

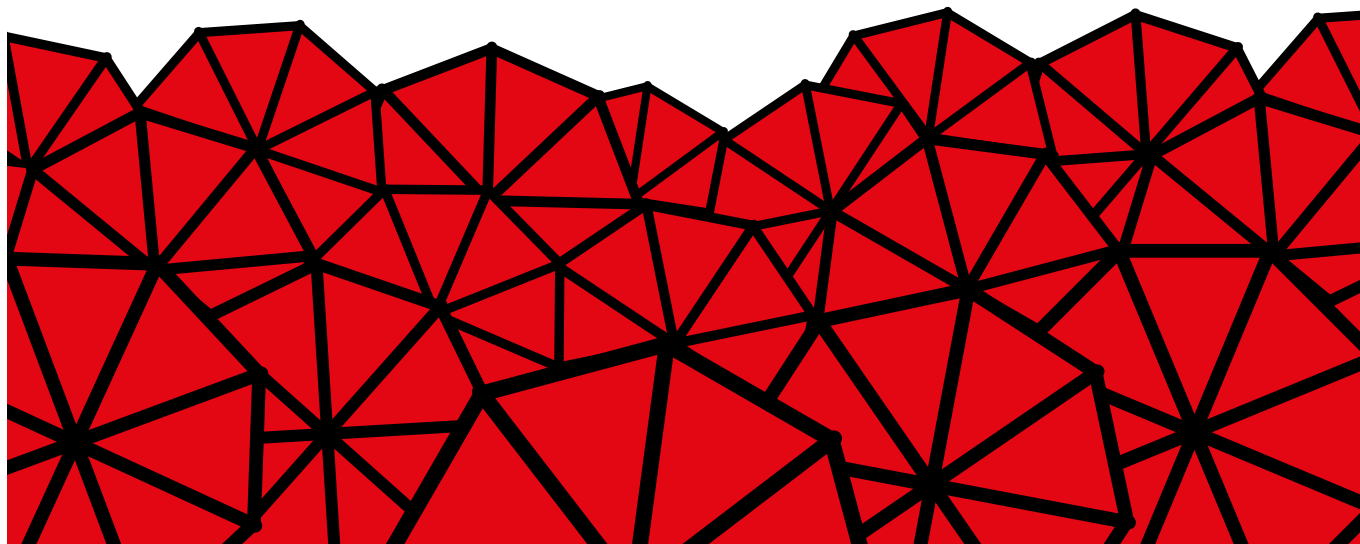


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Global Network of Sex Work Projects
Promoting Health and Human Rights

POLICY BRIEF

The Impact of 'End Demand' Legislation on Women Sex Workers



The Impact of ‘End Demand’ Legislation on Women Sex Workers

Background

Globally, ‘End Demand’ legislation criminalising the purchase of sexual services has proliferated, and its enforcement has increased. In a legal mapping project undertaken by NSWP on behalf of UNAIDS in 2016, in 58 of 188 countries, clients were criminalised or penalised for paying for sex. ‘End Demand’ legislation is often framed as a strategy to promote gender equality and combat trafficking through eradicating sex work.

The reality is that women are made more vulnerable to violence, discrimination and exploitation.

The reality is that women are made more vulnerable to violence, discrimination and exploitation. Women sex workers face harassment, persecution and arbitrary arrest by authorities; and the focus of anti-trafficking organisations on eradicating sex work is detrimental to the identification of victims of human trafficking. The misguided understanding of ‘End Demand’ legislation has resulted in a growing number of countries considering or implementing sex work law reform focusing on ending demand, rather than the full decriminalisation of sex work and the recognition of sex work as work. These countries include: Argentina, Canada, Israel, India, Ireland, Northern Ireland, Fiji, Finland, France, Iceland, Nepal, Norway, the Philippines, Scotland, South Africa, South Korea and Sweden.

