

# Social Protection and Sex Work



## The Smart Sex Worker's Guide



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

## **SEX WORK IS WORK:** **Only Rights Can** **Stop the Wrongs**

**The Global Network of Sex Work Projects (NSWP) exists to uphold the voice of sex workers globally and connect regional networks advocating for the rights of female, male and transgender sex workers. It advocates for rights-based health and social services, freedom from abuse and discrimination and self-determination for sex workers.**

The Global Network of Sex Work Projects uses a methodology that highlights and shares the knowledge, strategies, and experiences of sex workers and sex worker-led organisations. Smart Guides are the result of desk research and a global e-consultation with NSWP member organisations, including case studies from some members.

The term 'sex workers' reflects the immense diversity within the sex worker community including but not limited to: female, male and transgender sex workers; lesbian, gay and bi-sexual sex workers; male sex workers who identify as heterosexual; sex workers living with HIV and other diseases; sex workers who use drugs; young adult sex workers (between the ages of 18 and 29 years old); documented and undocumented migrant sex workers, as well as and displaced persons and refugees; sex workers living in both urban and rural areas; disabled sex workers; and sex workers who have been detained or incarcerated.

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# Introduction

**‘Social protection’ refers to measures designed to prevent and address situations which negatively affect people’s well-being, as well as measures which reduce vulnerability and facilitate social and economic stability. Social protection is a fundamental human right enshrined in core United Nations (UN) human rights instruments. Social protection systems also support the realisation of other human rights, such as the right to an adequate standard of living, the right to housing, education, and to the highest attainable standard of health, which includes sexual and reproductive health.**

Social protection schemes include measures such as financial and social assistance; health, social security and unemployment insurance; and welfare programmes which aim to reduce vulnerability associated with unemployment, disability, sickness, and old age. They can also include labour market interventions, such as job training and job-search services, as well as policies setting minimum wages and safe working conditions designed to promote employment, economic empowerment, and to protect workers. Social protection schemes can further address vulnerability by facilitating individuals’ access to health services, education, and housing.

Sex workers are frequently viewed as requiring protection due to the predominant misconception of sex workers as ‘victims’ of trafficking and exploitation. At the same time, most state social protection schemes do not include sex workers, and where sex workers are included, the programmes do not address their identified needs, but rather claim to ‘protect’ sex workers from themselves, whilst violating their human rights and undermining their agency and bodily autonomy. The COVID-19 pandemic has only further exposed the structural, social, and economic barriers that restrict sex workers’ access to social protection and exacerbate vulnerability.

This Smart Guide examines structural barriers which impede sex workers’ access to social protection measures, providing examples of how sex workers’ human rights are violated. These findings are based on a community consultation conducted with NSWHP members, as well as key informant interviews conducted with representatives of UN agencies. This guide also outlines the international human rights frameworks underpinning social protection and explains how they can be used by sex worker-led organisations to promote sex workers’ human rights. Lastly, this Smart Guide explores good practices in promoting sex workers’ access to social protection and offers recommendations for sex worker-led organisations, policymakers, and allies.

# Sex Workers' Access to Social Protection

**The term 'social protection' encompasses an array of public services, insurances, assistance measures, and policies aimed at reducing vulnerability and promoting wellbeing.**

Broadly, social protection measures fall into three categories:

**1 Social security and labour market policies** – these schemes are typically contributory and employment-based, meaning that workers and employers must pay into them to receive benefits and services. They can include social security benefits and insurance (including pensions) providing protection in the event of illness, disability, workplace accidents, loss of employment, maternity and paternity, and/or old age. They can also include labour market policies designed to promote employment and economic empowerment, and to protect workers. These policies and interventions may include job training and job-search services, as well as policies setting minimum wages and safe working conditions.

- 2 Social safety nets and assistance** – these measures can include transfers of cash and/or goods, vouchers, subsidies on housing and education, emergency assistance measures, and non-contributory social pensions to reduce poverty and vulnerability.
- 3 Social services** – these can include services for health, education, nutrition, unemployment, maternity, and widow or widower benefits.<sup>1</sup>

While nearly every country has some system of social protection, the scope, coverage, and efficacy of these systems vary greatly. Only 29% of the world's population has access to adequate social protection coverage, and key populations (gay men and other men who have sex with men, people who use drugs, sex workers, trans and gender diverse people, and prisoners and other incarcerated people) are recognised as social protection recipients in only 26 countries.<sup>2</sup>

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1 Joint United Nations Programme on HIV/AIDS (UNAIDS), 2018, "Social protection: a Fast-Track commitment to end AIDS – Guidance for policy-makers, and people living with, at risk of or affected by HIV."

