



## Global Network of Sex Work Projects

Promoting Health and Human Rights

**For the attention of: Members of the European Parliament**

**Subject: Report from the Committee on Women's Rights and Gender Equality: The regulation of prostitution in the EU: its cross-border implications and impact on gender equality and women's rights (2022/2139(INI))**

**Date: 11<sup>th</sup> September 2023**

NSWP is a global network of sex worker-led organisations, with 342 members in 105 countries, that exists to uphold the voice of sex workers globally and connect regional networks advocating for the rights of sex workers, in all their diversity. It advocates for rights-based health and social services, freedom from abuse and discrimination, and self-determination for sex workers.

NSWP welcomes the opportunity to provide Members of the European Parliament with some general commentary on, and a detailed response to the above report, to inform their discussions.

### **General Commentary on the Report**

The report contains multiple inaccuracies, serious misrepresentations of the evidence it cites, and, at times, weaves a false narrative, ignoring the large international evidence base that highlight the human rights abuses that result from the very approach to sex work that the Committee is recommending. There are also numerous examples where the evidence and statements presented actually **contradict** the report's conclusions and its main call.

We would like to highlight a just few key examples.

In the text of the 'Motion' itself:

- The report mentions 'having regard' to "the 1979 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which aims to eliminate all forms of trafficking in and exploitation of women in prostitution", without also noting that CEDAW Committee has specifically condemned laws and policies that exacerbate, rather than improve, the situation of sex workers. For example, in its concluding observations to Norway, the CEDAW Committee expressed its concerns "***about the unintended consequences of the criminalisation, since 2009, of the purchase of sexual activity or a sexual act from adults, in particular the higher risk for the personal safety and physical integrity of women in prostitution, as reflected in the low reporting rate of physical and sexual violence, exploitation and harassment, and the risk of their being evicted from their premises when used for prostitution***". The Committee expressed further concern that the government had failed to develop "***new policies for the protection of the rights of women in prostitution***" in response to the findings of their own 2014 evaluation of the effects of Norway's sex work policies.<sup>1</sup>
- The report notes the "work of the UN Special Rapporteur on the right to health". The current mandate holder, Tlaleng Mofokeng, as recently as July 2022 "***supports the removal of all laws and policies criminalizing or otherwise punishing abortion, contraception, adolescent sexuality,***

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<sup>1</sup> UN OHCHR, 2017, "[CEDAW Concluding observations on the ninth periodic report of Norway CEDAW/C/NOR/CO/9](#)," para. 28.

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**same-sex conduct and sex work.”**<sup>2</sup> Previous holders of this mandate have also regularly supported the full decriminalisation of sex work, for example calling on States **“[t]o repeal all laws criminalizing sex work and practices around it”**.<sup>3</sup>