‘End Demand’ Legal Frameworks

‘End Demand’ legislation ranges from national criminal laws, which can lead to imprisonment, to city laws, which fine or ban individuals from certain areas for a period of time for soliciting or paying for sex; from purchasing sex anywhere in the world to purchasing sexual services in public places, not in licensed brothels or within designated ‘prostitution-free’ areas. ‘End Demand’ laws are often accompanied by laws criminalising third parties¹. Selling sex is criminalised or penalised in all but three countries with ‘End Demand’ legislation.

Live links of resources are available on the electronic versions of the resources available at: <http://www.nswp.org/resources/types/nswp-publications>

¹ Managers, brothel keepers, receptionists, maids, drivers, landlords, hotels which rent rooms to sex workers and anyone else who is seen as facilitating sex work.

This briefing paper documents how such laws fail not only to promote gender equality for women sex workers and marginalised groups of women but actively prevent the realisation of their human rights.

This briefing paper explains the impact of 'End Demand' legislation on the human rights of cisgender and transgender women sex workers. It focuses on research, testimony, and key informant interviews from

NSWP members in countries where paying or offering to pay for sex is criminalised or penalised. 'End Demand' legislation, enforced as a gender equality measure, specifically targets demand for the services of women sex workers and thus disproportionately affects women. It is important to note that the exclusive focus on women sex workers in 'End Demand' legislation perpetuates gendered stereotypes about sexuality, and invisibilises male sex workers and the LGBT community; this in turn ignores broader structural homophobia and transphobia which

further hinders gender equality. This briefing paper documents how such laws fail not only to promote gender equality for women sex workers and marginalised groups of women but actively prevent the realisation of their human rights.

Policing and Legal Harassment of Women Sex Workers

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) obliges states to "abolish discriminatory criminalization and review and monitor all criminal procedures to ensure that they do not directly or indirectly discriminate against women"². While 'End Demand' legislation is promoted as a measure to end the discriminatory criminalisation of women sex workers and to curtail human rights abuses against them, in countries that have adopted 'End Demand' legislation, the laws are still disproportionately enforced in the spaces occupied by women sex workers – homes, neighbourhoods, working establishments and other work spaces. As a result, women sex workers, not male clients, incur the majority of profiling, surveillance and policing, not only while working but also in their day-to-day lives. Women sex workers are rarely informed of their rights, and police continue to treat women sex workers as criminals even when the law does not criminalise their work. Many Nepalese sex workers remain unaware that their work is not criminalised, despite the 2007 federal law change, which decriminalised sex workers but criminalised clients.³

Over-policing of spaces occupied by women sex workers results in frequent police stops, identity checks and questioning, as well as increased arrest, detention, and penalisation for both sex work-related crimes such as loitering and soliciting and non-sex work-related crimes, such as possession of drugs or drug paraphernalia or public order offences.⁴ Migrant women sex workers, who are often targeted in the policing of 'End Demand' legislation, also face deportation.

Even when police actions do not result in arrest, fines or imprisonment, sex workers experience them as punitive. Enforcing 'End Demand' legislation involves police raids of women sex workers' workplaces and confiscation of women sex workers' earnings by police as evidence against clients and frequently involves bringing media on raids, including allowing filming when police interrupt sex acts, resulting in the outing of women sex workers.

2 United Nations General Assembly, 1979, "Convention on the Elimination of All Forms of Discrimination against Women", 2f, g; CEDAW, 2015, "General recommendation No. 33", para 51i.

3 UNAIDS, UNFPA, & UNDP, 2012, "Sex Work and the Law in Asia and the Pacific," 77.

4 Karim Yadgar, "Ottawa Street-based Sex Workers and the Criminal Justice System: Interactions Under the New Legal Regime", (University of Ottawa, 2016), 72.