2 UNAIDS, 2021, "Global AIDS Strategy 2021-2026 – End Inequalities. End AIDS," p. 84.

Sex workers are overwhelmingly excluded from national social protection systems, in violation of their fundamental human rights. Failure to recognise sex work as work, in addition to criminalisation, stigma and discrimination, compound sex workers' exclusion and foster economic insecurity. These barriers are multiplied for sex workers facing intersectional forms of oppression, based on migrant status, gender identity, sexual orientation, ethnicity, HIV status, drug use, and/or a prior involvement with the criminal justice system.

## **Criminalisation and Legal Barriers**

The criminalisation of sex work is one of the most significant structural barriers to accessing social protection, simultaneously exacerbating the social and economic marginalisation of sex workers. Criminalisation impedes sex workers' access to social protection in several key ways.

Individuals are often required to disclose their profession to access state social protection measures. However, the disclosure of one's status as a sex worker to government authorities can have serious legal repercussions, including arrest, detention, child custody loss, and in the case of migrant sex workers, deportation.

***“A [sex worker] had her children taken away when she sought help from a social service agency. She was struggling with homelessness and overwhelmed with two small children. She hoped to get emergency housing, food, and mental health assistance. Instead, they took her kids immediately and to date has been unable to reunite with them – it’s going on 7 years.”***

SEX WORKERS OUTREACH PROJECT – TUCSON, USA

If a sex worker identifies themselves as 'unemployed,' their financial details may nonetheless be scrutinised by state authorities to determine eligibility for insurance, services, or benefits. Some sex workers may also register themselves as 'self-employed' under a different occupation to avoid detection. However, fabricating details about one's income or lack of income can expose sex workers to further legal penalties.

Even in countries where it is possible to access social protections as a sex worker (such as countries where sex work is regulated through decriminalisation or legalisation), this is only possible with documents confirming legal residency and registration. As a result, many migrant sex workers are excluded from social protection schemes. Systemic racism, stigma, and discrimination further restrict migrant sex workers' access to critical information and services that could enable them to regularise their residency status and access social protection benefits.

***“Migrant sex workers are particularly discriminated against and misinformed, because the authorities do not want them to have access to social protection measures, and in particular anything that might facilitate the right to residence or regularisation through work, which to date remains impossible in practice, though possible in theory.”***

STRASS, FRANCE

Other groups of sex workers face additional legal barriers to accessing social protection based on their gender identity or expression, sexual orientation, drug use, HIV status, and/or prior conviction history. Trans and gender diverse sex workers, in addition to experiencing heightened stigma and discrimination, may lack necessary identity or registration documents which accurately reflect their gender. Sex workers who use drugs may avoid seeking out national social protection schemes due to drug testing and/or abstinence requirements, while sex workers with criminal records may be categorically denied the right to certain forms of social protection, such as housing or education assistance.

## Lack of Recognition of Sex Work as Work

Along with criminalisation, the lack of recognition of sex work as work impedes sex workers from being recognised as formal workers, excluding them from employment-based social protection benefits afforded to other workers. As workers in the ‘informal economy,’ sex workers are unable to access benefits such as sick leave, unemployment insurance, parental leave, or insurance or compensation in the event of a work-related injury.

Whereas workers in the formal economy may receive health insurance through an employer, in many countries, sex workers struggle to access health insurance. Even in countries where sex workers can obtain health insurance by registering as freelance or self-employed workers, insurance rates are often higher than for people who are formally employed. When sex workers try to apply for health insurance schemes, they may encounter discrimination from insurance companies.<sup>3</sup> Inadequate access to health insurance, along with a lack of paid sick leave, exacerbate sex workers’ vulnerability to poor health outcomes and economic hardship, as sex workers may be forced to make the difficult decision of either losing their income or working through illness.

The lack of recognition of sex work as work also means that sex workers cannot benefit from labour protections guaranteed to other workers, heightening their vulnerability to exploitation and abuse while denying them access to measures which would improve their health, economic security, and well-being.

***“If [sex work was recognised as work], people could have a better quality of life – physically, emotionally and economically – families with greater well-being, and a higher quality of work.”***

COLECTIVO SERES A.C., MEXICO

Fuelled by conflation of sex work with trafficking and exploitation, the widespread portrayal of sex workers as ‘victims,’ rather than workers, perpetuates harmful and misguided measures aimed at ‘protecting’ sex workers from themselves. Such programmes include ‘raid and rescue’ interventions and forced ‘rehabilitation’ or ‘exit’ programmes, which are not rights-based.<sup>4</sup>

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3 NSW, 2020, “Smart Sex Worker’s Guide to Decent Work.”

