

SEX WORK LEGAL FRAMEWORKS

**in Central-Eastern Europe
and Central Asia (CEECA)**

Briefing paper



**THE SEX WORKERS' RIGHTS ADVOCACY NETWORK (SWAN)
In Central and Eastern Europe and Central Asia**

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THE SEX WORKERS' RIGHTS ADVOCACY NETWORK (SWAN) is a network of 24 civil society organizations in 17 countries in Central and Eastern Europe and Central Asia advocating for the human rights of female, male and transgender sex workers. SWAN member organizations work with or are led-by sex workers and sex worker leadership is an organizing principle of the network.

SWAN was founded in 2006 and was officially registered as the SWAN Foundation in January of 2012.

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INTRODUCTION

Legal frameworks designed to control and regulate sex work have undergone major transformations in the last three decades in Central-Eastern Europe and Central Asia (CEECA)¹. These changes are largely due to turbulent political events defining the modern history of the region, such as the dissolution of the Soviet Union and the Socialist Federal Republic of Yugoslavia. Additionally, in 2004, 2007, and 2013 eleven Central and Eastern European countries² joined the European Union (EU), with the obligation to comply with EU legislation and policy recommendations. These political shifts led to increased East to West migration and mobility of sex workers³ and new commitments and policy attention to gender equality in the region. The issues of sex work, migration (for sex work), and trafficking hence have been pushed to the forefront of international, European, and national public discourses and policy-making.

Countries in the CEECA region address sex work in various ways, to a great extent due to different socio-political environments, varying histories of legal approaches to sex work, and the lack of binding international law that guides states in their lawmaking.⁴ Contemporary sex work policies in the region thus present numerous similarities but also striking differences.

1 SWAN uses the term Central-Eastern Europe (CEE) to include the Eastern bloc countries; the independent states in former Yugoslavia (which were not considered part of the Eastern bloc); and the three Baltic states – Estonia, Latvia, Lithuania. The Central Asia (CA) region consists of the former Soviet republics of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan. This report also addresses sex work legal frameworks in Greece and Turkey as they are covered by SWAN’s work.

2 Namely, in 2004: the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, and Slovenia; in 2007: Romania and Bulgaria; in 2013: Croatia.

3 On the trends of migration of sex workers in Europe see: International Committee on the Rights of Sex Workers in Europe (ICRSE) (2017). *Surveilled, Exploited, Deported: Rights Violations against Migrant Sex Workers in Europe and Central Asia*. Available: http://www.sexworkeurope.org/sites/default/files/resource-pdfs/icrse_briefing_paper_migrants_rights_november2016.pdf

4 Neither the European Union, nor the Council of Europe has legally binding laws on sex work.

This briefing paper aims to highlight the diversity in dealing with sex work by countries in the region. The primary source of data that this paper is built on is information provided on the local contexts by member organisations of the Sex Workers' Rights Advocacy Network (SWAN) from Russia, Ukraine, Kazakhstan, Kyrgyzstan, Tajikistan, Georgia, North Macedonia, Hungary, and Slovakia.⁵ Additional information on sex work legal frameworks is provided on Albania, Croatia, Serbia, Slovenia, the Czech Republic, Greece, Turkey, and Romania based on recently published studies and reports in the topic.

The data collection by SWAN members focused on administrative and criminal provisions directly related to sex workers, their clients, and third parties facilitating sex workers' labour. The report furthermore presents examples of legislation and policies that govern issues of particular relevance for sex workers and/or that might significantly impact them in certain contexts, such as public health, migration, sexual orientation and gender identity/expression, public order, and morality laws and policies.

This paper aims to allow readers to compare sex work policies in CEECA but does not address in detail their (lack of) implementation and associated ambiguities and contradictions, which often exacerbate the vulnerability of sex workers to discrimination and violence.

Both have issued policy recommendations to States:

See the European Parliament resolution of 26 February 2014 on sexual exploitation and prostitution and its impact on gender equality. Available: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2014-0162+0+DOC+XML+V0//EN>

See the Parliamentary Assembly of the Council of Europe (PACE) resolution entitled "Prostitution, trafficking and modern slavery in Europe". Available:

<http://www.assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?fileid=20559&wrqid=0&wrqref=&ref=1&lang=EN>

5 STAR-STAR, North Macedonia; HOPS, North Macedonia; Odyseus, Slovakia; Tais Plus, Kyrgyzstan; Ameliya, Kazakhstan; Apeiron, Tajikistan; SZEXE, Hungary; Women for Freedom, Georgia; All-Ukrainian Charitable Organisation "Legalife-Ukraine", Ukraine; Silver Rose and New Life, Russia;

A BRIEF HISTORY OF SEX WORK LAWS AND POLICIES IN THE REGION

The complex history of the CEECA region in the 20th century, involving the collapse of multi-ethnic empires and the subsequent birth of nation states, German occupation and later Soviet influence, provides a differentiated historical background to current sex work legal frameworks. This chapter aims to summarise dominant state approaches to sex work in the 20th century, illustrating how sex work was governed by early 20th century empires, and then later by the Soviet Union, Yugoslavia, and Soviet satellites states, such as Albania, Hungary, Czechoslovakia, and Romania.

Current sex work legal frameworks in Eastern-Europe are heavily influenced by the laws and policies of the Russian Empire and later the Soviet Union. During the final years of the tsarist Russian Empire (1900-1917), no prohibition existed on engaging in sex work. During this period, the tsarist authorities legally tolerated sex work under a regulatory system with medical-police supervision of sex work.⁶ Sex workers were viewed as “dangerous fonts of disease whose very existence necessitated state intervention”⁷, consequently, the proclaimed aim of regulation was to eliminate venereal diseases. However, the system in practice, rather served as a means to control the movement of sex workers through registration. Sex workers had to undergo weekly medical examinations and were required to substitute their internal passport for a medical document, or “yellow ticket”, attesting to their sexual health.⁸ In parts of the Russian Empire where Sharia law coexisted with Russian criminal law,

6 Hearne, Siobhan (2018). Female prostitution in urban Russia, 1900-1917. PhD thesis, University of Nottingham.

7 Bernstein, Laura (1995). *Sonia's Daughters: Prostitutes and Their Regulation in Imperial Russia*. Los Angeles and London: University of California Press

8 Hearne, Siobhan (2012). 'Dangerous Women' – Prostitution in Late Imperial and Post-Revolutionary Russia. Available:

https://thevieweast.wordpress.com/2012/06/18/dangerous-women-prostitution-in-late-imperial-and-post-revolutionary-russia/#_ftn1

the latter was often used to persecute sex workers.⁹

The Austro-Hungarian Empire also significantly shaped the history of sex work legal frameworks in the region. In its final decades, sex work was heavily regulated and only women who registered with authorities could qualify as “tolerated” sex workers.¹⁰ Regulations included significant administrative burden imposed on sex workers who had to provide detailed documentation about their life histories. Similarly to the late Russian Empire, sex workers were submitted to frequent medical examinations and mandatory treatment of venereal diseases.¹¹ The state favoured brothels as sex work venues and tried to eliminate street sex work. “Independent” sex workers needed to fulfill specific requirements, such as having their own room, not shared with other working women.

