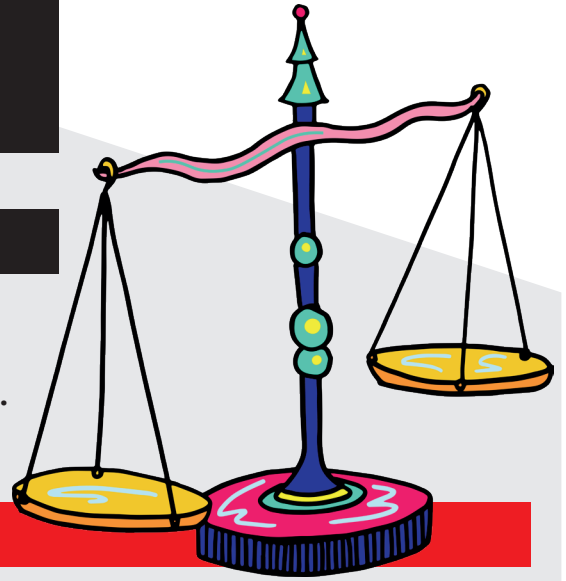


Decriminalisation vs. Legalisation: Understanding Key Differences in Sex Work Legislation

What is Legalisation?

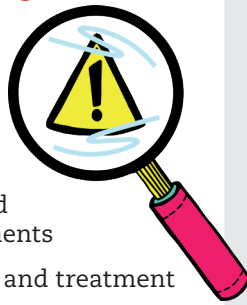
Legalisation is a legislative model in which governments introduce specific laws and regulations allowing certain forms of sex work to take place under controlled conditions. All other sex work remains illegal and subject to penalties.



Key features of legalisation:

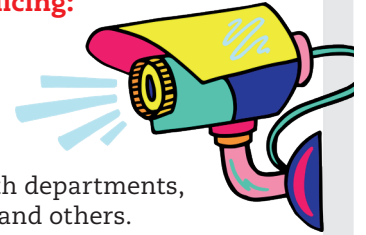
Regulatory framework governing the sex industry, e.g.:

- Mandatory registration for sex workers
- Licensing requirements for sex work establishments
- Restrictions on the location and number of sex work establishments
- Mandatory HIV and STI testing and treatment
- Restrictions on advertising



State Oversight and Policing:

The need to enforce rules and regulations under legalisation increases surveillance and policing of sex workers by law enforcement, public health departments, immigration authorities, and others.



Registration:

Sex workers may be required to register and provide sensitive information to the government, which may lead to discrimination and violations of privacy.



Criminalisation of Non-Compliance:

Sex workers who do not comply with regulations face legal penalties, similar to criminalised contexts.



Two-Tiered System:

Legalisation creates a two-tiered system in which some sex workers work legally, while the majority face exclusion and legal penalties. This division exacerbates inequalities and perpetuates structural barriers.



Mandatory health checks:

To work legally, sex workers may be forced to undergo mandatory HIV and STI testing and treatment. These requirements violate sex workers' rights, foster distrust, and perpetuate harmful and erroneous stereotypes of sex workers as 'vectors of disease.'



Marginalisation and Othering:

Legalisation perpetuates marginalisation by treating sex work as an occupation which is fundamentally different, requiring extensive control and regulation. This reinforces stereotypes of the industry as unsafe and socially undesirable.



Find out more
on our website



What is Decriminalisation?

Decriminalisation removes all laws criminalising or penalising sex work, including its sale, purchase, advertisement, and third-party involvement. Decriminalisation does not introduce new laws or regulations, but rather applies existing health and safety laws to the sex industry. Decriminalisation only applies to sexual services exchanged between consenting adults, aged 18 and older.



Key features of decriminalisation:

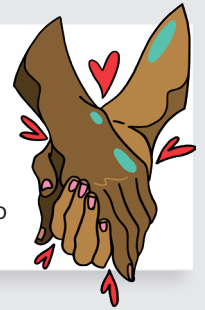
Removal of criminal penalties:

Decriminalisation removes all criminal and administrative penalties related to sex work, allowing sex workers to operate without fear of legal repercussions.



Empowerment and inclusion:

Decriminalisation upholds sex workers' agency and fosters community empowerment. It promotes collaboration with other social movements and contributes to a more equitable, inclusive society.



Recognition of sex work as work:

Sex work is recognised as legitimate employment by default, granting sex workers the same labour rights and protections as others.



Access to justice and legal redress:

Sex workers can report discrimination, violence, and abuse without fear of legal consequences. Decriminalisation improves relationships with law enforcement.



Individual and public health benefits:

Decriminalisation removes legal barriers to healthcare, reduces health-related stigma, and empowers sex workers to take control of their own health.



Sex workers around the world call for the full decriminalisation of sex work!

Find out more on our website