4 NSW, 2019, “Briefing Note: Social Protection.”



## Stigma and Discrimination

Stigma and discrimination significantly affect sex workers' access to social protection, fostering misinformation from the individual to the institutional levels. As a result, many sex workers internalise stigma and believe that they are not entitled to the same social protection benefits as others. This false belief can also extend to organisations and institutions which are tasked with supporting sex workers.

***“The criminalisation of sex work and accompanying stigma means sex workers often believe they do not have the same rights as other people to social protection. Even a prominent HIV organisation working with sex workers does not believe sex workers can apply for protection.”***

EMPOWER, THAILAND

Sex workers attempting to access state social protection services have reported poor treatment and even denial of services from public servants and service providers when they are outed or their occupation is disclosed. Such stigma and discrimination, amplified by factors such as migrant status, sexual orientation and gender identity, ethnicity, HIV status, and drug use, serve as a powerful deterrent for sex workers in need of support.

***“A sex worker had applied for social security, but she was recognised by the clerk and was told that they know what she does for living and that she must have been well paid, so she wouldn't need social security.”***

SEX WORKER, NORTH MACEDONIA

Stigma and discrimination perpetuate a cycle of vulnerability by excluding society's most criminalised and marginalised individuals – the very people social protection schemes are designed to support.

## The COVID-19 Pandemic and Emergency Response Considerations

The COVID-19 pandemic has further exposed the structural, social, and economic barriers that restrict sex workers' access to social protection, increase criminalisation and harassment, and exacerbate vulnerability. Due to criminalisation and the lack of recognition of sex work as work, during the pandemic many sex workers have not been able to access government support, which often requires details of employment history or proof of loss of income.<sup>5</sup> As a result, many sex workers have been left unprotected and excluded from national social protection schemes and government emergency measures.<sup>6</sup>

***“They do not give us the help we need, we do not have [food] to eat, we do not have money to pay for housing, they don’t let us work.”<sup>7</sup>***

SEX WORKER-LED ORGANISATION, EL SALVADOR

Some attempts to include sex workers in emergency response schemes have been met by backlash. In 2020 in Argentina, the Ministry of Social Development launched “ReNaTEP,” an online registry for informal workers to access to social benefits, including an emergency pandemic fund.<sup>8</sup> Initially, sex workers were listed as a category of worker within the scheme, and more than 800 sex workers applied for support within the first five hours of its launch. However, following pressure from fundamental feminists and abolitionist groups, the category of “sex worker” was removed from the registry, testifying to the ongoing challenges posed by criminalisation, stigma, and discrimination.

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5 NSW, 2021, “COVID-19 and Sex Workers/Sex Worker-led Organisations.”

6 UNAIDS and NSW, 2020, “Sex Workers must not be left behind in the response to COVID-19.”

7 NSW, 2020, “COVID-19 Impact Survey – Latin America.”

8 “ReNaTEP,” Ministry of Social Development of Argentina.

# Human Rights Frameworks and Mechanisms Underpinning Social Protection

**Social protection is a fundamental human right enshrined in core international and regional human rights instruments and is also related to realisation of other human rights, such as the right to an adequate standard of living, the right to housing, education, and to the highest attainable standard of health. This section outlines the main human rights instruments and mechanisms which can be used to advocate for sex workers' right to social protection, as well as strategies for advocacy and engagement.**

## **United Nations Universal Declaration of Human Rights (1948)**

The Universal Declaration of Human Rights (UDHR) sets out the fundamental human rights upon which all subsequent human rights treaties are based.<sup>9</sup> Crucially, it states that all human beings are born free and equal in status and right. The UDHR enshrines the right to social protection within several articles, highlighting the intersections between social protection and other core human rights, including the right to work in just and favourable conditions, and the right to an adequate standard of living.

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<sup>9</sup> UN General Assembly, 1948, "[Universal Declaration of Human Rights](#)."

## Relevant Articles

- **Article 22:** the right to social security, and to economic, social and cultural rights indispensable for dignity and the free development of one's personality.
- **Article 23:** the right to work, free choice of employment, and to just and favourable conditions of work, and to protection against unemployment; the right to just and favourable remuneration to ensure human dignity, and, if necessary, by other means of social protection; the right to form and join trade unions for the protection of interests.
- **Article 25:** the right to a standard of living adequate for health and well-being, including food, clothing, housing, and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood; special care and assistance for motherhood and childhood, including equal social protection for children born out of wedlock.

