

**COMMITTEE:** Human Rights

**ISSUE:** The Question of Protecting the Rights of Sex Workers

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**Introduction:**

Sex work, or the provision of sexual services for money or goods, as defined by the World Health Organisation, is a worldwide industry that has faced stigmas and discrimination for hundreds of years.<sup>1</sup> Much maligned by global societal standards, sex workers are oft pushed to the side, ignored, ostracized, labeled as “prostitutes” or other such derogatory words. Whatever one’s personal beliefs are about the industry of sex work, whatever moral principles one may stand by, the fact remains that sex work has a substantial role in today’s society, and is a massive industry in many countries around the world. It is also important to highlight the distinction between sex work and human trafficking, as sex work is the consensual, willing sale of sexual activities, not coerced or forced in any way- that would constitute sex trafficking, the key determinant is the element of “choice”, one has to enter into this line of work willingly for it to be considered sex work. And whatever one may personally feel about the morality or ethics of sex work, the fact remains that the prosecution and discrimination of those involved in such a large industry is an issue that has affected the rights of citizens all around the world for generations. In fact, 45-75% percent of sex workers have faced some form of workplace violence over their lifetime, according to corroboration of 28 different studies, conducted by researchers of the American Journal of Public Health<sup>2</sup>. The stigmatization of sex work has led to increased

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<sup>1</sup> Overs, Cheryl. “Sex Workers: Part of the Solution, an Analysis of HIV Prevention Programming to Prevent HIV Transmission During Commercial Sex in Developing Countries”. *World Health Organization*, 2002,

[https://www.who.int/hiv/topics/vet/sw\\_toolkit/115solution.pdf](https://www.who.int/hiv/topics/vet/sw_toolkit/115solution.pdf)

<sup>2</sup> Deering, Kathleen N. et al. “A Systematic Review of the Correlates of Violence Against Sex Workers”, *American Journal of Public Health* 104, no. 5 (May 1, 2014): pp. E42-e54,

<https://doi.org/10.2105/AJPH.2014.301909>

criminalization of workers in this field as governments around the world have strict laws that limit sex work dramatically. In fact, New Zealand remains the only country worldwide to support the full decriminalization of sex work, as studies by the Global Network of Sex Work Projects<sup>3</sup> and the Public Library of Science, or PLOS<sup>4</sup>, corroborate. Due to this criminalization and prosecution of sex work that exists comprehensively worldwide, it is immensely difficult for sex workers to receive justice and be protected under the law for what they do. Pushing forward legislation decriminalizing sex work is the first step in increasing the protection of sex workers. But the fight does not end there. Major social change is needed in order to change the stigmas and biases people have toward sex workers if this issue is to be fully resolved, for the rights of these citizens to be fully protected.

## Key Terms

**Sex Work-** the consensual, willing provision of sexual services for money or goods

**Sex worker-** A more inclusive, less derogatory term for adults who receive remuneration in exchange for consensual sex or erotic performances, that does not have as extremely negative connotations as the previous terminology<sup>5</sup>

**Client-** customers who pay either in the form of cash or other means of payment for sexual services from organizations or individual sex workers

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<sup>3</sup> “Global Mapping of Sex Work Laws”, *Global Network of Sex Work Projects*, <https://www.nswp.org/sex-work-laws-map>

<sup>4</sup> Platt, Lucy, et al. “Associations between sex work laws and sex workers’ health: A systematic review and meta-analysis of quantitative and qualitative studies”. *Public Library of Science*, December 11, 2018, <https://doi.org/10.1371/journal.pmed.1002680>

<sup>5</sup> “Understanding Sex Work in an Open Society”. *Open Society Foundations*, April 2019, <https://www.opensocietyfoundations.org/explainers/understanding-sex-work-open-society>

**Sex-buyer model-** Otherwise known as the Nordic Model, abolitionist model, or equality model, philosophy of legislation that seeks to criminalize the purchase of sex services, but does not penalize the sale of such service, so as to de-incentivize and reduce demand as a way of reducing the risks of sex work

**Commercial sex-** the process of exchanging money or goods for any form of sexual act or service

**Criminalization-** The philosophy of reducing the risks of sex work by making all, some, or few parts of sex work illegal