- The report has regard for the “UN 2021-2026 global AIDS strategy”. Once again, the Committee have either misinterpreted or misrepresent what the Global AIDS Strategy commits to. The Strategy specifically calls upon States to **“[c]reate an enabling legal environment by removing punitive and discriminatory laws and policies, including laws that criminalize sex work”**. Furthermore the Societal Enabler Targets for 2025 include that **“[l]ess than 10% of countries criminalize sex work”**.<sup>4</sup> These targets were adopted by the UNGA in the 2021 Political Declaration on HIV and AIDS<sup>5</sup>, and in the UN Secretary-General’s report to the 75th session of the UNGA, he stated: **“Removing punitive and discriminatory laws, policies and practices that block effective responses to HIV – including those that criminalize sex work, gender identity, sexual orientation, drug use, consensual same-sex relations, HIV exposure, non-disclosure or transmission, and those that impose HIV-related travel restrictions and mandatory testing – with the aim of ensuring that less than 10 per cent of countries have punitive legal and policy environments that lead to the denial or limitation of access to services by 2025.”**<sup>6</sup>
- Section A in the report states that “the UN [and EU] agreed upon language is prostitution and people/women in prostitution”. This can be seen to be untrue of the UN from the references given immediately above. ‘Sex work’ and ‘sex workers’ is the accepted language within the UNAIDS Joint Programme, including all co-sponsor agencies, as well as many other UN agencies. This language was also adopted by Member States in the 2016 Political Declaration on HIV and AIDS by consensus, and in the 2021 Political Declaration on HIV and AIDS by vote.
- Section H, in discussing the violence and exploitation faced by sex workers, references research from both NSWP and Amnesty International to support the narrative. The report fails to acknowledge that both organisations **explicitly** condemn ‘End Demand’ approaches and the Nordic Model. A similar misrepresentation of NSWP’s research occurs in Section J, where the report discusses sex workers’ lack of access to justice and reticence to report crimes against them. NSWP’s work in this area specifically identifies ‘End Demand’ legislative systems as perpetuating these problems.
- In Section K, the report shamelessly misrepresents and misquotes the research regarding the potential for decriminalisation to reduce HIV infections by 33-46%. The report states that this is possible “if people in prostitution were to be decriminalised”, however both the referenced article (Wong, Imperial College London) and the source of the research (the Lancet Series on Sex Work), are absolutely clear that it is the decriminalisation of sex work that would achieve this. The Committee simply cannot bend the evidence in support of their flawed narrative.
- Also in Section K, the report references research (Platt et al) showing the correlation between repressive policing and violence and vulnerability to HIV among sex workers. What the report fails to acknowledge is that the same research specifically highlights the dangers of the criminalisation of sex workers’ clients, stating: **“our qualitative synthesis clearly shows that criminalisation of clients does not facilitate access to services, nor minimise violence.”** Their meta-analysis of epidemiological, quantitative, and qualitative research also cites real world evidence from countries where client criminalisation has been implemented and concludes that: **“criminalisation of clients does not facilitate access to services, nor minimise violence. This is supported by the epidemiological evidence from Vancouver that showed that sex workers who were stopped, searched, or arrested were at increased risk of client violence despite the introduction of more severe laws against the purchase of sex introduced in 2014 (alongside fewer sanctions for sex workers working together and modelled on the Swedish law). In addition, the practice of rushing negotiations due to police presence increased and was associated with**

<sup>2</sup> UN OHCHR, 2022, [“A/77/197: Report by the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health - Racism and the right to health,”](#) para. 92.

<sup>3</sup> UN OHCHR, 2010, [“A/HRC/14/20,”](#) para 76 b.

<sup>4</sup> UNAIDS, 2021, [“End Inequalities. End AIDS. Global AIDS Strategy 2021-2026.”](#)

<sup>5</sup> United Nations General Assembly, 2021, [“Political Declaration on HIV and AIDS: Ending Inequalities and Getting on Track to End AIDS by 2030.”](#)

<sup>6</sup> UNAIDS, 2021, [“Addressing inequalities and getting back on track to end AIDS by 2030”](#), 75th session of UN General Assembly, (A/75/836), Recommendation 7, 90 (a).

***increased client-perpetrated violence...enforcement strategies that seek to reduce the numbers of sex workers or clients are unlikely to achieve these effects, since the economic needs of sex workers remain unchanged, resulting in sex workers having to work longer hours, accept greater risks, and deprioritise health. There is no reliable evidence from Sweden that the numbers of sex workers have decreased since the law changed in 1999."***

Moving on to the 'Comparison between Member States' section:

- In Paragraph 9, we note the main call in the report “for an EU-wide approach based on the Nordic/Equality model to finally use all promising instruments that have proven efficient in reducing human trafficking for the purpose of sexual exploitation”. However later, in Paragraph 17, the report notes “that work and research are still needed to ensure the practical achievement of the model’s goals.” Given this assertion, and the substantial body of research showing the harms of such a model, it is unconscionable that the Committee can make such a call.
- Paragraph 13 notes the failures of legalised (and heavily regulated) systems relating to sex work. Sex worker-led organisations across the world would agree with this assessment of legalised systems, which is why they actively advocate for decriminalisation. Despite this, no attempt is made in this report to consider or pay serious attention to countries where decriminalisation has been implemented.
- Paragraph 24, in a section of the report that focuses on trafficking and exploitation, refers to the European Court of Human Rights’ (ECtHR) agreement to consider the complaints of 261 sex workers from France. It should be noted that subsequently, on 31<sup>st</sup> August 2023, the ECtHR declared the application admissible after acknowledging that the applicants were entitled to claim to be victims, within the meaning of Article 34 of the Convention, of the alleged violation of their rights under Articles 2, 3 and 8. To be clear, as it is not entirely transparent in the report narrative, the sex workers are arguing **against** the very model being proposed to the European Parliament by the Committee. The ECtHR has agreed to hear this appeal on the grounds that ***"[a]ccording to the applicants, who engage lawfully in prostitution, the possibility of criminal proceedings being brought against clients pushes those engaged in prostitution into operating in a clandestine manner and in isolation, exposes them to greater risks for their physical integrity and lives, and affects their freedom to define how they live their private lives."***
- For the benefit of Members of the European Parliament it should be noted that Tlaleng Mofokeng, the UN Special Rapporteur on the right to health (whose work was noted earlier in this report) herself submitted an ‘amicus curiae brief’ in the European Court case. In her statement<sup>8</sup> about the Court’s ruling, she states ***“Sex work is real work...My hope is that the future ruling on this law by the European Court of Human Rights will be based on international human rights and standards...The criminalisation of sex workers and the criminalisation of their clients has a negative impact on sex workers’ health and their access to services to the detriment of their enjoyment of physical and mental health, including sexual and reproductive health.”*** Furthermore, she notes ***“Sex work should not be conflated with trafficking in persons for the purpose of sexual exploitation...Assuming that all sex workers are trafficked denies the autonomy and agency of people who sell sex.”***
- Indeed, jurists, as advocates for justice and human rights, are increasingly supporting the position advocated by sex workers’ rights activists, and other leading international authorities on health and human rights, for many years. The International Commission of Jurists (ICJ) recently published a new set of legal principles to address the harmful human rights impact of unjustified criminalisation of individuals and communities. The 8 March Principles<sup>9</sup> were created and endorsed by lawyers and jurists from around the world. They offer a clear, accessible, and operational legal framework and practical legal guidance to parliamentarians, judges, prosecutors, and advocates to address the harmful impact of criminalisation of certain conduct on health, equality, and other human rights. Principle 17 on sex work states:

<sup>7</sup> European Court of Human Rights, 31 August 2023, [“Press Release ECHR 238 \(2023\)”](#).

<sup>8</sup> UN OHCHR, 5 September 2023, [“UN expert welcomes European Court decision to hear appeal against French anti-prostitution law.”](#)

<sup>9</sup> International Commission of Jurists, March 2023, [“The 8 March Principles for a Human Rights-Based Approach to Criminal Law Proscribing Conduct Associated with Sex, Reproduction, Drug Use, HIV, Homelessness and Poverty”](#).

- ***“The exchange of sexual services between consenting adults for money, goods or services and communication with another about, advertising an offer for, or sharing premises with another for the purpose of exchanging sexual services between consenting adults for money, goods, or services, whether in a public or private place, may not be criminalized, absent coercion, force, abuse of authority or fraud.”***
- ***“Criminal law may not proscribe the conduct of third parties who, directly or indirectly, for receipt of a financial or material benefit, under fair conditions – without coercion, force, abuse of authority or fraud – facilitate, manage, organize, communicate with another, advertise, provide information about, provide or rent premises for the purpose of the exchange of sexual services between consenting adults for money, goods, or services.”***

The Principles also confirm that harmful criminal laws cannot be justified even if they have been adopted with the stated aim of ‘protecting’ sex workers, public safety, public order, the rights or freedoms of others, national security, public morals, traditions, religious beliefs or cultural values in any given country or society. Sex work should also not be placed under specific regimes of administrative regulations (e.g., zoning; mandatory testing for sexually transmitted infections, including HIV) that have been shown to endanger sex workers.

In short, it is hard to see how the Committee has arrived at the conclusion that the proposed Nordic approach is warranted, based on the evidence it has presented in its own report.