## Strategies for Advocacy

While the UDHR has no enforcement or compliance mechanism, unlike many other international human rights treaties, it remains symbolically significant as the founding document of contemporary human rights law. It may be useful for sex workers' rights activists to reference the UDHR in their advocacy efforts, although the impact may be limited. Nonetheless, it is important to acknowledge how the UDHR has laid the groundwork for promoting the right to social protection as part of broader economic, social, and cultural rights. The connections between social protection and employment, adequate standard of living, and human dignity reappear throughout core human rights conventions and labour standards at both the international and regional levels.

## International Covenant on Economic, Social and Cultural Rights (1966)

The right to social protection is most clearly articulated within the International Covenant on Economic, Social and Cultural Rights (ICESCR).<sup>10</sup> The ICESCR was adopted by the UN General Assembly in 1966 and entered into force in 1976. It contains a number of rights in the realm of economic, social, and cultural life, many of which can be used in advocacy for sex workers' rights. The right to social protection is enshrined within numerous articles of the ICESCR, including those related to work, adequate standard of living, health, and education.

### Relevant Articles

- **Article 6:** the right to work, including the right of everyone to the opportunity to gain their living by work which they freely choose or accept. Steps taken to achieve this right should include technical and vocational guidance and training, and policies and techniques to achieve full and productive employment under conditions safeguarding individual freedoms.
- **Article 7:** the right to just and favourable conditions of work, which ensure fair and equal remuneration, a decent living for themselves and their families, and safe and healthy working conditions.
- **Article 8(1)(a):** the right to form and join trade unions for the promotion and protection of economic and social interests.
- **Article 9:** the right to social security, including social insurance.
- **Article 10:** the right to the widest possible protection and assistance for the family, including special protection for mothers before and after childbirth. Working mothers have the right to paid leave or leave with adequate social security benefits. States must provide protection and assistance to children and young people without discrimination for reason of parentage or other conditions.
- **Article 11:** the right to an adequate standard of living, including adequate food, clothing, and housing.

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<sup>10</sup> UN General Assembly, 1966, "International Covenant on Economic, Social and Cultural Rights."

- **Article 12:** the right to the enjoyment of the highest attainable standard of physical and mental health, including measures taken by states parties to reduce stillbirths and infant mortality; improve environmental and industrial hygiene; prevent, treat, and control epidemic, endemic, occupational, and other diseases; and create conditions to assure all medical services and attention in the event of sickness.
- **Article 13(1):** the right of everyone to education, and that education shall be directed to the full development of the human personality and the sense of dignity, and shall strengthen the respect for human rights and fundamental freedoms.

## Strategies for Advocacy

The Committee on Economic, Social and Cultural Rights (CESCR) is the body responsible for monitoring state compliance with the ICESCR and issues general comments, concluding observations, and recommendations addressing its concerns. Over the years, the CESCR has issued numerous statements reaffirming and clarifying states' obligations to uphold the right to social protection, including General Comments No. 18 on the Right to Work,<sup>11</sup> No. 19 on the Right to Social Security,<sup>12</sup> and No. 23 on the Right to Just and Favourable Conditions of Work.<sup>13</sup>

There are different stages at which sex worker-led organisations can engage with the CESCR. Sex worker-led organisations can engage during the state review process by preparing and submitting alternative reports to the Committee surrounding the progress of states in implementing the Covenant. Submissions can be made individually by organisations, or jointly as part of civil society coalitions.

By engaging with the CESCR, sex worker-led organisations can help influence the Committee to make rights-affirming concluding observations and recommendations related to social protection. In 2016, NSWP member organisation Silver Rose, Russia, submitted an alternative report to the Committee, documenting the harms of criminalisation and police raids on sex workers' living and working conditions, vulnerability to violence, HIV and STIs.<sup>14</sup> Silver Rose presented their report to the Committee in Geneva.

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11 UN Committee on Economic, Social and Cultural Rights, 2006, "General Comment No. 18: The Right to Work (Art. 6 of the International Covenant on Economic, Social and Cultural Rights)."

12 UN Committee on Economic, Social and Cultural Rights, 2008, "General Comment No. 19: The Right to Social Security (Art. 9)."