In Norway, PION's Shadow Report to CEDAW reported:

“When police carry out raids, they do nothing to protect sex workers from being exposed in public. On the contrary, several times the police have allowed media to cover the raids. For example, in a raid of massage parlours in Bergen run by female migrants from Thailand at the end of November 2016, the police brought with them national television channel TV2. The women working there were exposed and easily recognizable to the public.”

Women sex workers in Canada, France and Sweden also report being threatened with criminal charges, detention, or physical violence, and harassed to act as witnesses against their clients.

In multiple countries, police have systematically coerced testimony against clients from women sex workers. In Nepal, where purchasing but not selling sex is criminalised, police routinely force women sex workers to file cases against clients and establishments.⁵ Women sex workers in Canada, France and Sweden⁶ also report being threatened with criminal charges, detention, or physical violence, and harassed to act as witnesses against their clients. Migrant women sex workers are further threatened with deportation.

‘End Demand’ and Stigma

It has been asserted that the ‘End Demand’ approach focuses only on increasing the stigma of individuals who purchase sex. However, as reported by sex workers, it is impossible to increase the stigma of those purchasing sex without also increasing the stigma of those selling sexual services. Public campaigns and policy debates, as well as social services and police trainings, infantilise, dehumanise and pathologise women sex workers through quoting hateful language used by a small minority of clients, describing in graphic detail abuse against sex workers, as well as using unacceptable racialised and gendered language and images in public campaigns. This not only impacts clients of sex workers but has also affected public attitudes to sex workers.

In Sweden, support for criminalising selling sex increased from 19% to 49.4% among men and from 41% to 66% among women between 1996 and 2008.⁷ In Norway, support for the criminalisation of selling sex also increased,⁸ as did sex workers’ experiences of harassment, violence and discrimination from the public.⁹

In Norway, a woman sex worker reported her experience of stigmatisation during various meetings with police and government agencies:

“They do not see me. Rather they see us as one group. We are all the same. We are all criminals.”¹⁰

WOMAN SEX WORKER, PROSENTRET, NORWAY

5 International Development Law Organization, et al., 2011, “South Asia Roundtable: Legal and Policy Barriers to the HIV Response,” 20.

6 NSWP, 2015, “Advocacy Toolkit: The Real Impact of the Swedish Model on Sex Workers”.

7 Jari Kuosmanen, “Attitudes and perceptions about legislation prohibiting the purchase of sexual services in Sweden” European Journal of Social Work 14.2 (2011): 247, 254.

8 “AA. Kotsadam, N. Jakobsson, ‘Do laws affect attitudes? An Assessment of the Norwegian prostitution law using longitudinal data’, *International Review of Law and Economics* 31 (2011): 103-115 .

9 Amnesty International, 2016, “Norway: The Human Cost of ‘Crushing the Market’: Criminalization of Sex Work in Norway”.

10 Sarah Sangesland Warpe, “Am I not a human being like you?” 4 December 2016, PION.

'End Demand' and Discrimination

Access to housing and financial institutions

'End Demand' legislation exposes women sex workers to criminal and civil laws relating to both their home and workspaces, and the use of their earnings. These laws disproportionately expose women sex workers, not clients, to discrimination from landlords and financial institutions, undermining women sex workers' right to secure housing, own property and access to banking, loans, and other financial instruments.

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Enforcement of such codified discrimination is enshrined in legislation in countries that have introduced the 'End Demand' approach. In Norway, police 'Operation Homeless' aimed to systematically evict sex workers' from their

homes, more than 400 sex workers were evicted from their apartments between 2007–2014, primarily migrant women sex workers. In Sweden, police report sex workers to their landlords, threatening prosecution if they fail to evict, and sex workers found to be engaging in sex work in their own property lose their legal right to ownership facing eviction on failure to sell and vacate the property. PION, Norway, and Rose Alliance, Sweden, also report that women sex workers face rental discrimination, and are forced to pay exorbitant rents to secure homes.