Immediately after the February Revolution of 1917 in Russia, all aspects of state regulation of prostitution were abolished.¹² The Soviet government, based on ideological ideas associating sex workers with the vices of capitalism, began to persecute them. The official policy on prostitution initially focused on two main aims: control of venereal diseases and preventing women from engaging in unproductive and “immoral” work.¹³

Specific laws prohibiting prostitution were not introduced into the Soviet codes until 1987, but sex workers could be persecuted under other articles of the criminal and administrative codes. Starting from the late 1920’s, sex workers were sent to the system of “special institutions of forced labour re-education”.¹⁴ This was a classic Soviet method, grounded on the idea

9 Tagungsbericht: Perspectives on the History of ‘Prostitution’ in East-Central Europe, 15.02.2018 – 17.02.2018 Prag, in: H-Soz-Kult, 26.06.2018. Available: www.hsozkult.de/conferencereport/id/tagungsberichte-7768

10 Wingfield, Nancy M. (2017). *The World of Prostitution in Late Imperial Austria*. Oxford: Oxford University Press

11 Ibid.

12 Hearne, Siobhan (2012).

13 Ibid.

14 Lebina, Natalya and Shkarovsky, Mikhail (1994). “Кнутом или законом?” [By a whip or by a law?]. *Проституция в Петербурге: 40-е гг. XIX в. — 40-е гг. XX в* [Prostitution in Saint

that manual labour could redeem a person and instil proletarian values. In the early 1930's, suspected sex workers were subjected to administrative expulsions (internal deportations). With the deployment of the Great Terror, they were sentenced to imprisonment on political charges: sex workers were now regarded as class enemies.¹⁵

In the period from 1955 to 1985 - despite the state's view on sex work being incompatible with socialist values - the Soviet Union did not prohibit sex work, although both criminal law and administrative law were used to prosecute this group. Finally, in 1987, the Codes of Administrative Offences in the socialist republics were amended and included the offense of prostitution with a fine of 100 rubles (at that time the monthly salary of a low-skilled worker).

Under state socialism, Albania, Hungary, Czechoslovakia, and Romania chose harsher legal approaches to crack down on sex work. In the Czechoslovak Socialist Republic sex workers were criminally liable under provisions on "parasitism".¹⁶ This was a significant setback compared to the Act on the Fight against Venereal Diseases of 1922, which made sex work no longer punishable.¹⁷ In 1956, the Criminal Code was amended to include the offense of "parasitism". The crime was defined as "making a living improperly and avoiding honest work",¹⁸ and sex workers were frequently prosecuted under it. Selling sex was thus indirectly criminalised.

This basis for the criminalisation of sex workers was similar in other state socialist countries. Sex workers were seen as morally non-compliant with the principles of the socialist economy.¹⁹ In Albania, prostitution was

Petersburg: 1840s–1940s]. Moscow: Progress-Academia. pp. 132–178.

15 Ibid.

16 Havelková, Barbara (2018). Prostitution Law and Policy in the Czech Republic. In: Jahnsen, Synnøve Økland and Wagenaar, Hendrik (eds). *Assessing Prostitution Policies in Europe*. London: Routledge

17 Ibid.

18 Sec. 188a Act No 86/1950 Coll as amended by Act No 63/1956 Coll.

19 Havelková, Barbara (2016). Blaming all women: On regulation of prostitution in State Socialist Czechoslovakia. *Oxford Journal of Legal Studies* 36. p 165.

banned in 1945 by the Penal Code.²⁰ In Hungary, sex work was prohibited from 1950 on²¹, while in Romania a government decree from 1949 criminalised sex work and required that sex workers are sent to special rehabilitation centers.²²

When Yugoslavia came to existence in 1918 after the dissolution of the Austro-Hungarian Empire, there was no unified policy on prostitution. However, the push for abolition became increasingly strong in tandem with the influence of socialist or communist ideals, arguing that prostitution in capitalism was a consequence of poverty and unfavourable social conditions and communism would lead to its disappearance.²³

Sex work became criminalised in 1929 with the Criminal Code of the Kingdom of Serbs, Croats and Slovenes, while the 1934 Act on the Suppression of STIs prohibited the keeping of brothels.²⁴ The system of prohibition remained in force until 1941, when the war led to the opening of brothels in all large cities, with accompanying police and health control of sex workers.²⁵ The end of the Second World War brought yet another change in prostitution policy, with a departure from a regulatory regime to a prohibitionist one. Brothels were once again closed, and sex workers were either shot for collaborating with the enemy, or sent to sanatoriums, construction sites for forced labour, or to their place of birth.²⁶ These colonies in Yugoslavia were closed down in 1947, but the arrested sex workers were still sent to work at construction sites as a form of forced labour.

20 Xhaho, Armela and Tandilli, Alma Lleshi (2018). Albania. In: Jahnsen, Synnøve Økland and Wagenaar, Hendrik (eds). *Assessing Prostitution Policies in Europe*. London: Routledge

21 Muraj, András and Tóth Eszter, Zsófia (2014). *Szex és szocializmus*. Budapest: Libri Könyvkiadó Kft.

22 Danet, Alina (2018). Romania. In: Jahnsen, Synnøve Økland and Wagenaar, Hendrik (eds). *Assessing Prostitution Policies in Europe*. London: Routledge

23 Simić, Ivan (2016). *Soviet Influences on Yugoslav Gender Policies, 1945-1955*. Thesis. UCL.

24 Radačić, Ivana and Pajnik, Mojca (eds.) (2017). *Prostitution in Croatia and Slovenia. Sex Workers' Experiences*. *Drustvena istrazivanja*. 27. pp 365-367.

25 Ibid.

26 Ibid.

From 1950 on, the state began to promote a more moderate approach, which still included imprisonment and/or banishment from the city where sex workers were arrested. The Yugoslav Penal Code of 1951 did not ban prostitution, but prohibited pimping. However, women were punished when prostitution was understood as an act that “insulted public morale”, explaining why sex workers on the street were often the only persons targeted. The 1977 Act on Misdemeanours against Public Order and Peace (AMPOP) made selling sex an administrative offense and was incorporated into the North Macedonian, Slovenian, Croatian, and Serbian legal frameworks after their independence.²⁷

27 Ibid.

ADMINISTRATIVE AND CRIMINAL PROVISIONS ON SEX WORK

This chapter aims to illustrate sex work legal frameworks currently in place in the CEECA region, by describing legal provisions contained in the administrative and criminal codes of various countries. These sex work laws and policies vary to a great extent in their scope and clarity and set out provisions that prohibit and regulate activities of sex workers, their clients, and third parties.

