

The Declaration on the Rights of Sex Workers in Europe

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International Committee on the Rights of Sex
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This declaration was
elaborated and endorsed
by 120 sex workers
and 80 allies from
30 countries at the
European Conference on
Sex Work, Human Rights,
Labour and Migration 15 - 17
October 2005, Brussels, Belgium



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Preface

This Declaration is made by sex workers and by organisations dedicated to promoting their human rights and welfare. The Declaration lists rights that all individuals within Europe, including sex workers, enjoy under international human rights law; the Declaration then prescribes measures and recommends practices that the signatories of the Declaration believe are the minimum necessary to ensure that these rights are respected and protected. These rights must be respected and protected in the development and implementation of policies and programmes designed to address trafficking, irregular migration or terrorism.

The Declaration

All individuals within Europe, including sex workers, are entitled to the following rights under international human rights law. All European Governments are obliged to respect, protect and fulfil:

- I. The right to life, liberty and security of person**
- II. The right to be free from arbitrary interference with one's private and family life, home or correspondence and from attacks on honour and reputation**
- III. The right to the highest attainable standard of physical and mental health**
- IV. The right to freedom of movement and residence**
- V. The right to be free from slavery, forced labour and servitude**
- VI. The right to equal protection of the law and protection against discrimination and any incitement to discrimination under any of the varied and intersecting status of gender, race, citizenship, sexual orientation etc**
- VII. The right to marry and found a family**

Important contact information:

Notes:

- VIII. The right to work, to free choice of employment and to just and favourable conditions of work**
- IX. The right to peaceful assembly and association**
- X. The right to leave any country, including one's own, and to return to one's own country**
- XI. The right to seek asylum and to non-refoulement**
- XII. The right to participate in the cultural and public life of society**

These human rights are established in international treaties that European Governments have agreed to uphold.

Moreover, most treaties contain a non-discrimination clause, stipulating that these rights should be applied without discrimination on any ground, such as race, colour, sex, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or *other status*. In addition the UN Human Rights Committee has stated in General comment 15 – “each one of the rights of the Covenant must be guaranteed without discrimination between citizens and aliens”.

Although these rights apply to all human beings, the experience of sex workers all over Europe is that States do not respect, protect, fulfil and promote their rights on the basis of equality with other nationals.

We hereby declare the rights of sex workers in Europe and urge European Governments to ensure compliance with them.



I. Life, Liberty & Security

Sex workers have the right to life, liberty and security of person, including in the determination of their sexuality, and in respect of this right:

- 1 No person should be forced, by other persons, to provide sexual services against their will, or under conditions they do not consent to.
- 2 Condoms are vital for the protection of their life and security; as such the confiscation of condoms from sex workers should be prohibited.
- 3 Governments should end the impunity for the disproportionate level of violence and murder committed against sex workers in all countries, including investigating and punishing abuses committed by law enforcement officials.

II. Privacy & family life

Sex workers have the right to be free from arbitrary interference with their private and family life, home or correspondence and from attacks on their honour and reputation, and in respect of this right:

- 4 No person should be denied the right to establish and develop relationships; the labelling of sex workers partner's and adult children as 'pimps' is discriminatory and implies that it is not appropriate for sex workers to have a private and family life and for other persons to establish or develop relationships with sex workers which can lead to the denial of services.
- 5 Sex workers have the right to determine the number and spacing of their children. Current or former engagement

Endorsed by:

October 2005:

**Vittorio Angoletto, Italian Member of Eur. Parliament,
Confederal Group of the Eur. United Left – Nordic Green
Left.**

Use of the Declaration

Information is a powerful force. By stating existing rights, the Declaration is intended, firstly, to act as a tool for empowering sex workers to stand up for their rights with authority and justice on their side.

Secondly, the Declaration aims to act as a benchmark by which we can judge what has been achieved, what progress we are making and where to direct our future efforts. It provides a basis for organisations and groups to lobby for universally accepted rights to be upheld and to act as advocates with sex workers in particular cases where their rights might be in dispute.

Thirdly, it offers guidance to organisations and institutions seeking to achieve equitable, non-discriminatory policy and practice.

Finally, it stands as a foundation from which to view the future. By providing guidelines it allows us to judge whether proposed legislation respects or diminishes the rights of sex workers. It also gives us a long-term aim – that of winning public recognition that respect for the human rights of *all* is integral to a healthy society.

If you wish to be included as a supporter or if you are able to provide evidence of successes or failures in promoting human rights for sex workers, please contact the International Committee on the Rights of Sex Workers in Europe at info@sexworkeurope.org

The information in this booklet is excerpted. For the full version of the Declaration in your language please visit www.sexworkeurope.org

in sex work should not be considered grounds for challenging a person's fitness to be a parent or have custody of his or her children.

III. Health

Sex workers, regardless of immigration status, have the right to the highest attainable standard of physical and mental health, including sexual and reproductive health and in respect of this right:

- 6 No person should be subject mandatory sexual health and HIV screening. All health tests should be conducted with the primary goal to promote the health and rights of the person affected.
- 7 Information about sexual health and HIV status should be kept confidential.