Refusal of services

Sex worker-led organisations in countries with 'End Demand' legislation report women sex workers being blacklisted by or refused access to hotels and denied entry to other businesses. The Shadow Report submitted by PION, Norway to the 68th CEDAW session documents sex workers being denied access to or thrown out of hotels and being blacklisted by hotel chains as the result of notification from police. In some cases, sex workers have experienced hotels informing other hotels in the area, and being refused by hotels across entire cities.

Migrant women

'End Demand' legislation disproportionately affect migrant women sex workers, but also exacerbate and legitimises discrimination against migrant women who are not sex workers, counter to state obligations set out by the CEDAW committee.

In Norway, research commissioned by the Oslo municipality found that "landlords do not want to rent apartments or facilities to people from nationality groups associated with prostitution."¹¹ Norwegian hotels further profile and deny entry to women of racial, ethnic or nationality groups stereotyped as sex workers. In Iceland, a Nigerian woman who was profiled as a sex worker was denied entry into a nightclub. In 2013 in Sweden, a lawsuit filed by a migrant Asian woman who had been denied entry to a bar was dismissed, due to police reports of the involvement of Asian women in sex work in the area, upholding the 'legitimacy' of the profiling of all Asian women as sex workers.

11 Ulla Bjørndahl, 2012, "[Dangerous Liaisons: A report on the violence women in prostitution in Oslo are exposed to](#)," 33.

Health and social services

'End Demand' legislation has not ended the judgement of women sex workers as criminal or deviant, which continue to undermine the provision of non-discriminatory and rights-based health and social

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services. The attitudes of individual service providers go against the CEDAW committee's recommendation that states that it gives "special attention... to the health needs and rights of women belonging to vulnerable and disadvantaged groups" including women sex workers in HIV efforts, and combat discrimination against women sex workers in access to health services.¹²

Rose Alliance, Sweden, reports that only one government outreach service to sex workers distributes condoms and only does so from its office, not during outreach. Both PION, Norway and Rose Alliance, Sweden report an increase in stigma from service providers. Treatment by providers

includes denying services to and shaming women who continue to engage in sex work or who do not identify as victims, refusing to provide condoms or requiring women to go to clinics to obtain condoms and lubricant, and viewing women sex workers as unfit parents.

Sweden: Impact of End Demand Laws on Women Sex Workers' Access to Health Care:

In a study conducted by Rose Alliance and HIV-Sverige with 114 sex workers, less than one-third had received information on their rights and personal safety.¹³

73 of respondents listed "fear of prejudices by authorities" as a concern associated with their work, with higher rates amongst women sex workers.

46% of all female sex workers (versus 6% of male sex workers) reporting discrimination related to their work.

25% experienced problems in accessing HIV testing, including being interrogated on why they wanted an HIV test or having to insist they had a right to receive an HIV test – 26 of the 28 respondents reporting problems were women.

Only 6% of respondents had received HIV prevention services, and only 9% had received condoms from a government or health care organisation.

In addition, increased surveillance of women sex workers as a result of the criminalisation of clients and the resulting displacement of sex workers has severely hampered outreach programmes.

In China, a government health worker reported they lost contact with over half of their sex worker contacts following police raids on sex workers' workplaces.¹⁴

PION, Norway, and SWAN Vancouver, Canada reported that increased policing in neighbourhoods where sex work takes place has increased barriers for women sex workers accessing drop-in centres and other health facilities, which are often concentrated in these areas.

¹² CEDAW, 1999, "General recommendation No. 24", para 6, 18; CEDAW, 2003, "Background paper concerning article 6", para 35.

¹³ HIV-Sverige and Rose Alliance, 2014, "En Annan Horisont".

¹⁴ Asia Catalyst, 2014, "The Condom Quandary: A Survey of the Impact of Law Enforcement Practices on Effective HIV Prevention among Male, Female, and Transgender Sex Workers in China", 51.