## **Response to the call “for an EU-wide approach based on the Nordic/Equality model”**

Laws criminalising the purchase of sexual services, also known as ‘End Demand’ legislation or the Nordic Model, are often framed as a strategy to promote gender equality and combat trafficking through the eradication of sex work. In reality, such legislation exacerbates, rather than ameliorates, sex workers’ vulnerability to violence, discrimination, and exploitation.

### **The Enforcement of ‘End Demand’ Approaches**

‘End Demand’ models are rooted in ideology which erroneously equates sex work with exploitation and human trafficking. As a result, countries that have adopted ‘End Demand’ legislation disproportionately enforce these laws in spaces occupied by sex workers, including homes, neighbourhoods, and work establishments. Sex workers - not clients or traffickers - incur the majority of profiling, surveillance, and policing.<sup>10</sup> The over-policing of sex worker spaces leads to frequent police stops, identity checks, and questioning, as well as increased arrest, detention, and penalisation for sex work- and non-sex-work-related crimes.<sup>11</sup> Sex workers in Canada, France, and Sweden have reported being threatened with criminal charges, detention, and physical violence, and have also been harassed to act as witnesses against their clients.<sup>12</sup> ‘End Demand’ laws are also used to justify raids on sex workers’ workplaces and homes, which can lead to forced evictions, loss of livelihood, and, in the case of migrant workers, deportation.

### **Impacts on Sex Workers**

#### *Safety and Wellbeing*

The harmful effects of ‘End Demand’ legislation on sex workers’ safety and wellbeing have been well documented since the first adoption of the sex-buyer law in Sweden in 1999.<sup>13</sup> When the purchase of sexual services is criminalised, sex workers must shift their activities to more precarious, clandestine settings in order to avoid police detection. Fear of arrest discourages clients from visiting indoor

<sup>10</sup> NSWP, 2018, [“Policy Brief: The Impact of ‘End Demand’ Legislation on Women Sex Workers.”](#)

<sup>11</sup> Karim Yadgar, [“Ottawa Street-based Sex Workers and the Criminal Justice System: Interactions Under the New Legal Regime,”](#) (University of Ottawa, 2016), 72.

<sup>12</sup> NSWP, 2015, [“Advocacy Toolkit: The Real Impact of the Swedish Model on Sex Workers.”](#)

<sup>13</sup> J. Levy and P. Jakobsson, [“Sweden’s abolitionist discourse and law: Effects on the dynamics of Swedish sex work and on the lives of Sweden’s sex workers,”](#) *Criminology and Criminal Justice*, 14(5) (2014), 593-607.

establishments or meeting at hotels, which in turn leads sex workers to travel to clients' homes or other distant locations, exacerbating their vulnerability to both violence and exploitation.<sup>14</sup>

Sex workers have also reported that clients' fears of arrest have limited the possibilities to negotiate services and protect themselves. Outdoor sex workers have less time to negotiate their transactions and assess the risk of a client before getting in a car or moving to another location. In addition, fewer clients are willing to provide sex workers with personal identifying information that can act as an insurance and safety measure.<sup>15</sup>

In France, a Médecins du Monde study revealed that in the two years following the 2016 adoption of the 'Nordic Model,' 38% of sex workers found it increasingly difficult to negotiate condom usage. Sex workers reported that the criminalisation of clients simultaneously increased competition for clientele, driving down prices, while also increasing clients' sense of entitlement to demand services on their own terms due to the perception that they were the ones "taking the risk."<sup>16</sup>

In Ireland, UglyMugs.ie, an app through which sex workers confidentially report incidents of crime and abuse, noted a drastic increase in reported incidents following the adoption of the 'Nordic Model' in 2017. Between the years of 2017 and 2019, a 90% increase in crime and a 92% increase in violent crime were noted, in comparison to rates from 2015-2017. Meanwhile, the overall number of UglyMugs.ie users remained stable.<sup>17</sup> In Northern Ireland, research shows that the risk of victimisation and fear of crime and abuse has contributed to higher levels of anxiety and unease amongst sex workers.<sup>18</sup>

