



SEX WORKERS' LACK OF ACCESS TO JUSTICE

Sex workers face a wide range of barriers to accessing justice, both as victims of crime and when charged with crimes. Images by Molly Hankinson.



RECOMMENDATIONS



Decriminalise all aspects of sex work.



Hold law enforcement officers accountable for acts of violence and abuse against sex workers and ensure that victims of state violence have an enforceable right to compensation.



Invest in education and sensitivity training for law enforcement officers, judges and others working in the legal system.



Prioritise community-led provision of legal aid and training in legal literacy, including through training sex workers as paralegals.



Ensure the accessibility, acceptability and affordability of legal services for sex workers who are victims or accused of crimes.



Read the NSWP Briefing Paper on Sex Workers' Lack of Access to Justice: <https://www.nswp.org/resource/nswp-briefing-papers/briefing-paper-sex-workers-lack-access-justice> or <https://bit.ly/NSWP-justice>



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Criminalisation of sex work, stigma and discrimination, and police corruption and

violence limit the reporting of crimes to the police, the successful prosecution and conviction of perpetrators, and access to victim compensation and support services.

Sex workers around the world are frequently excluded from protection by employment legislation and labour rights, and experience discrimination in civil courts.



Many sex workers are unaware of their legal rights and lack equal access to legal information.

Access to justice is enshrined in international law, including in the Universal Declaration of Human Rights as the right to equal protection, due process, and freedom from arbitrary arrest and torture.



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CRIMINALISATION AND LEGAL OPPRESSION

Fear of being arrested or charged is a major barrier to sex workers reporting crimes against them to the police.



Anti-trafficking laws and practices that conflate sex work and trafficking are also a barrier to justice, especially for migrant sex workers.



Many sex workers face intersecting forms of criminalisation and discrimination that impact their access to justice because of their gender identity, sexual orientation, race, ethnicity, class, HIV status, country of origin and/or migration status.

ABUSIVE LAW ENFORCEMENT PRACTICES



Sex workers experience frequent physical, sexual and verbal abuse from law enforcement officers.



Sex workers are also victims of arbitrary arrest, extortion, unlawful detention and coercion.



Police often threaten or misinform sex workers to obtain a confession. Many sex workers pay fines or bribes to avoid detention and court, even when they are unlawfully arrested.

LACK OF LABOUR RIGHTS

The right to associate, unionise, and engage in collective bargaining are often denied and sex workers are excluded from redress when they experience workplace discrimination or injury.



Criminalisation excludes most sex workers from protection under labour laws. These include the right to safe work conditions, medical leave, minimum wages, pensions and social protection.



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Police often dismiss or ignore reports from sex workers about crimes against them.



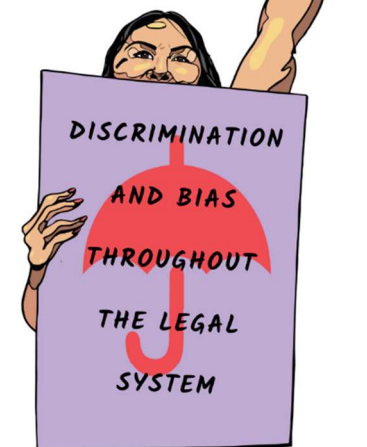
Prosecutors and judges may not pursue cases where sex workers are the victim or express bias towards them.



Crimes against sex workers are not taken as seriously as crimes against others and their testimony is given less weight than that of their perpetrators.



Sex workers may not have access to victims' compensation and are often not protected under laws that exclude victims' sexual history from evidence at trial.



Services for victims of crime, such as shelters and free legal aid, are often unavailable to sex workers.

In child custody cases, their status as sex workers is often used against them.

Sex workers often experience discrimination by government-provided legal aid services. Even when services are available, law enforcement officials often do not inform sex workers of their rights or of available services.



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