Right to Work and Safe and Healthy Workplaces

The CEDAW Convention guarantees all women the “right to work” and “free choice of employment”. The criminalisation of buying but not selling sex is often described as compatible with women sex workers’ right to work. However, enforcement of ‘End Demand’ laws occurs in women sex workers’ workplaces and makes fulfilment of the right to work near impossible for both indoor and outdoor women sex workers. In Argentina, Amnesty International documented:

“...If a client has to pay a bribe, he won’t come to our area again, that’s for sure. And in the meantime, while the police are taking money from the client, you can’t work because nobody will stop the car if there’s a police car next to you...”¹⁵

TRANSGENDER WOMAN SEX WORKER, ARGENTINA

Police surveillance leads clients and outdoor sex workers to move to more isolated areas to avoid detection and makes it difficult for outdoor sex workers to work together for their own protection.

“...People have started changing how they work...they are going out of areas that they usually work in because clients don’t want to risk coming into...[Glasgow’s red light district] where the cameras are... What I have started doing is going out later – two or three in the morning– to avoid the police... It has got more dangerous.”¹⁶

WOMAN SEX WORKER, SCOTLAND

...‘End Demand’ legislation systematically excludes women sex workers from being able to use national mechanisms that protect workers’ rights to safe and healthy workplaces...

Fear of arrest makes clients reluctant to visit indoor establishments or meet at hotels, leading sex workers to travel to clients’ homes, limiting their control over their working conditions and environment.

In addition to directly impacting upon women sex workers’ workplaces and working conditions, ‘End Demand’ legislation systematically excludes women sex workers from being able to use national mechanisms that protect workers’ rights to safe and healthy workplaces, given that buying the services they provide is criminalised.

Gender Power Dynamics

Unequal power dynamics between women sex workers and male clients are often used to justify ‘End Demand’ legislation. However, sex workers across countries with ‘End Demand’ legislation report that the ‘End Demand’ approach has increased clients’ power over them and limits opportunities to negotiate the services they provide and protect themselves.

In Fiji, research found that the criminalisation of clients under the 2009 Crime Decree Law “...reduced the ability of sex workers to negotiate over the terms of the transaction and has created more pressure to accept clients’ terms.”¹⁷

¹⁵ Amnesty International, 2016, “[Argentina: What I am doing is not a crime](#)”.

¹⁶ Hilary Kinnell, *Violence and Sex Work in Britain* (Willan Publishing, 2008), 79.

¹⁷ International HIV Research Group, 2011, “[Sex Workers and HIV Prevention in Fiji – after the Fiji Crimes Decree 2009](#)”.

In India, Veshya Anyay Mukti Parishad (VAMP) reported similar shifts in the power dynamic between women sex workers and male clients as policing of red light districts increased.

“There are examples of the police waylaying clients at night and demanding money from them. Our regular customers have reduced their visits. This has led to decrease in business. Decreasing business, difficulties in fulfilment of basic needs... risk will be increased.”

WOMAN SEX WORKER, VAMP, INDIA

This shifting power dynamic has severe consequences for sex workers. Women sex workers report feeling increasingly unable to refuse clients' demands for unprotected sex, accepting clients they previously would have refused, and working in riskier locations, for longer hours and at night in order to continue to meet their basic financial needs in the face of reduced demand.

Vulnerability to Violence

Criminalisation of purchasing sex has led to clients changing their ways of contacting and meeting sex workers to avoid fines or arrest. The inequitable power dynamic between women sex workers and male clients means that women sex workers have had to accept these changes, at times jeopardising their safety and health.

For outdoor sex workers, this includes working in more isolated areas and not having time for personal safety measures, such as recording vehicle license plate numbers, assessing safety before entering a clients' car, negotiating the sexual services to be provided and prices, and negotiating the location where sexual services would be provided.