### *Stigma and Discrimination*

It has been asserted that the 'End Demand' approach focuses only on increasing the stigma of individuals who purchase sex. However, as reported by sex workers, it is impossible to increase the stigma of those purchasing sex without also increasing the stigma of those selling sexual services. Public campaigns and policy debates, as well as social services and police trainings, infantilise, dehumanise and pathologise sex workers through quoting hateful language used by a small minority of clients, describing in graphic detail abuse against sex workers, as well as using unacceptable racialised and gendered language and images in public campaigns. These representations affect not only the clients of sex workers, but also shape public attitudes towards sex workers themselves.<sup>19</sup>

Following the adoption of the 'Nordic Model' in Norway, a study found that, contrary to lawmakers' intentions, while national attitudes towards the criminalisation of purchasing sex remained the same, Norwegians became more likely to support the criminalisation of selling sex.<sup>20</sup> Simultaneously, sex workers reported increased harassment, violence, and discrimination from the public.<sup>21</sup>

Increased stigma and discrimination towards sex workers has also been documented in healthcare settings and social services,<sup>22</sup> further impacting on sex workers' health and wellbeing. A study conducted by Rose Alliance and HIV-Sverige found that 25% of sex workers experienced problems in accessing HIV testing, including being interrogated on why they wanted an HIV test or having to insist on their right to receive a test. Only 6% of respondents had received HIV prevention services, and only 9% had received condoms from a government or health care organisation.<sup>23</sup>

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<sup>14</sup> Médecins du Monde et al., 2019, "[Study on the Impact of the Law from 13 April 2016 Against the 'Prostitution System' in France.](#)"

<sup>15</sup> NSWP, 2015, "[Advocacy Toolkit: The Real Impact of the Swedish Model on Sex Workers.](#)"

<sup>16</sup> Médecins du Monde et al., 2019, "[Study on the Impact of the Law from 13 April 2016 Against the 'Prostitution System' in France.](#)"

<sup>17</sup> UglyMugs.ie, 2019, "[Crime has almost doubled in the two years since new law came in.](#)"

<sup>18</sup> Queens University Belfast, School of Law, 2019, "[A Review of the Criminalisation of Paying for Sexual Services in Northern Ireland.](#)"

<sup>19</sup> NSWP, 2018, "[Policy Brief: The Impact of 'End Demand' Legislation on Women Sex Workers.](#)"

<sup>20</sup> A.A. Kotsadam and N. Jackobsson, "[Do laws affect attitudes? An Assessment of the Norwegian prostitution law using longitudinal data.](#)" *International Review of Law and Economics* 31 (2011): 103-115.

<sup>21</sup> Amnesty International, 2016, "[Norway: The Human Cost of 'Crushing the Market': Criminalization of Sex Work in Norway.](#)"

<sup>22</sup> NSWP, 2015, "[Advocacy Toolkit: The Real Impact of the Swedish Model on Sex Workers.](#)"

<sup>23</sup> HIV-Sverige and Rose Alliance, 2014, "[En Annan Horisont.](#)"

### Access to Justice

'End Demand' legislation reduces sex workers' access to justice by increasing punitive interactions between sex workers, law enforcement and judicial systems, including loss of child custody, eviction, property seizure, and deportation. In Norway, sex workers reported multiple instances of police failing to respond to reports of violence or threatening situations. Additionally, they expressed concern that the police would use these reports as a pretext to intimidate and harass sex workers.<sup>24</sup> In Ireland, in spite of the drastic surge in crime documented by UglyMugs.ie, less than 1% of sex workers using the app said that they have or will report these crimes to the gardaí,<sup>25</sup> indicating that the government's policies have neither protected sex workers, nor fostered their trust.

