

SEX WORK AND THE LAW

Different legislative frameworks are used to criminalise and oppress sex work and sex workers, including oppressive regulatory frameworks. As well as the removal of criminal laws, the struggle for sex work law reform also requires reform of police practice and law enforcement which often includes extortion, corruption and the discriminatory targeting of sex workers.

SEX WORK SPECIFIC LAWS: THE 4 APPROACHES AND THEIR IMPACT



DECRIMINALISATION

Absence of criminal laws prohibiting sex work (including sex workers, clients, and third parties).

A broad range of reforms focused on the removal of all legal oppression.

No police involvement in regulation of sex work.

It can include regulations that aim to respect and protect sex workers' human and labour rights, like occupational health and safety standards.

PENALISATION

Sex work is not regulated through criminal laws but rather through administrative offences and other public order laws.

Police involvement.

Administrative offences can result in large fines and imprisonment. General offences (e.g. loitering, public indecency or public dress codes) are often used to target sex workers.

Public order laws regulate the use of public space and impact how and where sex workers can work. E.g.: mandatory licensing for sex work businesses, zoning restrictions including 'prostitution-free' zones.



LEGALISATION

Legalisation is the introduction of laws that aim to impose state regulation and control sex work.

Mandatory registrations, compulsory HIV/STI testing, restricting the number, location and rules of operation for sex work businesses.

Gives police and other state authorities excessive enforcement powers.

Highly stigmatising.

Introduces a two-tier system of legal and illegal workers, leaving the latter much more vulnerable to exploitation and human rights violations.

Non-compliant sex workers or sex work businesses are at risk of fines, increased police surveillance, raids on business premises and prosecution.

CRIMINALISATION

A legislative framework that has laws making sex work or activities associated with sex work a crime.

It can refer to criminalisation of sex workers, clients or third parties.

The criminal laws are enforced by the police and other law enforcement agencies.

Arrest, prosecution and imprisonment, of sex workers.

Forces sex workers to work in isolation.

Vulnerability to extortion and violence.

Extremely stigmatising.

Devastating effect on the health and human rights of sex workers.

Having a criminal record deprives sex workers of access to services, housing, ability to migrate, their reputation, future employment opportunities, as well as restricting their rights of access to, or custody of, their children.



PRINCIPLES FOR A LEGAL FRAMEWORK THAT RESPECTS, PROTECTS AND RECOGNISES SEX WORKERS' HUMAN AND LABOUR RIGHTS:



SEX WORK IS WORK:

SEX WORKERS CALL FOR DECRIMINALISATION AND LABOUR RIGHTS FOR ALL SEX WORKERS!

To learn more, read NSWP Briefing Paper: Sex Work And The Law: Understanding Legal Frameworks and the Struggle for Sex Work Law Reforms www.nswp.org/resource/sex-work-and-the-law-understanding-legal-frameworks-and-the-struggle-sex-work-law-reforms or at <http://bit.ly/sw-and-law>