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In a collaborative study undertaken by STRASS and Médecins du Monde in France, migrant women sex workers from Nigeria describe the impact of the law criminalising clients:

“Now I do not have time to analyse which is the good and the bad customer, as soon as someone offers me something I say yes to everything. So it increases the risk of finding myself in a violent situation.”

WOMAN SEX WORKER, STRASS, FRANCE

“...Before I wanted to work with the gentlemen next to where I work, in the parking lot next door. But now it is not possible. They say ‘no, no, no’. The men are afraid, so we must go further...When you go to a location away from your workplace, the place is very dark; they can take advantage of you. This is risky for people who work in the street. Because they know that you're all alone. Nobody is there. No colleagues close by.”¹⁸

WOMAN SEX WORKER, STRASS, FRANCE

In Australia, Scarlet Alliance reported that the enforcement of stay-away orders for soliciting in a public place resulted in clients claiming to have stay-away orders as a way to avoid coming to public spaces and demanding women sex workers come to their homes.

Both indoor and outdoor sex workers report increased reluctance of clients to meet in their normal workplaces due to fear of arrest.

¹⁸ Médecins du Monde et al., 2017, “Du difficile équilibre entre sécurité, précarité et indépendance après le vote de la « Loi visant à renforcer la lutte contre le système prostitutionnel et à accompagner les personnes prostituées », 22.

In Fiji, women sex workers report that since the introduction of 'End Demand' legislation, clients have stopped coming to their workplaces and started sharing sex workers' phone numbers.¹⁹ As a result, unknown clients now contact women sex workers, asking them to come to a hotel or residential address. Women sex workers in Fiji emphasise this change increases their vulnerability to violence by removing the opportunity to implement personal safety measures and assess clients in person before

...an outreach service to migrant outdoor sex workers, saw a two-fold increase in robbery, rape, and assault after the criminalisation of clients.

being alone with them. Women sex workers in France and Norway also report a change in client behaviour, with new clients demanding to meet in their homes rather than come to sex work establishments or the street, increasing women sex workers' vulnerability and reducing their control over their working conditions. In France, Lotus Bus, an outreach service to migrant outdoor sex workers, saw a two-fold increase in robbery, rape, and assault after the criminalisation of

clients. In Norway, research has documented a substantial increase in violence and vulnerability to violence since the criminalisation of clients, especially among migrant women sex workers.

Women sex workers are systematically excluded from the protection of labour laws by 'End Demand' legislation, as the services they provide cannot be legally purchased, further exacerbating their vulnerability to unsafe working conditions, exploitation and violence. 'End Demand' legislation neglects state's obligations to respect, protect and fulfil women sex workers' fundamental right to "safe and healthy workplaces in which sex workers are fairly compensated and treated with respect, and which are free from health hazards and abuse including sexual and physical violence"²⁰ as enshrined in International Human Rights Treaties, including the CEDAW Convention.

Access to Justice

Women sex workers' protection of their livelihood requires them to protect their clients under 'End Demand' legislation, which creates additional barriers to their access to justice. In Canada, outdoor women sex workers reported not interacting with police in their area for fear that clients would interpret this interaction as a sign that the sex worker is a law enforcement officer.²¹ In Norway, Amnesty International documented woman sex workers' reluctance to report crimes to the police:

"If I go to the police, I have to tell the police where I live. They will have a car at my door to fine my clients. If two clients get a fine – I will lose all my clients."

WOMAN SEX WORKER, NORWAY

'End Demand' legislation not only perpetuates and exacerbates stigma; it also influences how police handle reports of violence from sex workers.

In Norway, women sex workers reported multiple instances of police failing to respond to reports of violence or threatening situations. There are concerns that police would use such reports as a pretext to intimidate and harass sex workers.²² A Government commissioned report found that "The threshold for reporting a violent customer to the police...seems to be higher after the law".