### Impacts on the Demand for Sexual Services and Human Trafficking

'End Demand' legislation is often promoted as the only solution to human trafficking. However, the efficacy of broad efforts to reduce the demand for sexual services as a way of addressing trafficking have been criticised by a number of well-respected labour and anti-trafficking organisations, including the International Labour Organization (ILO),<sup>26</sup> the Global Alliance Against Traffic in Women (GAATW),<sup>27</sup> and La Strada International.<sup>28</sup>

Critically, there is no substantive evidence to suggest that criminalising the purchase of sex has reduced the prevalence of sex work<sup>29</sup> or human trafficking.<sup>30</sup> A 2019 study commissioned by the Department of Justice of Northern Ireland confirmed that the criminalisation of the purchase of sexual services neither impacted the supply of, and demand for, sexual services, nor the levels of trafficking for sexual exploitation.<sup>31</sup>

'End Demand' legislation also hinders the identification of victims of trafficking, deterring both clients and sex workers, who are well-positioned to report exploitation and trafficking, from doing so. In South Africa, the Sex Workers Education and Advocacy Task Force recalled multiple cases in which clients were unable to report human rights violations due to fears of legal repercussions resulting from criminalisation.<sup>32</sup>

### Decriminalisation as Best Practice

International best practice guidelines, supported by a substantial body of evidence, promote the full decriminalisation of sex work as the best means to reduce violence, improve health outcomes, and uphold the human rights of sex workers. Decriminalisation guarantees sex workers the same health and safety standards as other workers. Decriminalisation is the legal framework favoured by the overwhelming majority of sex worker-led organisations worldwide, as well as leading authorities in health and human rights.

Modelling estimates have shown that the decriminalisation of sex work could reduce HIV infections amongst sex workers and their clients by 33-46% over the next decade, through its combined effects on reducing violence, promoting safer work environments, and increasing condom use.<sup>33</sup> In New Zealand, following the decriminalisation of sex work in 2003, sex workers have reported improved working conditions, negotiation power, and increased confidence in asserting their legal and

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<sup>24</sup> PION Norway, 2017, "[A Shadow Report by PION.](#)"

<sup>25</sup> UglyMugs.ie, 2019, "[Crime has almost doubled in the two years since new law came in.](#)"

<sup>26</sup> International Labour Organization, 2006, "[A Demand Side of Human Trafficking in Asia: Empirical Findings.](#)"

<sup>27</sup> Global Alliance Against Traffic in Women, 2011, "[Moving Beyond 'Supply and Demand' Catchphrases: Assessing the uses and limitations of demand-based approaches in anti-trafficking.](#)"

<sup>28</sup> La Strada International, 2014, "[La Strada International NGO Platform Statement Ahead of the vote in the European Parliament on the Report of the Committee on Women's Rights and Gender Equality on sexual exploitation and prostitution and its impact on gender equality \(2013/2103\(INI\)\).](#)"

<sup>29</sup> J. Levy and P. Jakobsson, "[Sweden's abolitionist discourse and law: Effects on the dynamics of Swedish sex work and on the lives of Sweden's sex workers.](#)" *Criminology and Criminal Justice*, 14(5) (2014), 593-607.

<sup>30</sup> S. Dodillet and P. Östergren, 2011, "[The Swedish Sex Purchase Act: Claimed success and documented effects.](#)"

<sup>31</sup> Northern Ireland Department of Justice & Queens University Belfast, 2019, "[A Review of the Criminalisation of Paying for Sexual Services in Northern Ireland.](#)"

<sup>32</sup> NSW, 2019, "[Policy Brief: The Impact of Anti-trafficking Legislation and Initiatives on Sex Workers.](#)"

<sup>33</sup> Kate Shannon et al., "[Global Epidemiology of HIV among female sex workers: influence of structural determinants.](#)" *The Lancet* 385(9962) (2015), 55-71.

employment rights.<sup>34</sup> Sex workers in New Zealand have also reported improved relationships with law enforcement and an increased likelihood of reporting incidents of violence to the police.<sup>35</sup> In Australia, the New South Wales Ministry of Health commissioned a report that reviewed the legislation, which found that the reforms that decriminalised adult sex work had “improved human rights; removed police corruption; netted savings for the criminal justice system; and enhanced the surveillance, health promotion, and safety of the NSW sex industry.” Contrary to early concerns, the NSW sex industry has not increased in size or visibility.<sup>36</sup>