### **Major Organisations Involved:**

**Global Network of Sex Work Projects-** Organisation totaling 319 different members from 101 different countries, whose aims are to uphold the voices of sex workers, of all diverse background, and to protect our the health and human rights globally of all of these different members

**Amnesty International-** Global movement of more than 10 million people in 150 countries whose aims are to campaign to end abuses of human rights, that provides supplementary, but extensive support towards protecting sex worker rights<sup>6</sup>

**Red Umbrella Fund-** First and only established global source of funding created by sex workers for the use of fighting for rights of sex workers- successfully initiated 247 grants since inception in 2012, totaling in €6,850,000 in aid for sex worker-led groups and networks<sup>7</sup>

**African Sex Worker Alliance-** Organisation consisting of members from across Africa that work to advance the human rights of sex workers of all genders to provide social and economic justice wherever possible. Contains over 150 registered members from 35 member states in

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<sup>6</sup>“Amnesty International” <https://www.amnesty.org/en/>

<sup>7</sup>“Red Umbrella Fund” <https://www.redumbrellafund.org/>

Africa with 221 projects completed since the organisations inception in 2009 in Johannesburg, South Africa.<sup>8</sup>

**Asian Pacific Network of Sex Workers-** Established in 1994 to promote and protect rights of sex workers within the Asian Pacific region. Is sex worker-led and has reached out to sex workers in 22 individual countries to establish new sex worker groups, promote solidarity and establish networks and connections with other organizations<sup>9</sup>

**European Sex Worker’s Alliance-** Formerly known as the International Committee for Sex Workers in Europe, this alliance similar to previous groups, targets the health and labor rights of sex workers around the European and Central Asian region, with a specific vision of working to recognize sex work as work and ensuring sex workers can live their lives freely without fear of violence<sup>10</sup>

### **Timeline of Events<sup>11</sup>**

**1910-** The Mann Act, or White Slave Act outlawed by name, “prostitution or debauchery” was passed into law in the United States- the law also addressed forced prostitution, harboring Immigrant prostitutes, and the transportation of prostitutes as well. Before this time, legislation and law codes had been established addressing prostitution or sex work, but this act signaled the start of a trend toward more concrete, restrictive laws, particularly within the United States

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<sup>8</sup> “African Sex Workers Alliance”, <https://aswaalliance.org/>

<sup>9</sup> “Asia Pacific Network of Sex Workers” <https://www.apnsw.info/background>

<sup>10</sup> “Asia Pacific Network of Sex Workers” <https://www.apnsw.info/background>

<sup>11</sup> “Historical Timeline: History of Prostitution from 2400 BC to the Present”, *ProCon.org*, August 28, 2013, <https://prostitution.procon.org/historical-timeline/>

**1911-** The Netherlands institutes a blanket ban on all “brothels” , defined as a place or business of prostitution

**1913-** Bureau of Social Hygien Reforms was formed in New York City by John D. Rockefeller as part of an investigation into the “white slave” sex trafficking trend within New York City at the time, which focused specifically in combatting prostitution or sex work

**1919-** Communist Russia initiates a Committee for the Suppression of Prostitution aimed at reforming the capitalist institution of sex work, and working to fix the economic reasons why sex work was thought of as a viable option

**1927-** Sex-work decriminalized by Germany which meant sex workers were no longer limited in where they could work and operate and were no longer prosecuted for providing their services as long as they did not solicit clients in areas near schools or churches or smaller towns

**1933-** Nazi Germany recriminalizes and regulates prostitution just 6 years after it was totally legalized by the former German government, resulting in the arrest of an estimated total of tens of thousands of prostitutes in the aftermath of the legislation

**1946-** France enacts legislation banning brothels and the solicitation of sexual services, but did not ban the act of prostitution

**1959-** Britain fully legalizes Prostitution, but the solicitation of sex service was still banned

**1985-** International Committee for Prostitutes Rights holds its first meeting, signaling the first international meeting of prostitutes' rights groups

**2004-** New Zealand completely decriminalizes sex work and places regulations on how brothels could operate and run as a business

**2009-** Purchase of sex banned by Norway, crippling sex workers, as citizens could be given a large fine, or a 6-month prison sentence if found guilty of using sex services

**2009-** Sex work legalized in Taiwan, a massive victory for the estimated 600,000 sex workers in the city of Taipei and beyond