19 International HIV Research Group, 2011, "Sex Workers and HIV Prevention in Fiji – after the Fiji Crimes Decree 2009".

20 NSWP, 2013, "Consensus statement on sex work, human rights and the law".

21 Andrea Krüsi, Katrina Pacey, et al., "Criminalisation of clients: reproducing vulnerabilities for violence and poor health among street-based sex workers in Canada—a qualitative study" *BMJ open* 4.6 (2014): 7.

22 PION Norway, 2017, "A Shadow Report by PION".

'End Demand' legislation has increased punitive interactions between women sex workers and law enforcement and judicial systems, including loss of custody of children, eviction, property seizure and deportation...

In Sweden, 42% of sex workers who had previously reported a crime to the police said they would not do so again, due to treatment by police.

In Canada, 100% of migrant Asian women sex workers reported that they would not report a crime to the police.²³

'End Demand' legislation has increased punitive interactions between women sex workers and law enforcement and judicial systems, including loss of custody of children, eviction, property seizure and deportation, further limiting women sex workers' access to justice.

In restricting women sex workers' access to justice, 'End Demand' legislation undermines the CEDAW Committee's call for States to create enabling environments that "encourage women to claim their rights, report crimes committed against them and actively participate in criminal justice processes; and take measures to prevent retaliation against women seeking recourse in justice."²⁴

Vulnerability to Exploitation

Clients fear arrest under 'End Demand' legislation and are reluctant to seek sex workers in public spaces and establishments where they may be caught. In addition, they distrust independent women sex workers they have not previously met, suspecting they may be undercover police. Therefore clients are increasingly using third parties to serve as intermediaries.

In South Korea, an independent woman sex worker reported:

"[Clients] are not willing to give screening information to independent sex workers like me. But people do give screening information, even documents from their workplace to prove that they are not cops, to be able to get access to 'members-only prostitution' [venues]."

TRANSGENDER WOMAN SEX WORKER, GIANT GIRLS, SOUTH KOREA

In France, Norway, and Sweden²⁵ it has been documented that women sex workers' reliance on third parties is exacerbated by legal barriers and discrimination, especially against migrant women sex workers, in renting workplaces, hotels and apartments.

The criminalisation of third parties leads to unethical and unscrupulous people becoming involved in the sex industry, who use the covert nature of the sex industry to abuse and exploit women sex workers. While 'End Demand' legislation is often promoted as a measure to reduce exploitation in sex work, in practice, it has systematically increased sex workers' reliance on third parties while eliminating access to protection from the law and denying labour rights to women sex workers, creating a context rife for labour exploitation.

²³ SWAN Vancouver Society, Zi Teng & ACSA, 2015, "Chinese Sex Workers in Toronto and Vancouver".

²⁴ CEDAW, 2015, "General recommendation No. 33", para 51d.

²⁵ Polisen, 2012, "Trafficking in Human Beings for Sexual and Other Purposes", 13.

Trafficking

'End Demand' legislation is often promoted as the only solution to human trafficking. However, the efficacy of broad efforts to reduce demand for commercial sex as a way of addressing trafficking have been criticised by a number of well-respected labour and anti-trafficking organisations including the International Labour Organization²⁶, the Global Alliance Against Traffic in Women (GAATW)²⁷, La Strada International, and the Freedom Network-USA.

GAATW published a report that shows there is no substantive evidence to support the claim that 'End Demand' approaches actually reduce trafficking. The report sets out serious concerns that such an approach ignores trafficking in other labour sectors, including other gendered-labour; relies more on ideology than sound evidence; increases stigma against women sex workers; conflates voluntary sex work with trafficking; and is more focused on punishing men who pay for sexual services than on protecting women sex workers' rights.

'End Demand' legislation also has a negative impact upon the identification of victims of trafficking, deterring both clients and sex workers who are well-positioned to report exploitation and trafficking from doing so.

In Turkey, where the purchase of sex is not criminalised, 74% of calls to a trafficking hotline came from clients who suspected trafficking²⁸.