13 UN Committee on Economic, Social and Cultural Rights, 2016, "General Comment No. 23 (2016) on the right to just and favourable conditions of work (article 7 of the International Covenant on Economic, Social and Cultural Rights)."

14 Silver Rose, 2016, "Submission for the Committee on Economic, Social and Cultural Rights on the implementation of the International Covenant on Economic, Social and Cultural Rights in the Russian Federation with regards to sex worker population."

Following this intervention, in their 2017 Concluding Observations on Russia, the Committee expressed concern that “the State party’s social security system does not completely cover various population groups, in particular...sex workers,” recommending that they develop “a universal social security system, with a view to providing full cover to all segments of its population.”<sup>15</sup> These concluding observations not only emphasise states’ obligations to include sex workers in social protection schemes, but demonstrate the CESCR’s receptiveness to arguments advanced by sex worker-led organisations.

Sex worker-led organisations can also conduct follow-up advocacy to call on states to implement CESCR recommendations that affirm sex workers’ rights. They can engage in media advocacy to publicise the relevant concluding observations. Sex worker-led organisations can also use rights-affirming recommendations and concluding observations for joint advocacy in partnership with other stakeholders, including civil society organisations from other movements and sectors, donors, trade unions, and national human rights organisations.

## Other UN Human Rights Conventions

The right to social protection has also been enshrined within a number of other UN human rights instruments, which can be used to advocate for the rights of sex workers and their families. Dedicated UN treaty bodies monitor the implementation of most of these conventions, offering different opportunities for civil society engagement as part of their review processes. More information on UN treaty bodies and their working methods can be found on the Office of the United Nations High Commissioner for Human Rights (OHCHR) Treaty Body website.<sup>16</sup>

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15 UN Committee on Economic, Social and Cultural Rights, 2017, “Concluding observations on the sixth periodic report of the Russian Federation,” para 36 and 37.

16 “Treaty Bodies,” United Nations Human Rights Office of the High Commissioner.

The following international human rights instruments contain articles which affirm and protect the human right to social protection:

- *Convention relating to the Status of Refugees* (1951) and *Convention relating to the Status of stateless Persons* (1954): **Article 24**
- *The Convention on the Elimination of All Forms of Racial Discrimination* (1965): **Article 5(e)(iv)**
- *The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)* (1979): **Article 11(1)(e)** and **Article 11(2)(b)**
- *Convention on the Rights of the Child* (1989): **Article 26**, **Article 27(1)**, **Article 27(2)** and **(3)**.
- *International Convention on the Protection of the Rights of All Migrant Workers and their Families* (1990): **Article 27**, **Article 54**
- *Convention on the Rights of Persons with Disabilities* (2006): **Article 28**
- *Declaration on the Rights of Indigenous Peoples* (2007): **Article 21(1)**

## The Human Rights Council

The UN system has also addressed the topic of social protection through the Human Rights Council (HRC), the primary body responsible for promoting the respect and protection of human rights and freedoms. Since 2006, the HRC has adopted dozens of resolutions referencing social protection and social security, including those concerning the right to work (HRC resolution 37/16),<sup>17</sup> the elimination of all forms of discrimination against women and girls (HRC resolution 38/1),<sup>18</sup> and human rights in the context of HIV and AIDS (HRC resolution 38/8).<sup>19</sup> These resolutions have underscored the centrality of social protection as a facilitator of human rights while highlighting critical gaps in implementation.

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17 UN General Assembly Human Rights Council, 2018, “[Resolution adopted by the Human Rights Council on 22 March 2018 – The Right to Work.](#)”

18 UN General Assembly Human Rights Council, 2018, “[Resolution adopted by the Human Rights Council on 5 July 2018 – The Elimination of all forms of discrimination against women and girls.](#)”

19 UN General Assembly Human Rights Council, 2018, “[Resolution adopted by the Human Rights Council on 5 July 2018 – Human rights in the context of HIV and AIDS.](#)”



## Strategies for Advocacy

Sex worker-led organisations can engage with the HRC by submitting reports on specific human rights violations in their country as part of the Universal Periodic Review (UPR) process, as well as by making submissions to Special Rapporteurs.