As this chapter will demonstrate, sex workers are penalised in the majority of CEECA countries by administrative offenses, often called misdemeanours or petty crimes. These are considered minor offenses of lower severity. However, in the case of Serbia and Croatia, the administrative offenses should be rather interpreted as provisions of criminal law, given the nature of the sanction (imprisonment), its gravity, and its range. In Albania, provisions related to sex workers are included in the criminal code. In some countries, sex work is not addressed by administrative and criminal laws, while only four countries in the region explicitly legalise or regulate (some form of) sex work.

Clients of sex workers are only punishable by administrative laws in Serbia, Bosnia Herzegovina, and Lithuania in the region, while third parties that organise and facilitate sex work are penalised and criminalised by administrative and criminal provisions in the overwhelming majority of CEECA countries, depending on the offense they are prosecuted for. Providing premises for sex work - brothel-keeping - is only legalised and regulated in two countries of SWAN membership, in Turkey and Greece.

Sex workers

The definition of sex work and sex workers - referred to as “prostitution” and “prostitutes” in many legislative frameworks in the region - is a legally contentious field. Some countries in the region define sex work meticulously, while others have no definition of the terms in their laws. These latter countries are the ones where there is a lack of criminalisation and regulation of sex workers’ activities written into law, e.g. **Kyrgyzstan**, **Kazakhstan**, **Czech Republic**, and **Slovakia**.

The country with the most precisely formulated definition of sex work in its legal framework is **Hungary**, with a legalised approach to sex work. According to the Act LXXV of 1999 on Organised Crime²⁸, a sex worker is “a person who provides sexual services for remuneration, irrespective of the time of remuneration and whether the remuneration is from the purchaser of the sexual service or someone else. Sexual service is defined as an activity of a prostitute that requires bodily contact aimed at the arousal and satisfying of the desire of the client.”

Sex work is similarly - but less clearly - defined in the **Czech Republic**, where the Act on Trades states that “the offering or provision of services aiming directly at satisfying sexual needs” is not a trade.²⁹ In **Latvia**, sex work is understood as the “provision of sexual services for a fee”, without further explanation of what a sexual service constitutes.³⁰ In Romania, although sex work is no longer punishable as a criminal offense since 2014, the Penal Code contains the definition of prostitution: “practicing prostitution is understood to carry sexual acts with different persons in order to obtain patrimonial benefits for oneself or for another”.³¹

28 Information based on the submission from the Association of Hungarian Sex Workers (SZEXE). Text of the law in Hungarian: <https://net.jogtar.hu/jogszabaly?docid=99900075.TV>

29 Havelková, Barbara (2018).

30 Cabinet Regulation No. 32. Adopted 22 January 2008. Regulations Regarding Restriction of Prostitution. Available: <https://likumi.lv/ta/en/id/169772-regulations-regarding-restriction-of-prostitution>

31 Information provided by Sex Work Call, Romania.

The rest of the countries in the region operate with vague definitions, such as “engagement in prostitution” (**Ukraine**)³² and “whosoever prostitutes him/herself” (**North Macedonia**)³³. In **Russia**, there is no clear definition contained in the Administrative Code, however courts interpret the definition based on commentary to the law by the following criteria: systematic (more than two times) entry of persons of a female or male sex with clients for a fee. Prostitution, as a rule, is characterised by systematic sexual intercourse; no marital relations between the sex partners; presence of various partners (clients); receiving an appropriate remuneration as a more or less regular source of income.³⁴

Lack of criminalisation and regulation	Penalisation and criminalisation through administrative and criminal laws	Legalisation/ regulation
Kyrgyzstan Kazakhstan Slovakia Czech Republic Slovenia Bulgaria	Russia Ukraine North Macedonia Serbia Croatia Georgia Moldova Albania Lithuania Montenegro Bosnia and Herzegovina Romania Tajikistan	Hungary Latvia Turkey Greece

32 Information based on the submission from Legalife-Ukraine.

33 Information based on the submission from STAR STAR and HOPS. Text of the law available in English: <https://www.refworld.org/pdfid/5aa126e07.pdf>

34 Information based on the submission from Silver Rose.

Lack of criminalisation and regulation (non-criminalisation and non-regulation)

A significant number of states in the region lifted criminal sanctions on sex work in the 1990's and 2000's. Ever since, in these countries sex work has been legally operated in a grey area: it is neither explicitly illegal nor is it entirely legal. However, various legal provisions have been used to target and prosecute sex workers in these countries which are not directly related to sex work.

In *Kazakhstan* and *Kyrgyzstan*, administrative and criminal codes do not contain articles on sex workers, however articles related to “public harassment” (Kazakhstan) and “hooliganism” (Kyrgyzstan) are disproportionately used against sex workers, especially occupying public spaces (see more on page 29).³⁵

In the *Czech Republic* and *Slovakia*, local municipalities have stepped in to fill the ambiguities of the law, with ordinances restricting street-based sex work as a nuisance to public order in the absence of sex work-related administrative and criminal offenses. In Slovakia, some have adapted ordinances that make it illegal to offer or provide sexual services in public places.³⁶ In the Czech Republic, according to an explanatory memorandum of the government from 1995³⁷, municipalities can restrict prostitution on their territory. As a result, about 40 Czech municipalities partially or fully restricted prostitution in public spaces in 2014.³⁸ Violation of these municipal ordinances constitute administrative offences, punishable by fines of up to 30 000 CZK (approximately 1100 EUR).³⁹

35 Information based on the submission from Amelia, Tais Plus, and Apeiron.

36 More information: <https://spectator.sme.sk/c/20019145/oldest-profession-is-risky-business-in-slovakia.html>

37 Explanatory Memorandum to the Governmental Proposal of an Act Amending the 1990 Act on Municipalities. Available at: <http://www.psp.cz/eknih/1993ps/tisky/t165100.htm>

38 Havelková, Barbara (2018).

39 Ibid.

In the Czech Republic, a further provision criminalising “prostitution endangering the moral development of children”⁴⁰ was included in the new Criminal Code, which entered into force in 2010. The provision criminalises the “practicing of prostitution” and third party facilitation near schools or other facilities frequented by children. The article does not define the intent to endanger, but the mere closeness to a school is sufficient ground for prosecution.