'End Demand' legislation also has a negative impact upon the identification of victims of trafficking, deterring both clients and sex workers who are well-positioned to report exploitation and trafficking from doing so.

In South Africa, SWEAT reported:

"Sex workers and clients are best placed to identify and report trafficking...It's always been sex workers and clients who have reported cases that we've followed up on. We have cases where clients want to come forward and report human rights violations and can't because they're criminalised."

Conclusion

'End Demand' legislation is only one of the legal frameworks that undermine the respect, protection, and fulfilment of the human rights of sex workers. Efforts to repress or eradicate sex work fail to recognise women sex workers as rights bearers and lead to discriminatory practices that have a wide-ranging impact on their health and lives.

In a number of countries sex work has been legalised or sex work businesses are 'allowed' to operate. However governments severely restrict where, how, and who can engage in sex work and often violate women sex worker's human rights by subjecting them to mandatory registration and/or the compulsory STI or HIV testing, even when sex work remains criminalised under quasi-legalised systems.

Many states do not criminalise paying for or selling sex, but criminalise all activities associated with sex work, including third parties. Such laws do not prevent third parties from managing or profiting from the labour of women sex workers, but exclude women sex workers from the respect of their labour rights and from protection from discrimination.

²⁶ ILO, 2006, "A Demand Side of Human Trafficking in Asia: Empirical Findings." Bangkok: ILO".

²⁷ GAATW, 2011, "Moving Beyond 'Supply and Demand' Catchphrases - Assessing the uses and limitations of demand-based approaches in anti-trafficking".

²⁸ "Customers help stamp out Turkey's sex slaves", The Independent, 28 December, 2005.

Policy frameworks based on tradition and culture, religion and fundamentalist ideologies limit the role for women in society, placing women sex workers outside of acceptable society. This leads to pervasive gender-based violence and other human rights violations against sex workers, and impunity for the perpetrators of violence and abuse.

Legal and cultural efforts to reduce demand or eradicate sex work, rather than increase efforts to respect, protect and fulfil the human rights of women sex workers, actually ensure that an already marginalised and vulnerable group of women experience greater discrimination.

While any one group of women continue to experience stigma and discrimination, gender equality will never be achieved.

While any one group of women continue to experience stigma and discrimination, gender equality will never be achieved. The full decriminalisation of sex work will ensure that women sex workers are not left behind as we strive towards gender equality for all.

Recommendations

- Recognise the self-determination of sex workers, in all their diversity, and uphold them as rights bearers. Sex workers face intersecting forms of criminalisation, discrimination and marginalisation, which cannot be addressed in isolation.
- Remove laws, policies and practices that seek to criminalise clients, which make women more vulnerable to violence, discrimination and exploitation. Sex workers face harassment, persecution and arbitrary arrest by authorities as a direct result of such laws.
- Remove laws that conflate trafficking, sex work and migration and promote the rights of migrant workers to safe, legal channels of migration and to 'decent work'. The focus of 'anti-trafficking' laws on eradicating sex work is detrimental to the identification of victims of human trafficking.
- Remove laws that de facto criminalise sex work and ensure that sex workers are accorded labour rights in line with decent work as defined by ILO²⁹. Decent work according to ILO has four components: employment, social protection, workers' rights and social dialogue. Sex workers' rights activists have been advocating for decent work for many years, and sex workers should be included in the decent work agenda, at national, regional and international levels.
- Remove laws, policies and practices that prevent sex workers from associating, organising and forming unions that will enable them to fight violence, exploitation and human rights violations. Workers organising is one of the most effective responses to bad working conditions, exploitation and trafficking.
- Recognise sex workers' rights to occupational health and safety and to participate in the process of developing workplace health and safety standards.

²⁹ Decent work sums up the aspirations of people in their working lives. It involves opportunities for work that is productive and delivers a fair income, security in the workplace and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organise and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men.

This policy brief is the result of desk research and a consultation with NSWP members.



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