

SEX WORK LEGAL FRAMEWORKS


PROHIBITION¹

IDEOLOGY:

sex work and sex workers are immoral, sex workers are the vectors of HIV and other diseases and pose a threat to society

CONSEQUENCES:

- sex workers and their workplaces are targeted by police raids, sex workers might be forced to undergo testing for HIV, STIs, Hepatitis B and C, the results of which might be made public
- sex workers cannot access justice mechanisms since the police is one of their main assailants
- according to a report from Central-Eastern Europe and Central Asia, more than 40 % of sex workers experienced physical abuse from police in the year prior to the survey²
- police regard condoms carried by sex workers as evidence thus sex workers are reluctant to have them when they work
- in Eastern Europe, most new HIV infections occur amongst key affected populations, including sex workers, people who inject drugs and men who have sex with men³

 Albania, Armenia, Slovenia, Russia, Ukraine



SWEDISH MODEL

IDEOLOGY:

sex workers are victims of patriarchy and violence against women committed by men

CONSEQUENCES:

- the volume of sex work has not decreased: according to the Swedish Police, the number of Thai massage parlours suspected of offering sexual services has tripled in 3 years⁴
- according to a study, half of the sex worker survey participants had less trust in social services and police after the introduction of the law, which prevents them from reporting violent cases to law enforcement⁵
- street-based sex workers face higher levels of competition, decreasing prices and worse working conditions, thus often need to rely more on aggressive clients and third parties and providing sexual services without condom use
- although sex work is not prohibited on paper, municipal by-laws and/or actions targeting clients lead to arrest and deportation of undocumented migrant sex workers⁶
- stigma and discriminatory attitudes are on the rise: according to a 2015 survey, more people think that sex work and sex workers themselves should be criminalised: 52 % had this view in 2015 as opposed to 30 % before the introduction of the law⁷

 Sweden, Norway, Iceland, Northern Ireland (UK), Ireland, France



¹ See more on sex work legal frameworks:

International Committee on the Rights of Sex Workers in Europe (ICRSE) (2015).

Nothing about us without us! Ten years of sex workers' rights activism. Available at: <http://bit.ly/icrse01>

Global Network of Sex Work Projects (2014). Sex Work and the Law: Understanding Legal Frameworks and the Struggle for Sex Work Law Reforms. Available at: <http://bit.ly/icrse02>

² Sex Workers' Rights Advocacy Network (SWAN) (2009). Arrest the Violence: Human Rights Abuses against Sex Workers in Central and Eastern Europe and Central Asia. Available at <http://bit.ly/SWAN01>

³ AVERT HIV and AIDS in Eastern Europe and Central Asia. Available at: <http://bit.ly/icrse03>

⁴ Swedish National Police Board (2012). Trafficking in human beings for sexual and other purposes. Situation report 13ing_report_13. Available at: <http://bit.ly/icrse04>



LEGALISATION


IDEOLOGY:

sex work and sex workers need to be meticulously controlled and repressed by the state

STRICT REGULATION MANIFESTS ITSELF IN

VARIOUS FORMS:

registration of sex workers; limitation on the number, location, operational criteria of sex work venues; conditions imposed on who can work as a sex worker, such as mandatory medical examinations

 Germany, Netherlands, Switzerland, Hungary, Greece, Turkey

CONSEQUENCES:

- two-tiered system: only a fraction of sex workers and sex work businesses are able to comply with the restrictive regulations
- those sex workers who cannot comply face fines and punishment
- in Turkey and Greece, only work in indoor venues is legal and sex workers are only allowed to work if they are unmarried; in Turkey sex workers' gender marker must be female which results in the legal exclusion of the majority of trans women
- in Hungary, street-based sex workers can only solicit in so called 'tolerance zones' or areas outside of 'protected zones'
- in the Netherlands, several municipalities have attempted to introduce compulsory registration of sex workers in recent years

• in Germany, according to a new law introduced in 2017, sex workers need to register at designated authorities that will determine whether they can receive their licence⁸



§ DECRIMINALISATION

IDEOLOGY:

sex work is legally recognised as work and treated as other service sectors, sex workers are entitled to labour rights

 New Zealand



CONSEQUENCES:⁹

- no increase in the number of sex workers or persons trafficked in the sex industry
- 90 % of surveyed sex workers thought that the new model had improved their ability to enforce their labour rights and their access to health and safety
- 57 % of surveyed sex workers thought police attitudes had improved since decriminalisation
- 64 % of surveyed sex workers thought it had become simpler to refuse clients, this rate was 37 % before decriminalisation
- more sex workers report having regular health check ups and revealing their sex work status during doctor visits
- according to Lancet, a leading medical journal, decriminalisation would avert 33–46% of HIV infections in the next decade¹⁰

⁵ Swedish Association for Sexuality Education (2010). Remissvar ang SOU 2010:49, Förbud mot köp av sexuell tjänst. Available at: <http://bit.ly/icrse05>

⁶ Global Network of Sex Work Projects (2015). Advocacy Toolkit: The Real Impact of the Swedish Model on Sex Workers. Available at: <http://bit.ly/icrse06>

⁷ <http://bit.ly/icrse07>

⁸ <http://bit.ly/icrse08>

⁹ Department of Public Health and General Practice, University of Otago, Christchurch (2007).

¹⁰ The Impact of the Prostitution Reform Act on the Health and Safety Practices of Sex Workers. Available at: <http://bit.ly/icrse09>

¹¹ <http://bit.ly/icrse10>