### *Universal Periodic Review*

The UPR is a process used by the UN Human Rights Council to review the human rights records of all UN member states. All UN members states undergo reviews every five years, during which NGOs can submit shadow reports regarding state compliance with human rights norms, including on social protection. In 2010, the sex worker-led organisations Best Practices Policy Project (BPPP), Desiree Alliance, and Sex Workers Outreach Project – NYC submitted a report to the HRC as part of the 9th UPR session of the United States of America. The report highlighted the negative impacts of criminalisation and stigmatisation, including on sex workers’ access to education, state-funded social services and public assistance, and public housing and housing assistance.<sup>20</sup> Representatives spoke at the HRC in Geneva. As a result, delegates from Uruguay proposed Recommendation 86 to the USA to “undertake awareness-raising campaigns for combating stereotypes and violence against gays, lesbians, bisexuals and transsexuals, and ensure access to public services paying attention to the special vulnerability of sexual workers to violence and human rights abuses.”<sup>21</sup>

In 2011, the USA adopted Recommendation 86, stating that “No one should face violence or discrimination in access to public services based on sexual orientation or their status as a person in prostitution.”<sup>22</sup> Accepting Recommendation 86 has obligated the USA to increase human rights protections for sex workers, while reaffirming sex worker-led organisations’ capacity to promote positive change at the national level through engagement during the UPR process.

Guidelines for civil society contributions and submissions to the UPR can be found on the OHCHR website.<sup>23</sup>

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20 “U.S. Sex Worker Rights Activists Call for UN to hold U.S. Government Accountable,” NSWFP.

21 UN General Assembly, 2011, “Report of the Working Group on the Universal Periodic Review – United States of America.”

22 “Rights concerns acknowledged at the UN,” Best Practices Policy Project.

23 “4th UPR cycle: contributions and participation of ‘other stakeholders’ in the UPR,” UN Human Rights Council.

## UN Special Rapporteurs

UN Special Rapporteurs, also known as the Special Procedures of the Human Rights Council, are independent experts who report and advise on human rights. UN Special Rapporteurs conduct country visits and produce thematic studies. Sex worker-led organisations can engage with Special Rapporteurs by providing them with information and analyses on human rights violations in response to calls for submissions, and then helping to disseminate their findings. They can assist in follow-up activities and help develop and implement national policies and programmes for human rights education. Sex worker-led organisations and sex worker rights advocates can meet with rapporteurs when they convene in Geneva and New York, as well as during field missions.

Special Rapporteurs have regularly affirmed sex workers' rights in their official reports as a result of contributions from sex worker-led organisations and their allies. In recent years, NSWP has raised the issue of social protection for sex workers in multiple submissions to Special Rapporteurs, including the Special Rapporteur on Health and the Special Rapporteur on Housing. Given the many connections that can be made between social protection, health, employment rights, housing, education, and emergency responses (such as state responses to the COVID-19 pandemic), there are numerous opportunities to advocate for sex workers' right to social protection through UN Special Procedures.

## UN Sustainable Development Goals

The 2030 Agenda for Sustainable Development, adopted by all UN Member States in 2015, outlines 17 Sustainable Development Goals (SDGs) calling states to eliminate poverty, reduce inequality, improve health and education, and promote economic growth. These SDGs contain several targets related to social protection, including:

- **Target 1.3:** Implement nationally appropriate social protection systems and measures for all, including floors, and by 2030 achieve substantial coverage of the poor and the vulnerable.<sup>24</sup>
- **Target 3.8:** Achieve universal health coverage (UHC), including financial risk protection, access to quality essential health care services, and access to safe, effective, quality, and affordable essential medicines and vaccines for all.<sup>25</sup>
- **Target 8.8:** Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment.<sup>26</sup>

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24 “Goal 1: End poverty in all its forms everywhere,” United Nations Department of Economic and Social Affairs

25 “Goal 3: Ensure healthy lives and promote well-being for all at all ages,” United Nations Department of Economic and Social Affairs

26 “Goal 8: Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all,” United Nations Department of Economic and Social Affairs

Sex worker-led organisations and their allies can leverage commitments from governments towards achieving the SDGs to strengthen their advocacy in the realm of social protection. Targets 1.3, 3.8, and 8.8 can be referenced to hold governments accountable for extending the coverage of national social protection systems to include sex workers, promoting UHC, and ensuring safe and healthy working environments for all workers. More information on the challenges surrounding UHC, and the steps sex workers can take to advocate for UHC, can be found in NSWSP's briefing paper, *Universal Health Coverage: Putting the Last Mile First*.<sup>27</sup>

## Regional Human Rights Instruments and Social Protection

The right to social protection is also enshrined within numerous regional human rights instruments, which can be used to support advocacy at the regional and national level.