**2014-** Canada institutes the Sex Buyer model, outlawing the purchase of sexual activities, but not the sale of them

**2016-** France follows suit, introducing similar changes to their own prostitution laws

**2016-** Amnesty International outlines support for "decriminalization" of sex work, not the abolishment of the entire industry as many opposing groups advocate for

**2021-** Third Australian state to decriminalize sex work with The Sex Work Decriminalisation Act 2021 Bill being passed in the government's legislature

## **Previous UN Treaties and Conventions**

Whilst the issue of protecting sex workers is a very controversial issue among the international community, with differing perspectives and ideologies about what the role of the sex worker should be in society, the UN has still taken significant action to aid marginalized and socioeconomically disadvantaged sex workers, as well as working to debunk some of the stigma surrounding the industry. For example, the World Health Organization has conducted extensive research into the causes and effects of sexually transmitted diseases within commercial sex, and how the continued criminalization and stigmatization has contributed to these real health risks amongst sex workers. A report published by WHO, titled, “Sex Workers: Part of the Solution”<sup>1</sup> provided extensive analysis into these health risks, specifically focusing on the risk of HIV amongst sex workers. Similarly, a decade later, WHO published comprehensive guidelines which detailed recommended interventions for the treatment of sexually transmitted infections, once more highlighting the epidemic of HIV amongst sex workers in under-developed nations. The report gave recommendations based on empirical evidence of the experience of case studies of sex workers around the world but also based on scientific evaluation using the GRADE (Grading of Recommendations, Assessment, Development, and Evaluation) methodology for evaluating recommendations. These specific recommendations were targeted towards national public health officials, non-governmental organizations, and health workers, and were created in conjunction with the United Nations Population Fund, and the Joint United Nations Programme on HIV or AIDS. Much research and policy creation has been centered towards humanitarian aid and support for the sex work industry, but comprehensive legislation is still needed to protect workers from targeted harassment and violence, which many faces on a daily basis, and the

protection of their basic human rights as their line of work has not yet been formally recognized by much of the international community. However, the Secretary General of the UN did publish a report titled “Special Measures for Protection from Sexual Exploitation and Abuse: a New Approach”<sup>12</sup> which detailed the new strategy implemented by the United Nations moving forward to tackle this issue through four main avenues. The report focused on putting victims first, ending impunity for sexual abusers, engaging civil society and external partners, and improving communications and education on the subject. But this still mainly focuses on sexual trafficking, and does not ultimately focus on consensual, willing sex workers, which still aren’t protected under the law in many places all around the world.

## **Previous Action**

The profession of sex work has long been a part of functioning society, even stretching back to the ancient civilizations of the Middle East thousands of years ago, but only recently has the plight of workers of this nature been brought to light. Many governments around the world have begun to review their policy towards sex work and have begun to move towards more progressive policies. For example, in the United Kingdom, a 2014 all parliamentary working group published a report detailing the shift in paradigm of the United Kingdom regarding sex work, titled “Shifting the Burden: Inquiry to assess the operation of the current legal settlement on prostitution in England and Wales”<sup>13</sup>. This report establishes how the United Kingdom is shifting

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<sup>12</sup> Secretary General António Guterres. “Special Measures for Protection from Sexual Exploitation and Abuse: a New Approach”, *United Nations Office for the Coordination of Humanitarian Affairs*, United Nations General Assembly, February 28, 2017, <https://reliefweb.int/sites/reliefweb.int/files/resources/SG%27s%20Report%20on%20Special%20measures%20for%20protection%20from%20SEA%20-%20a%20new%20approach%20-E.pdf>

<sup>13</sup> “Shifting the Burden: Inquiry to assess the operation of the current legal settlement on prostitution in England and Wales”, *UK Parliamentary Group*, <https://appprostitution.files.wordpress.com/2014/04/shifting-the-burden1.pdf>

its attitude towards sex work and argued for more prosecution for those buying sex rather than those selling it- a policy similar to the “Nordic model” discussed earlier. Another emerging paradigm that has come about in recent years is the “Abolitionist” model, a philosophy of sex work law that seeks to prohibit activities closely associated with sex work, but the actual acts themselves. Those practices illegalized under this model include brothels, soliciting sex, largely driving the sex work industry underground to unsafe and unsanitary conditions that have major health risks associated, like the increased HIV and other sexually transmitted diseases being more easily spread among the sex worker community.

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