Slovenia, similarly to Croatia and Serbia, incorporated the Yugoslav Act on Misdemeanours against Public Order and Peace (AMPOP) in its legal framework but removed the criminalisation of engaging in sex work in 2003.⁴¹ However, in 2006 a conservative government added a provision on “indecent behaviour” in the Protection of Public Order Act, which penalises the offering of sexual services in public spaces if done “in an intrusive manner and if the act disturbs anybody, provokes disquiet or indignation in others.”⁴²

Penalisation and criminalisation through administrative and criminal laws

The most common approach to sex workers in the region is penalisation through administrative provisions, often referred to as criminalisation as well. Similarly to the general practice of punishing administrative offenses by fines, sex work offenses in most cases lead to administrative penalties. In **Russia**, the administrative code imposes a fine in the amount of 1500-2000 rubles⁴³, while in **Ukraine** the fine is determined as the 5-10 percent of the minimum wage⁴⁴. In **Georgia**, the penal code prescribes a warning or a fine in the amount of 50 percent of the minimum wage.⁴⁵ If committed

40 Ibid.

41 Radačić, Ivana and Pajnik, Mojca (eds.) (2017).

42 Ibid.

43 Information based on the submission from Silver Rose.

44 Information based on the submission from Legalife-Ukraine.

45 Information based on the submission from Women for Freedom.

repeatedly, the fine is increased to the full amount of the minimum wage. Similarly, in **North Macedonia** selling sex is punished by an administrative fine.⁴⁶

In **Romania**, “prostitution as a practice aimed at main subsistence and satisfaction and basic needs” constituted a criminal offense until 2014. The law criminalised those who primarily earned their living by sex work, while gaining additional income from sex work did not meet the criteria of the offence of prostitution in the Criminal Code.⁴⁷ Since 2014, sex work is regulated through Law 61/1991, sanctioning the violation of norms of social cohabitation and public order. Article 6 of the Law prohibits “soliciting, in any form, committed in premises, parks, streets or other public places to engage in sexual relations in order to obtain material benefits, as well as the urging or determination for the same purpose of a person to commit such acts”. The administrative fine for this offense ranges between 100-300 EUR.⁴⁸

Serbia and **Croatia** apply harsher sentences and atypical for administrative offenses, impose potential imprisonment on sex workers. In Serbia, the sentence might be imprisonment not exceeding 60 days⁴⁹ while in Croatia, the punishment is a fine or up to 30 days’ imprisonment.⁵⁰ In Albania, sex work is punishable with a fine or up to three years’ imprisonment under section “Criminal Acts Against Morality and Dignity” of the Penal Code.⁵¹

46 Information based on the submission from STAR STAR and HOPS.

47 Matefi, Roxana and Ionaş, Diana-Geanina (2012). Prostitution in Romanian Legislation. In: Bulletin of the Transilvania University of Braşov, Series VII: Social Sciences and Law. 2012/2 pp 69-74.

48 Information provided by Sex Work Call, Romania.

49 In 2016, Serbia amended its Public Law and Order legislation, increasing penalties for sex work related offences and introducing penalties for sex workers’ clients: NSWP (2016). Law Amendment in Serbia Increases Penalties for Sex Work. Available: <https://www.nswp.org/news/law-amendment-serbia-increases-penalties-sex-work>

50 Radačić, Ivana and Pajnik, Mojca (eds.) (2017).

51 Xhaho, Armela and Tandilli, Alma Lleshi (2018).

Repressive legalisation/regulation

Some forms of sex work are explicitly legal in only four countries of the region, namely Hungary, Latvia, Turkey, and Greece. All these countries set restrictive criteria for engaging in sex work, and only Turkey and Greece allow for limited types of third party activities.

In **Hungary**, selling sex was legalised in 1999 through Act LXXV of 1999 on Organised Crime, which was passed with the purpose of dealing with the “legal changes and the rules of combating organised crime and certain phenomena that are in connection with it”.⁵² According to this law, so-called “tolerance zones” needed to be identified in each municipality with more than 50,000 inhabitants or in cases where sex work seemed to be widespread. The law differentiated between so-called “protected” zones and “tolerance” zones. Engaging in sex work outside of tolerance zones was prohibited.

In practice, Hungarian authorities have been reluctant to identify such zones, so a significant proportion of street sex work continues to take place illegally. Municipalities hence have been violating the law for years by not identifying these tolerance zones, a practice which was condoned by the Deputy of the Commissioner of Fundamental Rights already in 2003.

As the law’s purpose was to primarily regulate street sex work, indoors sex work was left largely untouched. Sex workers - street-based and indoors alike - need to possess entrepreneurial permits and regularly pay taxes as per court orders and attend obligatory health checks every three months to get a health certificate (see more on the mandatory testing of

52 Association of Hungarian Sex Workers (SZEXE) (2013). Report on Violence and Discrimination against Female Sex Workers by State and Non-State Actors in Hungary. Report submitted to the Committee on the Elimination of All Forms of Discrimination against Women on January 16 for the 54th CEDAW session (11 February - 1 March 2013). Available: https://tbinternet.ohchr.org/Treaties/CEDAW/Shared_Documents/HUN/INT_CEDAW_NGO_HUN_13262_E.pdf

sex workers on page 24). Any person who violates these restrictions on sexual services commits an administrative offence and shall be punished by confinement or fine.

Latvia represents a similar repressive approach to regulating sex work. Most requirements towards sex workers are abusive health-related criteria⁵³, such as the possession of a health card issued by a dermatologist or venereologist and monthly compulsory medical examinations (see more on the mandatory testing of sex workers on page 24). Similarly to Hungary, sex work can only be performed in the street and indoor venues with spatial restrictions, e.g. not less than 100 meters from an educational institution or church. Indoor venues need to be living spaces owned or rented by sex workers themselves. Sex workers furthermore have the legal obligation to present their health card upon the request of their client and need to stop selling sex if others living in the space or house where the room is located object against it.

In both Turkey and Greece sex work is highly regulated, but only in state-licensed brothels. Sex workers must be unmarried cisgender women. In **Greece**, brothels are not allowed closer than 200 metres from public buildings. Sex workers must register and carry a medical card, which is updated every two weeks. Other criteria for sex worker women include the right to live and work in Greece; be free from STIs or other infectious illnesses; not suffer from mental illness or drug addiction; and not have been convicted of homicide, seduction of minors, pimping, pandering, child pornography, trafficking in human beings, child prostitution, robbery, blackmail, or the violation of the laws on weapons and drugs.⁵⁴ Those who violate these conditions face a sentence of up to two years in prison and a fine.⁵⁵

53 Cabinet Regulation No. 32. Adopted 22 January 2008. Regulations Regarding Restriction of Prostitution. Available: <https://likumi.lv/ta/en/id/169772-regulations-regarding-restriction-of-prostitution>

54 See more: <http://www.services4sexworkers.eu/s4swi/articles/view/id/64>

55 Ibid.

In **Turkey**, brothels are legal and licensed under health laws dealing with sexually transmitted infections. Street sex work is illegal.⁵⁶ Cisgender women sex workers need to be registered and acquire an ID card stating the dates of their health checks, furthermore use of condoms is mandatory.⁵⁷ Sex workers not complying with these criteria face maximum one year of imprisonment.