[The Joint United Nations Programme on HIV/AIDS \(UNAIDS\)](#), [UNFPA](#), [WHO](#), [UNDP](#), [the World Bank](#), [the International Commission of Jurists](#), [Amnesty International](#), [Médecins Du Monde](#), [Human Rights Watch](#), [the Global Commission on HIV and the Law](#), [Open Society Foundations](#), [the Global Network of People Living with HIV](#), [the Global Action for Gay Men’s Health & Rights \(MPact\)](#), [the International Women’s Health Coalition](#), [the Association for Women’s Rights in Development](#), [the American Jewish World Service](#), [the Global Alliance Against Traffic in Women \(GAATW\)](#), [The Lancet](#), [The Global Fund for Women](#), [the Elton John AIDS Foundation](#), [Frontline AIDS](#), [the International Community of Women Living with HIV](#), [Global Health Justice Partnership of the Yale Law School and Yale School of Public Health](#), [European AIDS Treatment Group](#), [ILGA-Europe](#), [the Platform for International Cooperation on Undocumented Migrants \(PIKUM\)](#), [Freedom Network USA](#), [STOPAIDS](#), [La Strada International](#), [International Planned Parenthood Foundation](#), and [ILGA World](#) all call for the decriminalisation of sex work.

While decriminalisation alone cannot fully shield sex workers from violence and must be accompanied by rights-based programming and anti-discrimination measures, it is a critical step to ensuring that sex workers have equal access to fundamental human rights.

The experiences of our global membership, combined with a substantial, growing body of evidence, indicate that the criminalisation of the purchase of sexual services negatively affects the health, safety, and wellbeing of sex workers. Efforts to repress or eradicate sex work not only fail to recognise sex workers as rights bearers, but also foster punitive enforcement practices, exacerbate vulnerability to violence and exploitation, and fuel stigma and discrimination.

**In order to support the human rights of sex workers, the European Parliament must vote against this report and the call for an EU-wide approach based on the so-called “Nordic/Equality Model” and instead recommend that member states take measures to fully decriminalise all aspects of sex work, including the purchase of sexual services.**

### Recommendations

- Decriminalise all aspects of sex work. Whether some aspects or all aspects of sex work are criminalised, criminalisation creates structural barriers and promotes marginalisation that increases vulnerability to exploitative work conditions and violence.
- Recognise the self-determination of sex workers, in all their diversity, and uphold them as rights bearers. Sex workers face intersecting forms of criminalisation, discrimination and marginalisation, which cannot be addressed in isolation.
- Consensual third party involvement in the sex industry should be regulated in line with existing labour laws and business regulations, with criminal law reserved only for instances of force, violence, and coercion.
- Remove laws that conflate trafficking, sex work and migration and promote the rights of migrant workers to safe, legal channels of migration and to ‘decent work’. The focus of ‘anti-trafficking’ laws on eradicating sex work is detrimental to the identification of victims of human trafficking.

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<sup>34</sup> Gillian Abel, “[A decade of decriminalization: Sex work ‘down under’ but not underground](#),” *Criminology and Criminal Justice* 15(5) (2014), 580-592.

<sup>35</sup> New Zealand Ministry of Justice and Victoria University of Wellington Crime and Justice Research Centre, 2007, “[Key Informant Interviews: Review of the Prostitution Reform Act 2003](#).”

<sup>36</sup> The Kirby Institute, University of New South Wales, 2012, “[The Sex Industry in New South Wales: A Report to the NSW Ministry of Health](#).”

- Recognise sex work as work and ensure that sex workers are accorded labour rights in line with decent work as defined by ILO. Decent work, according to ILO, has four components: employment, social protection, workers' rights, and social dialogue. Sex workers' rights activists have been advocating for decent work for many years, and sex workers should be included in the decent work agenda, at national, regional, and international levels.

Kindest regards,

A handwritten signature in black ink, appearing to read 'Jules Kim', with a stylized, cursive script.

Jules Kim

Global Coordinator, Global Network of Sex Work Projects (NSWP)