



**Global Network of Sex Work Projects**  
Promoting Health and Human Rights

## **Draft Framework for a UN Women Human Rights Affirming Approach to Sex Work in response to UN Women E-Consultation**

### **Introduction**

Requires a definition of sex work and sex workers that does not conflate sex work and trafficking, and which does not further stigmatise sex workers or their families.

Should set out the diverse experiences of sex workers, the different sex work settings and ways in which sex work is organised, including how the oppression of sex work impacts upon the social exclusion of sex workers and their families.

Should reference academic and community-led research on the impact of criminalisation of sex work on health outcomes, and economic and social inclusion.

Should reference academic and community-led research on stigma and discrimination, and violence experienced by sex workers.

Should reference the current UNAIDS Joint Programme policy and guidance on sex work.

### **Guiding Principles for UN Women's Response**

Should set out the United Nations' mandate to uphold the universality of human rights, making explicit that sex workers' rights are human rights.

Should set out the centrality of sex workers in the development of sex work policies and programmes.

Should set out how the Strategic Development Goals can advance the human rights of sex workers.

Should set out the importance of a human rights affirming approach to sex work in advancing gender equality.

Should reference the specific UN human rights treaties and articles that underpin an affirmative human rights approach to sex work.

### **Human Rights: the Cornerstone of an Effective Response to Sex Work**

The protection, promotion and respect of human rights such as the rights to health, accommodation, privacy, and liberty, and security of person, and the principle of non-discrimination are detailed in a number of international human rights instruments. An effective human rights response requires that there is no consequential denial of human rights because sex work is the "work" in question.

Should set out the human rights which sex workers have identified as requiring an immediate response to address inequalities and combat their social exclusion.

Should reference the [NSWP Consensus Statement](#), which sets out fundamental protections that human rights treaties provide for all. The NSWP Consensus Statement further elaborates additional actions that are required by governments if the human rights of sex workers are to be fully respected and fulfilled.

Should set out how the realisation of each of the eight human rights prioritised by sex workers in the NSWP Consensus Statement through an 18 month global consultation among NSWP members in 2012-13, can advance gender equality, combat social exclusion and ensure sex workers have access to justice.

### The Right to Associate and Organise

Sex workers have the fundamental right to:

- ↪ Associate and organise sex worker-led services, groups, companies, trade unions and NGOs for cultural, social, legal and advocacy efforts.
- ↪ Peaceful assembly and association with others to voice opinions and campaign for sex workers' rights against stigma and discrimination and to better sex workers' lives and working conditions.

### The Right to be Protected by the Law

Sex workers have the fundamental right to:

- ↪ No arbitrary or unlawful detention, arrest, removal or deportation, whether a national or migrant sex worker.
- ↪ Non-judgemental access to a fair trial and other justice mechanisms including compensation, which allows sex workers to access and use the justice system. This must include having sex workers' testimonies being taken seriously and not having sex work histories used against them.
- ↪ Non-discriminatory and non-intimidatory formal complaints procedures against police and immigration authorities.
- ↪ Report crimes against them without fear of repercussion, arrest, confinement or the demanding of bribes by authorities.

### The Right to be Free from Violence

Sex workers have the fundamental right to:

- ↪ Live and work free from violence.
- ↪ Be free from slavery-like practices such as forced or bonded labour and servitude.
- ↪ Be free from forced rehabilitation programmes including forced drug rehabilitation.
- ↪ Be protected against forced labour, providing sexual services against their will, and providing sexual services that place their health at risk.
- ↪ Be free from degrading treatment including health interventions such as mandatory testing and treatment.
- ↪ Be taken seriously by police and the courts when reporting or testifying about crimes against them.
- ↪ Safe systems to report state authorities for acts of violence, neglect of duty and corruption, and to have disciplinary action taken against those who undertake this violence.

### The Right to be Free from Discrimination

Sex workers have the fundamental right to:

- ↪ Be free from discrimination based on previous or current work as sex workers. This right should also extend to anyone who associates with a sex worker, including clients, third parties, families, partners and friends.
- ↪ Be free from discrimination based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, class, ethnicity, gender and gender identity, sexual orientation, health status (including HIV), marital or other legal relationship status, citizenship or immigration status, physical mobility, mental health, or other status.
- ↪ Receive official recognition as people with the right to start families, register births, adopt children, and enter marriages or civil partnerships with a partner of choice.
- ↪ Access to health and social services, and to state or religious institutions, alongside full access to the benefits that they offer.

## The Right to Privacy, and Freedom from Arbitrary Interference

Sex workers have the fundamental right to:

- ↪ Privacy and freedom from arbitrary interference with their family, home, and correspondence, including arbitrary confiscation of personal property.
- ↪ Be free from arbitrary interference and to not have their or their partners', families', friends', colleagues', clients' (and anyone else associated with sex workers) details or identities exposed, including publication of names and photographs.
- ↪ No mandatory registration of sex workers by public authorities.
- ↪ Not have their health status, including HIV status, disclosed without their consent.

## The Right to Health

Sex workers have the fundamental right to:

- ↪ Non-discriminatory, affordable, and culturally-specific access to universal, quality health services. Based on a rights-based informed consent model, provision of services must include sexual and reproductive health services, drug harm reduction and treatment services, primary health care, treatment of chronic illness, medical interventions and surgeries, and a continuum of HIV and STI prevention, diagnostics, and treatment.
- ↪ Be free from mandatory or forced STI and HIV testing and treatment, forced sterilisation, and compulsory drug treatment.
- ↪ Access to commodities for safer sex and drug use.
- ↪ Be free from registration, including biometric tracking as a requirement to accessing healthcare services.

## The Right to Move and Migrate

Sex workers have the fundamental right to:

- ↪ Leave their own country, request entry into another country, and have that request handled without prejudice.
- ↪ Return to their home countries and to request asylum when subjected to state/community violence or other human rights violations: sex workers must not be returned to dangerous situations.
- ↪ Move within their own city or country.
- ↪ Be free from arbitrary detention, deportation, or removal, particularly in the name of anti-trafficking efforts.

## The Right to Work and Free Choice of Employment

Sex workers have the fundamental right to:

- ↪ Work and free choice of employment, including sex workers living with HIV.
- ↪ Regulatory frameworks that govern labour conditions and occupational health and safety.
- ↪ Safe and healthy workplaces in which sex workers are fairly compensated and treated with respect, and which are free from health hazards and abuse including sexual violence and physical violence.
- ↪ No discriminatory dismissal from employment based on sex work history.
- ↪ Equal access to labour codes and to other labour rights.