Clients

Clients of sex workers are largely unaffected by sex work legal frameworks in the CEECA region, with three exceptions: Lithuania, Serbia, and Bosnia and Herzegovina.

In **Lithuania**, sex work itself and those buying sexual services are both criminalised by Article 182 of the Administrative Code. The penalty is a fine of €86 to €144 for a single offence and €144 to €288 for repeat offences. Repeat offenders may also be subject to administrative arrest for up to thirty days. In **Bosnia and Herzegovina**, some cantons, such as Sarajevo, also punish clients under the same misdemeanor offense as sex workers.⁵⁸

Serbia amended its “Public Law and Order” laws in 2016, with increased penalties for sex work related offences and newly introduced punishment for the clients of sex workers. The new law punishes everyone who disturbs “public order and peace”, including noisy neighbours, panhandling, burning

56 Özaşçılar, Mine and Ziyalar, Neylan (2015). “Framing Prostitution in Turkey: News Media Coverage of Prostitution”. International Journal of Criminal Justice Sciences (IJCS). Available: <http://www.sascv.org/ijcjs/pdfs/mineneylanijcjs2015vol10issue2.pdf>

57 Ministry of Justice General Regulations regarding Brothels and Prostitution and the Fight Against Venereal Disease No: 30/03/1961 - 5/984]

58 See more on the law: <https://www.paragraf.ba/propisi/kantona-sarajevo/zakon-o-prekrsajima-protiv-javnog-reda-i-mira.html>

pyrotechnic products, organising gambling, etc. As per the amended law, sex workers and their clients are punished with up to 60 days in prison or fines up to 150 000 RSD (approximately 1300 EUR).⁵⁹

The amendments of misdemeanor laws in Serbia and Lithuania are the first attempts to create national legislation in the region that punishes the clients of sex workers. In *Russia*, however, some regions, for example the Belgorod region, adopted a local law prohibiting the purchase of sexual services by the local Legislative Assembly in 2012.⁶⁰

Third parties

As opposed to client criminalisation, the legal provisions to punish third parties are manifold in the region and occur in all legal frameworks. The category of third parties covers the diversity of relationships that exist between sex workers and others who organise and facilitate their work. It includes managers, brothel keepers, receptionists, maids, drivers, landlords, hotels who rent rooms to sex workers, and anyone else who is seen as facilitating sex work.⁶¹ Third parties often overlap with the category of sex workers, and thus sex workers can be prosecuted under third party laws when the state intends on exclusively targeting sex workers, with more severe charges- for instance, if two sex workers are working together for safety, they are each “third parties” to the other.⁶²

Legal strategies in almost all CEECA countries aim to prohibit the organisation and facilitation of sex work. Often, there is no distinction in law between those third parties that are profiting from sex workers’ labour

59 NSW (2016).

60 Information based on the submission from Silver Rose.

61 NSW (2016). Policy Brief: The Decriminalisation of Third Parties. Available: <https://www.nswp.org/resource/policy-brief-the-decriminalisation-third-parties>

62 Ibid.

in a non-violent and non-exploitative manner and those that use threat, deception and/or violence. Third parties are punished with administrative fines or administrative arrests when they rent premises for the purpose of sex work (**North Macedonia**⁶³, **Kazakhstan**⁶⁴). More often, third party provisions are included in the criminal code, and punish those who

- recruit, instigate, stimulate or entice another to prostitution (**North Macedonia**⁶⁵),
- involve or coerce someone into prostitution, organise prostitution or systematically provide premises for prostitution (**Kyrgyzstan**⁶⁶, **Russia**⁶⁷),
- maintain a brothel (**Kyrgyzstan**⁶⁸),
- involve someone in prostitution through the use of violence or the threat of its use, the use of a dependent position, blackmail, threat, destruction or damage to property or by deception (**Kyrgyzstan**⁶⁹, **Kazakhstan**⁷⁰, **Tajikistan**⁷¹, **Georgia**⁷²),
- organise or maintain prostitution venues, engage in pandering or pimping (**Kazakhstan**⁷³, **Tajikistan**⁷⁴)
- create or maintain places of debauchery and pandering, pimping or involving a person in prostitution through use of deception, blackmail or a vulnerable state of this person, or with the use or threat of violence (**Ukraine**⁷⁵).

63 Information based on the submission from STAR STAR.

64 Information based on the submission from Amelia.

65 Information based on the submission from STAR STAR.

66 Information based on the submission from Tais Plus.

67 Information based on the submission from Silver Rose.

68 Information based on the submission from Tais Plus.

69 Ibid.

70 Information based on the submission from Amelia.

71 Information based on the submission from Apeiron.

72 Information based on the submission from Women for Freedom.

73 Information based on the submission from Amelia.

74 Information based on the submission from Apeiron.

75 Information based on the submission from Legalife-Ukraine.

The only two countries in the region that allow certain forms of third party relations are Greece and Turkey. In both countries, sex work is only legal in state-licenced indoors venues. In Greece, brothels need to be established more than 200 meters from schools and churches and can only be located in residential areas if all the residents agree.⁷⁶

76 <http://www.services4sexworkers.eu/s4swi/articles/view/id/64>

FURTHER LEGAL PROVISIONS IMPACTING SEX WORKERS

Public health laws

Mandatory HIV and STI testing

Sex workers have been viewed as vectors of diseases for centuries in the region, a notion that manifested itself in regulatory frameworks that prescribed registration and compulsory medical examinations, as illustrated in the second chapter of this paper. These views on people selling sex are still dominant in legislation and the implementation of the law, whether in the form of compulsory medical testings of sex workers, criminal provisions that punish people living with HIV and venereal diseases, or forced testings for HIV and STIs following police raids on sex work venues.

Currently, *Latvia*, *Hungary*, *Greece*, and *Turkey* are the only countries in the region where sex workers have to undergo medical check-ups as a prerequisite to working legally. In Latvia, the “Regulations Regarding Restriction of Prostitution” contain health provisions for sex workers.⁷⁷ According to its text, sex workers must possess a health card issued by a dermatologist or venereologist after their initial health examination, which they need to present not only to authorities but also to their clients upon their request.

