisation, including of clients and third parties, increases police repression of sex workers, permits discrimination against sex workers in accessing services, and fuels all forms of stigma. This results in serious harm to sex workers, including experiences of violence and barriers to accessing justice." - Global Network of Sex Work Projects



Does the "End Demand" model make sex work safer?

Supporters of laws that criminalise clients, managers and brothel owners, but not sex workers, believe that this model helps sex workers by saving them from violence, while punishing those who exploit women by facilitating the sale of sex. However, research has shown that *any form* of criminalisation makes sex work unsafe and has poor outcomes for sex workers. Even partial criminalisation - like the End Demand model - replicates harms seen under full criminalisation and makes sex workers vulnerable to violence and HIV infection. This model also encourages a conflation of sex work and trafficking by suggesting that all sex work is violence against women, and increases the stigma attached to sex work.

"They couldn't have designed a law better to make it less safe, even if they sat for years! [Under the End Demand model] It's like you have to hide out, you can't talk to a guy, and there's no discussion about what you're willing to do and for how much. The negotiation has to take place afterwards, which is always so much scarier" - Female sex worker, Canada



Other laws harmful to sex workers



In some countries sex work is not explicitly criminalised or sex workers operate in a “grey area”. Often in these circumstances, law enforcement officers target and punish sex workers through other laws and policies beyond the criminal law. These laws also impact negatively on sex workers. Examples of such laws include:

Public health laws that make it compulsory for sex workers to be tested for STIs, or to register with authorities. Such laws put sex workers’ human rights at risk, especially their rights to privacy and bodily autonomy and reduce access to health services for undocumented migrant sex workers.

Public morality and public order laws that focus on “vagrancy”, “loitering”, “anti-social behaviour” or “indecentcy” are used to harass, penalise and persecute sex workers.

Traditional, customary and religious laws that include wide and punitive prohibitions against adultery or same-sex relationships that are applied to sex workers.

Migration laws that regulate people’s mobility, movement and livelihood strategies and are used to control and target migrant sex workers.

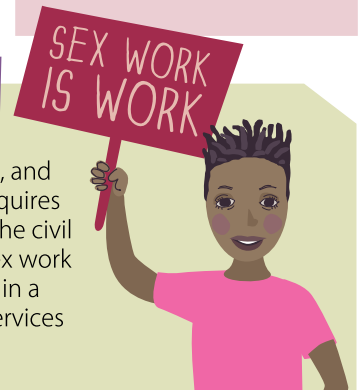
Homophobic laws that target the lesbian, gay, bisexual and transgender community. These laws discriminate on the basis of sexual orientation and gender identity and they have an impact on non-gender conforming sex workers.

Outdated international laws such as ‘The United Nations Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others’ (1949) and ambiguous wording in the ‘Convention on the Elimination of All Forms of Discrimination against Women’ (1979), which are employed by anti-sex workers’ rights activists to argue that sex work must remain criminalised.

The law as a tool for social justice: DECRIMINALISE SEX WORK



The law has potential to redress past harms, to affirm the dignity of marginalised groups, and to catalyse positive social change. Bringing about social justice in relation to sex work requires that sex work is regarded as work and legally recognised as such. This means repealing the civil and criminal laws that are used to sanction sex work or penalise sex workers, bringing sex work under appropriate labour frameworks. This will help ensure that sex work is approached in a rights-based manner, make the sex work context safer, increase sex workers’ access to services and the protection of the law, while affirming sex workers’ dignity and rights.



DECRIMINALISATION DEFINED:



*“Some sex worker groups use decriminalisation **to refer to an absence of the criminal laws** that prohibit sex work itself or associated activities like brothel keeping. Other groups refer to full decriminalisation as part of **a broad range of reforms** that are needed to realise sex workers’ and other marginalised communities’ rights as part of an anti-criminalisation strategy, which encompasses the removal of all legal oppression – not just criminal laws. This highlights the fact that in the absence of sex work-specific criminal laws sex workers, clients, third parties, families, partners and friends are still criminalised by other types of laws. Examples include laws against vagrancy, public nuisance, obscenity, drug use or laws against homosexuality or crossdressing. The police and other government officials will continue to use these laws to disproportionately target sex workers.” Global Network of Sex Work Projects*

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