### Africa and Middle East

- *The African Charter of Human and People's Rights* (1981): while there is no specific provision related to social security, **Article 16** protects the right to health and **Article 18(4)** ensures the right of the aged and disabled to special measures of protection.<sup>28</sup>
- *The Arab Charter on Human Rights* (2004): **Article 36** provides that states should ensure every citizen's right to social security, including social insurance.<sup>29</sup>

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27 NSWSP, 2020, "[Universal Health Coverage: Putting the Last Mile First](#)."

28 Organization of African Unity, 1981, "[African Charter on Human and Peoples' Rights](#)."

29 League of Arab States, 2004, "[The Arab Charter on Human Rights](#)."

## Americas (includes North America and Caribbean and Latin America)

- *American Declaration on the Rights and Duties of Man* (1948): **Article 16** recognises the right of everyone to social security.<sup>30</sup>
- *Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights* (1988): Includes provisions within **Article 9** on the Right to Social Security and **Article 10** on the Right to Health.<sup>31</sup>
- *Inter-American Convention on the Protection of the Human Rights of Older Persons* (2015): Includes provisions within **Article 17**, the Right to Social Security.<sup>32</sup>

## Asia-Pacific

- *ASEAN Human Rights Declaration* (2012): Includes provisions within **Article 28** on the right of adequate standard of living and **Article 30** on the right to social security.<sup>33</sup>

## Europe and Central Asia

- *The European Social Charter* (1961): **Article 12** requires states to establish or maintain a system of social security; **Article 13** recognises the right to social and medical assistance; **Article 16** provides for family benefits.<sup>34</sup>
- *Charter of Fundamental Rights of the European Union* (2000): **Article 34** recognises the entitlement to social security benefits and social services providing protection in cases including maternity, illness, industrial accidents, dependency or old age, loss of employment, and other instances. **Article 35** provides that everyone has the access to preventative health care.<sup>35</sup>
- *Commonwealth of Independent States Convention on Human Rights and Fundamental Freedoms* (1995): **Article 15** calls on states to take measures to protect health; **Article 16** ensures the right to social security, including social insurance.<sup>36</sup>

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30 Organization of American States, 1948, “American Declaration of the Rights and Duties of Man.”

31 Organization of American States, 1988, “Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights ‘Protocol of San Salvador.’”

32 Organization of American States, 2015, “Inter-American Convention on Protecting the Human Rights of Older Persons (A-70).”

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33 Association of Southeast Asian Nations, 2012, “ASEAN Human Rights Declaration.”

34 Council of Europe, 1961, “European Social Charter.”

35 The European Parliament, 2000, “Charter of Fundamental Rights of the European Union.”

36 Commonwealth of Independent States, 1995, “Commonwealth of Independent States Convention on Human Rights and Fundamental Freedoms.”

# International Labour and Social Protection Standards

**The right to social protection is closely interconnected with labour rights, as many forms of social protection are defined within international and national labour laws. The International Labour Organization (ILO) is the United Nations agency responsible for promoting social and economic justice through international labour standards and guidance. Although the ILO has not called for the decriminalisation of sex work, they have specifically acknowledged sex workers as being part of “informal economies,” as noted within the Drafting Committee minutes<sup>37</sup> of Recommendation 200 concerning HIV and AIDS and the world of work.<sup>38</sup> Therefore, ILO guidance which covers the breadth of formal and informal workers also applies to sex workers.**

The ILO has adopted numerous conventions which affirm the right to social protection as part of a labour rights framework and clarify the duty of states to provide and maintain social security standards, promote equality of treatment, and offer benefits to employees and their families. These conventions include:

- Social Security (Minimum Standards) Convention, 1952 (No. 102)
- Equality of Treatment (Social Security) Convention, 1962 (No. 118)
- Maintenance of Social Security Rights Convention, 1982 (No. 157) and Maintenance of Social Security Rights Recommendation, 1983 (No. 167)
- Employment Injury Benefits Convention, 1964 (No. 121)
- Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128)

To address ongoing inequities in labour rights and social protection, including for individuals working in the informal economy, the ILO has also issued the *Social Protection Floors Recommendation* (No. 202) and set forth the Decent Work Agenda. These standards are particularly relevant for promoting the recognition of sex work as work and advocating for sex workers' fundamental right to enjoy safe, healthy, and equitable working conditions.

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<sup>37</sup> International Labour Organization, 2010, “Fifth item on the agenda: HIV/AIDS and the world of work – Report of the Committee on HIV/AIDS.”

<sup>38</sup> International Labour Organization, 2010, “Recommendation 200: Recommendation concerning HIV and AIDS and the world of work.”