Sex workers are not allowed to work during medical treatment and medicinal or serological observation until the opinion of a dermatologist

77 Cabinet Regulation No. 32. Adopted 22 January 2008. Regulations Regarding Restriction of Prostitution. Available: <https://likumi.lv/ta/en/id/169772-regulations-regarding-restriction-of-prostitution>

or venereologist is issued regarding their clinical recovery, if the person has been diagnosed with anogenital herpesviral infection, dermatophytosis (microsporosis, trichophytia), phthiriasis pubis, gonococcal infection, sexually transmitted diseases caused by chlamydia, scabies, leprosy, or syphilis. Those who live with HIV or have been diagnosed with AIDS are prohibited to be engaged in sex work.

In **Hungary**, the Ministerial Decree 18/1998. on Epidemiological Measures to Prevent Infectious Diseases and Epidemics details the health-related requirements set out in the Act LXXV of 1999 on Organised Crime. Similarly to Latvia, sex workers must undergo testing for syphilis, gonorrhoea, HIV, sexually transmitted infections caused by chlamydia, and Hepatitis B, however not monthly, but in every 3 months.

HIV criminalisation

HIV criminalisation affects sex workers in the region disproportionately, given high HIV prevalence rates in their communities in many contexts. High levels of policing sex workers often leads to raids that are accompanied by forced testing for HIV and STIs, documented in Kyrgyzstan⁷⁸, Tajikistan⁷⁹, North Macedonia⁸⁰, and Greece⁸¹. If identified as a person selling sex who lives with HIV during these processes, criminal charges can be pressed against sex workers.

78 NSWP (2014). Forced HIV and STI Testing of Sex Workers in Kyrgyzstan: A Violation of the Human Rights of Sex Workers. Available:

<https://www.nswp.org/es/news/forced-hiv-and-sti-testing-sex-workers-kyrgyzstan-violation-the-human-rights-sex-workers>

79 HIV Justice Network (2014). Tajikistan: 505 sex workers detained and forced to hiv and sti testing by the police. Available:

<http://www.hivjustice.net/storify/tajikistan-505-sex-workers-detained-and-forced-to-hiv-and-sti-testing-by-the-police/>

80 SWAN (2009). Macedonia: Police Raid and Forced Testing of 23 Sex Workers in Skopje. Available: <http://swannet.org/node/1572>

81 Press Statement on Greece from NSWP & GNP+:

<https://www.nswp.org/news/press-statement-greece-nswp-gnp>

HIV criminalisation is defined as the unjust application of criminal law to people living with HIV based on their HIV status.⁸² The legal provisions can be specific HIV criminal statutes or general criminal laws that allow for prosecution of unintentional HIV transmission, potential or perceived exposure to HIV where HIV was not transmitted, and/or non-disclosure of known HIV-positive status.

As of 2016, 72 countries have adopted laws that specifically allow for HIV criminalisation, either because the law is specific to HIV, or because it names HIV as one (or more) of the diseases covered by a broader law.⁸³ In the CEECA region, specific HIV criminal laws are in place in the majority of the countries. In some contexts, certain laws particularly refer to non-nationals. In the case of Ukraine for instance, those foreigners or stateless persons living with HIV or AIDS might be expelled from the country.⁸⁴

Drug use and possession

Similarly to HIV criminalisation, the criminalisation of the possession and use of drugs and accompanying police surveillance, using needles/syringes as evidence of drug-related offences and their confiscation has significant impact on sex workers who use drugs.⁸⁵ Drug use is either an administrative offence (as in Russia) or a criminal act (as in Georgia) in the region, while drug possession without intent to sell is also heavily

82 See more on HIV criminalisation on the website of HIV Justice Network: <http://www.hivjustice.net/news/new-report-shows-hiv-criminalisation-is-growing-global-problem-but-advocates-are-fighting-back/>

83 Bernard, Edwin J and Cameron, Sally (2016). Advancing HIV Justice 2: Building momentum in global advocacy against HIV criminalisation. HIV Justice Network and the Global Network of People Living with HIV (GNP+). Available: <http://www.hivjustice.net/advancing2/>

84 Information based on the submission from Legalife-Ukraine.

85 NSWP and INPUD (2015). Briefing Paper: Sex Workers Who Use Drugs. Experiences, perspectives, needs and rights: ensuring a joint approach. Available: [https://www.nswp.org/sites/nswp.org/files/Joint Briefing Paper Sex Workers Who Use Drugs, NSWP INPUD - October 2015.pdf](https://www.nswp.org/sites/nswp.org/files/Joint%20Briefing%20Paper%20Sex%20Workers%20Who%20Use%20Drugs.pdf)

criminalised across CEECA.⁸⁶ Possession of small amounts of drugs might also involve criminal liability or other repressive measures.

Migration laws

Sex workers in the region are an increasingly mobile group. In the 1990's, after the dissolution of the Soviet Union, the most significant shift was the increased number of sex workers from Central and Eastern Europe migrating to Western European countries, and after the 2004, 2007, and 2013 EU enlargements, the same movement continued within the European Union.⁸⁷ Consequently, a large number of sex workers in Western European countries are EU or non-EU migrants from the CEECA region. Internal migration - migration from one administrative division of one's home country to another or within the post-Soviet region - is also significant in the region, although there are no estimates available on its volume.

In countries where sex work is illegal, for instance in **Russia**, **Ukraine**, **Croatia**, and **Romania**, both national and migrant sex workers are denied the right to work and subjected to heavy punishment, including deportation in the case of migrant workers. Even in countries where sex work is legal, such as **Turkey**, entry might be forbidden for the purpose of sex work.⁸⁸

In many CEECA countries, internal migrant sex workers also face severe problems when attempting to access healthcare services, education opportunities, and their voting rights. Their access to medical services is

86 Consult the Eurasian Harm Reduction Network's Drug Calculator tool: <https://harmreductioneurasia.org/drug-laws/>

87 ICRSE (2017).

88 Passport Law, No. 5682. Text available in Turkish: <http://www.mevzuat.gov.tr/Metin.Aspx?MevzuatKod=1.3.5682&sourceXmlSearch=&MevzuatIlski=0>

hampered by legal regulations granting citizens' inclusion within the public healthcare and other state systems on the basis of their official residence in a particular administrative division ('oblast') or city. Internal migrant sex workers usually face problems when attempting to legalise their stay due to restrictions binding their registration to their employment status, unstable economic situations, or a lack of identity documents necessary to obtain a residence permit, which are often confiscated by representatives of law enforcement agencies during police raids. There have been reports of internal migrant sex workers denied long-term and even short-term treatment in **Russia**⁸⁹ and **Kyrgyzstan**⁹⁰.

