

SEX WORK, HUMAN RIGHTS & THE LAW

NSWP Consensus Statement

The NSWP Consensus Statement outlines **fundamental rights** for all sex workers and sets out the **proactive measures** governments and responsible authorities must take to fulfill and protect these rights.

SEX WORKERS' RIGHTS ARE HUMAN RIGHTS!

8 FUNDAMENTAL HUMAN RIGHTS THAT ARE OFTEN DENIED TO SEX WORKERS:



RIGHT TO ASSOCIATE AND ORGANISE

Criminalisation and legal oppression make it unsafe or illegal for sex workers to form associations and undertake advocacy, peer support, and service provision, establish trade unions for collective bargaining or improving working conditions.



RIGHT TO BE PROTECTED BY THE LAW

Sex workers do not receive equal treatment before the law. They do not get the same protections from employment laws granted to other workers, are a target for arbitrary or unlawful arrest, detention, deportation, exploitation, and violence. They lack access to justice and are a target for discriminatory treatment.



RIGHT TO BE FREE FROM VIOLENCE

Criminalisation and stigma expose sex workers to violence both on a personal and institutional level, meaning: they are more vulnerable to acts of violence, and perpetrators can act with impunity. It is difficult for sex workers to report acts of violence, or be taken seriously. They face mandatory testing and treatment, or forced rehabilitation.



RIGHT TO BE FREE FROM DISCRIMINATION

Sex workers are frequent targets of discrimination by civil society, states, and other authorities and social systems: forced registration, anti-trafficking laws, forced evictions, unequal treatment in family law, court proceedings, and treatment in prison, discrimination within employment, health services and access to justice.



RIGHT TO PRIVACY AND FREEDOM FROM ARBITRARY INTERFERENCE

Sex workers' right to privacy is often violated due to mandatory registration laws and medical interventions. Raids on sex workers' homes and the confiscation of sex workers' personal property, disclosure of private information, including health test results, violate sex workers' right to privacy.



RIGHT TO HEALTH

Criminalisation and the legal oppression of sex workers reduce their access to information, health services, and the ability to negotiate safe sex practices. Condom possession used as evidence of criminal activity, lack of access to health services, including affordable HIV testing, prevention, treatment and care, violate sex workers' right to health.



RIGHT TO MOVE AND TO MIGRATE

Migrant sex workers are even more vulnerable to abuse and exploitation due to restrictive migration legislation and anti-sex work policies. Sex workers lack access to legal channels of migration, and are often turned away from borders, deported, or removed and denied the right to work in a country.



RIGHT TO WORK AND FREE CHOICE OF EMPLOYMENT

In most countries, sex work is not legally recognised as work, which restricts sex workers' ability to be recognised as workers with human and labour rights, and can lead to unsafe and exploitative working conditions.

A non-exhaustive list of PROACTIVE MEASURES TO REALISE & RESPECT THESE RIGHTS:

- ◆ **Recognise sex work as work** and include it within international labour standards for Decent Work.
- ◆ **Repeal all laws that criminalise, oppress or penalise sex work**, sex workers, clients, third parties, families, partners and friends of sex workers.
- ◆ **Meaningfully involve sex workers** on issues that affect their lives, and recognise them as experts.
- ◆ **Provide funding and support** for sex workers to mobilise, organise, and establish sex worker-led, comprehensive and accessible services.
- ◆ Provide access to legal migration channels, justice, health and social services.

To learn more in depth about sex work, human rights, and the law, read NSWP's Consensus Statement at www.nswp.org/resource/nswp-consensus-statement-work-human-rights-and-the-law or at <http://bit.ly/nswpconsensus>