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IV. Freedom of Movement

Sex workers have the right to freedom of movement and residence, and in respect of this right:

- 8 No restrictions should be placed on the free movement of individuals between states on the grounds of their engagement in sex work .
- 9 No restrictions should be placed on the freedom of movement of individuals within states and their communities. All regulation, at any level, that seeks to control sex workers must not infringe rights to freedom of movement, including the freedom to leave and return to one's residence, visit family or access services.

V Freedom from Slavery & Forced Labour

Sex workers have the right to be free from slavery, forced labour and servitude, and in respect of this right:

- 10 Measures should be taken to ensure that sex workers enjoy full labour rights, are informed of them and have access to the full range of measures and standards to end exploitative working conditions.
- 11 Measures should be taken to provide appropriate assistance and protection to victims of trafficking, forced labour & slavery like practices with full respect for the protection of their human rights. Provision of residency permits should be provided to ensure effective access to justice and legal remedies, including compensation, irrespective of their willingness to collaborate with law enforcement. Trafficked persons must not be returned to situations in countries that will lead to their re-trafficking or result in other harms.

VI. Equal Protection of the Law & Protection from Discrimination

Sex workers have the right to equal protection of the law including access to effective remedies as well as protection against discrimination and *any* incitement to discrimination and in respect of this right:

- 12 Where a sex worker has not committed an offence and the selling of sexual services is not illegal law enforcement officers must be prohibited from abusing their authority by interfering or harassing sex workers. When engaged in criminal investigation or arrest, law enforcement must respect the rights of all accused and defendants regardless of their status as sex workers.

XII. Public Participation

Sex workers have the right to participate in the cultural and public life of society and in respect of this right:

- 30 Sex workers as with all other persons should have right to participate in the formulation of the laws and policies affecting their working and living environments.

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IX. Peaceful Assembly & Association

Sex workers have the right to peaceful assembly and association, and in respect of this right:

- 27 Engagement in sex work should not be considered grounds for limiting sex workers' ability to cooperate, unite and create associations to express their opinions, engage in collective bargaining and advocate for their rights.

X. Leave and Return to One's Country

Sex workers have the right to leave any country, including one's own, and to return to one's own country, and in respect of this right:

- 28 Engagement in sex work should not be considered grounds for limiting any person's right to leave or return to their own country, and any return must be conducted with full regard for their safety and security on return.

XI. Asylum and right to non-refoulement

Sex workers have the right to seek asylum and cannot be returned to situations of inhuman and degrading treatment or torture and in respect of this right:

- 29 Governments should take measures to ensure that participation in sex work does not create barriers to the right to seek asylum or non-refoulement.

- 13 States are responsible for investigating, prosecuting and adjudicating crimes committed against persons regardless of their involvement in sex work or immigration status and measures should be taken to ensure that the criminal justice system is capable and able to respond to crimes reported by sex workers, including providing training and oversight for law enforcement officers, prosecutors and judiciary. The evidence of a sex worker in criminal proceedings should not be dismissed on the basis of their status as a sex worker.
- 14 No person should have their legal belongings arbitrarily confiscated or destroyed by law enforcement agencies.

In respect to the right to protection from discrimination:

- 15 No person should be discredited in civil and family courts because of his or her current or former engagement in sex work.
- 16 Measures should be taken to protect sex workers and their dependents from discrimination in the areas of employment, housing, legal services, childcare and the provision of medical, social and welfare services, and from arbitrary and unjustified discrimination by private insurance companies;
- 17 There should be public and professional education whose specific objective is the elimination of discrimination against sex workers.

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VII To Marry & Found a Family

Sex workers have the right to marry and found a family, and in respect of this right:

- 18 Current or former engagement in sex work should not restrict or prohibit sex workers from marrying the partner of their choice, to found a family and raise children.
- 19 Government should ensure that current or former engagement in sex work should not prevent sex workers and their families from accessing health care and governments should further ensure that public authorities and health services do not discriminate against sex workers and their families and respect their right to privacy and family life.

VIII. Work & Just and Favourable Conditions of Work

Sex workers have the right to work, to free choice of employment and to just and favourable conditions of work and protection from unemployment and in respect of this right:

- 20 The lack of acknowledgement of sex work as labour or a profession has adverse consequences on the working conditions of sex workers and denies them access to protection provided by national and European labour legislation.
- 21 Sex workers should be able to determine, without interference or pressure from others, the nature and conditions of the sexual services provided by them.

- 22 Sex workers are entitled to safe and healthy workplaces; accurate and up to date information about health and safety should be available to sex workers whether they are employees or self employed. In addition, no sex worker should be required to consume alcohol or other drugs as a condition of employment.
- 23 All persons are entitled to be treated with respect within their workplace and to be free from sexual harassment; sex industry workplaces, like all other workplaces, should promote respect and freedom from abuse and harassment of sex workers.
- 24 Sex workers should be entitled to equitable employment and social security benefits, including sick leave and pay, pregnancy and parental leave and pay, holidays and the right to unemployment benefits if their employment is terminated or they decide to leave sex work.
- 25 Sex workers should not be discriminated against through the payment of inflated rates for rental or essential items, such as food or services, within the workplace on the grounds of it being a sex work venue.
- 26 No person should be barred from employment or dismissed from employment on the grounds of their having engaged in sex work.