Laws related to sexual orientation and gender identity/expression

Recently, the idea of introducing so called anti-propaganda laws has been spreading across the CEECA, for instance, in Kyrgyzstan and Moldova these draft anti-LGBT laws reached legislative levels. In 2013, **Russia** adopted the law on "propaganda of homosexuality among minors," which also covers "propaganda of transgenderism." The law uses the term "propaganda," which is vague enough to create space for individual interpretation of what actions fall under LGBTQI "propaganda," thus leaving interpretation to individual courts taking up particular cases. Under the framework of the law, any work related to informing minors about the issues of sexual orientation, gender identity, and/or gender expression might be considered propaganda. As a result, this law increases the stigma of LGBTQI communities and indirectly encourages discrimination and violence against them. It has been reported in Kyrgyzstan⁹¹, for instance, that police attitudes towards trans sex workers significantly worsened when the draft propaganda bill was discussed in the Parliament.

89 ICRSE (2017).

90 Information based on the submission from Tais Plus.

91 Ibid.

Public morality and public order laws

Vague “indecent behaviour”, “morality”, and “hooliganism” administrative provisions have been reported to target sex workers across the region. In countries where sex work does not constitute either an administrative nor a criminal offence, various administrative articles are routinely used to target sex workers.

In **Kazakhstan**⁹², the administrative article of harassment in public places is used to punish sex workers. The Article specifically refers to soliciting sexual services. Although the sanction is a warning or administrative fine in the first instance, repeatedly “committing” the offense might result in an administrative arrest for up to five days, or in case of a foreign citizen, might lead to administrative expulsion from the Republic of Kazakhstan.

In **Kyrgyzstan**, the offense of petty hooliganism is used in similar ways. The punishment is either a fine with 8 hours of public work, or an administrative arrest for up to five days. The new code of misdemeanor, which entered into force on 1 January 2019, contains a new provision on “disorderly conduct” as well, punishable by a fine equivalent to 360-720 EUR, or a restriction of freedom from 6 months to 1 year.

In **Slovenia**, the provision on “indecent behaviour” specifically mentions sex workers (see page 16), while in **Hungary**, various traffic regulations and public order, such as littering offenses are used against sex workers on a daily basis.⁹³ In **Romania**, police threaten street-based sex workers with Article 375 of the Penal Code, an offense against good morals. According to the Article, “performing acts of exhibitionism or other explicit sexual acts shall be punished by imprisonment from 3 months to 2 years or by fine”.⁹⁴

92 Information based on the submission from Amelia.

93 Association of Hungarian Sex Workers (SZEXE) (2013).

94 Information provided by Sex Work Call, Romania.

CURRENT TRENDS OF SEX WORK LEGAL REFORMS

Since the 1970's, feminist debates have intensified around the understanding of sex work as a social phenomenon, mainly in the U.S. and Western Europe. Radical feminists were some of the first voices to enter international policy-making surrounding sex work in this period, claiming that all forms of prostitution are inherently exploitative and degrading to women and constitute gender-based violence. While radical feminist campaigns in the 1970's and 1980's focused on the abolition of prostitution, in the last two decades this has often overlapped with the demand to "eradicate trafficking". The abolitionist movement – to a significant degree – managed to reconstruct the understanding of trafficking in public and policy debated to trafficking specifically for the purpose of sexual exploitation.⁹⁵

Simultaneously, sex worker organisations in the U.S. and Western Europe started to articulate opposing views to abolitionist ideas and a common demand: the recognition of sex work as work in the 1970's.⁹⁶ In comparison with the Global North, research and public debate on issues around sex work were rare in the CEECA region and the otherwise strong women's rights movement hardly addressed the topic.

Sex workers' organising was sped up by the outbreak of the HIV epidemic in the 1980's in Western-Europe and a decade later in CEECA, not only due to sex workers being disproportionately affected by HIV/AIDS but

95 See more on feminist perspectives on sex work:

International Committee on the Rights of Sex Workers in Europe (ICRSE) (2016). Needs Sex Workers, Sex Workers Need Feminism. Towards a sex-worker inclusive women's rights movement. Available: <http://www.sexworkeurope.org/icrse-intersection-briefing-papers/feminism-needs-sex-workers-sex-workers-need-feminism-sex-worker>

96 Dziuban, Agata and Stevenson, Luca (2018). Silent no more: self-determination and organization of sex workers in Europe. In: Jahnsen, Synnøve Økland and Wagenaar, Hendrik (eds). Assessing Prostitution Policies in Europe. London: Routledge

also the heavy stigma as “vectors of diseases” and a “threat to public health” present for centuries in the region. Simultaneously, the epidemic also facilitated sex worker groups’ access to HIV funding, thus several sex worker groups were born, often as the offsprings of service provider organisations, such as in North Macedonia, Kazakhstan, Ukraine, Russia, or Serbia.

Currently, there is a wide consensus among sex worker organisations in the region on the immediate efforts needed to decrease discrimination and violence against sex workers, namely the removal of administrative and criminal provisions and accompanying discriminatory laws and practices targeting sex workers, their clients, and third parties, and the long-term decriminalisation of sex work. However, sex worker organisations find themselves under increasing abolitionist feminist pressure in many countries of the region, in addition to growing governmental attempts to tackle social issues by punitive measures and other forms of repression against civil society. Foreign agent laws, such as in Russia pose additional barriers to organising as community-based groups need to register as foreign agents if they receive funding from abroad.

The current mobilisations rejecting the term “gender” itself have gained traction in recent years across the region not only in far right and conservative party programmes but also in the public discourse. Anti-gender movements claim that gender equality is an “ideology” imported from the West and depict the achievements of this “propaganda” as contradictions to the “traditional values” of various CEECA countries. Despite the diverse features of these movements, they take similar stances against the influence of transnational organisations (European Union, United Nations, World Health Organization etc.) on national law in the form of, for example, the Istanbul Convention (Poland, Hungary) and are often fuelled by religious organisations and conservative groups.⁹⁷

97 Kováts, Eszter and Põim, Maari (eds.) (2015). The position and role of conservative and far right parties in the anti-gender mobilization in Europe. Budapest: FEPS – Foundation for European Progressive Studies and Friedrich-Ebert-Stiftung

Aside from the strengthening rhetoric in the region that is anti-human rights and pro-family values, increasing abolitionist views from feminist and women's rights organisations also present threats to sex worker advocacy. Almost all sex worker groups report that abolitionist groups emerge and become vocal in their contexts. In Ukraine for instance, several Facebook groups, such as FeminismUA, FemUA Nordicmodel, and Resistanta withdrew from the 2018 Women's March, because Legalife-Ukraine, a sex worker advocacy organisation, was listed as an organiser.⁹⁸ Similarly, in Russia, abolitionist organising is on the rise, with many outspoken abolitionist feminists and online groups publicly calling for the adoption of client criminalisation, the so called Swedish Model.⁹⁹ The idea of penalising clients of sex workers has also been publicly supported by officials of the Russian Orthodox Church and has inspired legislative actions, such as the introduction of administrative penalties for the purchase of sexual services in Belgorod in 2012.¹⁰⁰

While feminist debates on sex work have a polarising effect in many countries of the region, mainly focusing on abolitionist approaches and the introduction of the Swedish model, little attention is paid within these feminist circles to the increasing penalties for and criminalisation of sex workers. Although sex work legal frameworks have been hardly modified in the past decade, several countries attempted to introduce harsher punishments for sex workers, with very limited or no public consultation. For instance, in Kyrgyzstan, activists report three legislative attempts to introduce the offense of sex work in 2005, 2012, and 2015. In Tajikistan, the administrative fine for sex workers was doubled, and the possible punishment of 15 days administrative arrest was added. Serbia also saw the already harsh sentence for sex work doubled in 2016.

98 <https://www.opendemocracy.net/od-russia/kateryna-semchuk/why-are-some-ukrainian-feminists-boycotting-international-women-s-day>

99 Kondakov, Alexander and Zhaivoronok, Daniil (2018). Re-assembling the feminist war machine: State, feminisms and sex workers in Russia. In: Dewey, Susan, Crowhurst, Isabel and Izugbara, Chimaraoke (eds.). Routledge International Handbook of Sex Industry Research (pp. 250-262). London: Routledge

100 Ibid.

INTERNATIONAL STANDARDS ON SEX WORK LEGAL FRAMEWORKS

As illustrated by several SWAN reports¹⁰¹, sex workers' living and working conditions are negatively impacted by laws and policies that prohibit, control, or regulate sex work. The devastating impact of criminalisation is also confirmed by recent research that states that sex workers who face repressive policing, such as arrest, imprisonment, displacement from a workplace, extortion, or violence by officers, are more likely to experience violence and poorer health and wellbeing.¹⁰²

Despite the manifold threats against sex workers' self-organising and advocacy for the recognition of sex work as work, some positive trends can also be observed. Over the last decade, due to the tireless mobilisation of sex worker groups across the world and in the CEECA region, several international bodies expressed their support for sex workers' rights. Various UN agencies and the World Health Organization recognise sex work as work and call governments to protect sex workers' human, health, and labour rights.

101 See:

Sex Workers' Rights Advocacy Network (SWAN) (2009). Arrest the Violence: Human Rights Abuses against Sex Workers in Central and Eastern Europe and Central Asia. Budapest: Sex Workers' Rights Advocacy Network (SWAN). Available:

http://swannet.org/files/swannet/File/Documents/Arrest_the_Violence_SWAN_Report_Nov2009_eng.pdf

Sex Workers' Rights Advocacy Network (SWAN) (2015). Failures of Justice. State and Non-State Violence Against Sex Workers and the Search for Safety and Redress. Budapest: Sex Workers' Rights Advocacy Network (SWAN). Available:

<http://www.swannet.org/files/swannet/FailuresOfJusticeEng.pdf>

102 Platt, Lucy, Grenfell, Pippa, Meiksin, Rebecca, Elmes, Jocelyn, Sherman Susan G., Sanders, Teela, Mwangi, Peninah and Crago, Anna-Louise (2018). Associations between sex work laws and sex workers' health: a systematic review and meta-analysis of quantitative and qualitative studies. PLOS Medicine. DOI: 10.1371/journal.pmed.1002680. Available:

<https://journals.plos.org/plosmedicine/article?id=10.1371/journal.pmed.1002680>

„All countries should work toward decriminalization of sex work and elimination of the unjust application of non-criminal laws and regulations against sex workers. [...] The governments should establish laws to protect against discrimination and violence and other violations of rights faced by sex workers in order to realize their human rights and reduce their vulnerability to HIV infection and the impact of AIDS.”

(WHO/UNFPA/UNAIDS/NSWP 2012)¹⁰³

Severe human rights violations experienced by sex workers in the CEECA region have also been widely discussed, researched, and criticised by human rights organisations, including Human Rights Watch (HRW)¹⁰⁴, International (AI)¹⁰⁵, Transgender Europe (TGEU)¹⁰⁶, and the European region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA-Europe)¹⁰⁷. All these NGOs support sex workers' demands to be included in the design, development, implementation, and evaluation of laws and policies and also call for measures that secure the rights for other marginalised communities, many of which sex workers are also part of, such as migrants, precarious workers, LGBT people, people living with HIV and people who use drugs.

The Sex Workers' Rights Advocacy Network (SWAN) has been advocating for the rights of sex workers in Central and Eastern Europe and Central Asia since 2006, calling international organisations, governments, and civil society to meaningfully involve sex workers and their organisations in law and policy making, research, advocacy, and programming. All SWAN

103 WHO, UNFPA, UNAIDS, NSWP (2012). 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, Geneva: WHO. Retrieved from: http://apps.who.int/iris/bitstream/10665/77745/1/9789241504744_eng.pdf

104 <http://www.sexworkeurope.org/es/news/general-news/icrse-1100-organisations-and-individuals-ask-amnesty-international-support>

105 <https://www.amnesty.org/en/latest/news/2016/05/amnesty-international-publishes-policy-and-research-on-protection-of-sex-workers-rights/>

106 <https://tgeu.org/sex-work-policy/>

107 <https://www.ilga-europe.org/blog/why-we-have-new-policy-lgbti-sex-work>

members support the core principles of the Consensus Statement¹⁰⁸ developed by the global sex worker movement, and in line with its recommendations they call on States to:

1. Repeal laws that criminalise, oppress or penalise sex work, sex workers, clients, third parties, families, partners and friends of sex workers.
2. Remove laws against sex work that restrict sex workers' capacity to associate and organise, to undertake collective bargaining, and to improve labour conditions.
3. End police monitoring, surveillance, arrest and/or detention of members of sex worker rights groups, and sex worker HIV and health programmes.
4. Repeal laws that criminalise HIV exposure, transmission, or non-disclosure.
5. End all discriminatory legal, social, health and religious practices that target sex workers, their partners, families, friends, colleagues, clients, and anyone associated with sex workers.
6. End mandatory registration of sex workers, including the use of biometric tracking, age testing, and the inappropriate registration of legal names, addresses, and phone numbers.
7. Review immigration laws and policies that unfairly discriminate against sex workers and remove travel restrictions that prohibit sex workers from entering any country because of their sex work history.

108 NSW (2013). Consensus Statement on Sex Work, Human Rights, and the Law. Available: <https://www.nswp.org/sites/nswp.org/files/ConStat%20PDF%20EngFull.pdf>



SWAN