## ILO Social Protection Floors Recommendation (No. 202)

The ILO's Social Protection Floors Recommendation (No. 202) was the first international instrument offering guidance to reduce inequities in social protection. This guidance also applies to informal workers, which includes sex workers. Recommendation No. 202 calls on states to implement a set of basic social security guarantees, known as 'social protection floors,' as part of their national security systems to prevent and reduce poverty, vulnerability, and exclusion. These social protection floors must include access to:

- Essential health care (including maternity care)
- Basic income security for children
- Basic income security for people of working age who are unable to earn sufficient income
- Basic income security for older people

The Recommendation also calls on states to extend social security benefits to as many people as possible, including by “reducing informality” and supporting people’s transition from informal to formal employment.<sup>39</sup> This recommendation can be leveraged to support advocacy for the recognition of sex work as work and the decriminalisation of sex work, which would allow sex workers to join the formal economy and increase their access to social protection schemes.

The principles contained within Recommendation No. 202 have been reaffirmed by other UN human rights bodies, including the HRC, which has urged states to implement social protection floors, as part of comprehensive social protection systems, for the realisation of economic, social, and cultural rights.<sup>40</sup>

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39 International Labour Organization, 2012, “Social Protection Floors Recommendation (No. 202).”

40 UN General Assembly Human Rights Council, 2015, “Resolution 28/12 on the Question of the realization in all countries of economic, social and cultural rights.”

## Decent Work Agenda

In 2015, the ILO established the Decent Work Agenda to put forth solutions to precarity in formal and informal work. The Decent Work Agenda includes four pillars: employment creation, social protection, rights at work, and social dialogue.<sup>41</sup> Decent work and its four pillars have become integral elements of the 2030 Agenda for Sustainable Development, with key aspects of decent work embedded in many SDG targets. Even though sex workers are entitled to the same rights and protections as other workers, they have not yet been explicitly included in the ILO's Decent Work Agenda. Despite this, advocates for sex workers' rights can still use this framework to support their calls for realisation of their labour rights and increased access to social protection. As the global sex workers' rights movement campaigns for the recognition of sex work as work, it is increasingly important to re-emphasise how the standards of decent work must apply to sex workers. More information can be found within NSWP's Smart Sex Worker's Guide to Decent Work.<sup>42</sup>

## Strategies for Advocacy

As an international body that works with governments, the ILO has a pivotal role to play in influencing rights-based policies on sex work. Therefore, to effectively support the inclusion of sex workers in social protection schemes and other decent work policies at the national level, sex worker-led organisations need to advocate for ILO to explicitly recognise sex work as a form of work, that cannot be criminalised. This can be facilitated through sex worker-led organisations at national, regional, and global levels, proactive engagement, and building alliances with the labour movement and trade unions. Regardless of whether ILO recognises sex work as formal work, they should endorse the efforts of sex worker-led organisations to promote social protection for sex workers in line with their four pillars of decent work.

Sex worker-led organisations can also refer to the ILO's international labour conventions, recommendations, and frameworks to support their advocacy for social protection at the national level. As part of this, sex worker-led organisations should familiarise themselves with national labour and social protection policies in their respective countries, which can be cross-referenced with ILO standards to hold governments accountable.

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41 "Decent work," International Labour Organization.

42 NSWP, 2020, "[Smart Sex Worker's Guide to Decent Work](#)."



# Good Practices in Social Protection for Sex Workers

## Decriminalisation of Sex Work

In order to promote sex workers' equal access to the full range of social protection entitlements, structural barriers must be addressed. Governments must recognise sex work as work, and all aspects of sex work must be fully decriminalised, including the sale, purchase, advertisement, and involvement of third parties. In jurisdictions where sex work has been decriminalised, such as New Zealand, sex workers enjoy the same access to social security benefits as other workers, and are protected by occupational health and safety standards.<sup>43</sup> During the COVID-19 pandemic, sex workers in New Zealand also reported being able to quickly and easily access government emergency wage subsidies for workers, along with job-seeker benefits, providing them with greater flexibility in the event of loss of employment or change of profession.<sup>44</sup>

In most countries where sex work is criminalised, the COVID-19 pandemic merely exposed and exacerbated the deep structural barriers impeding sex workers' access to social protection. In some countries, however, it also served as a catalyst for policy change. In Belgium, powerful images of sex workers standing outside in food lines, unable to work or receive unemployment benefits during the pandemic, shocked policymakers and the public.

As a result, in March 2022, the Belgian Parliament passed a historic vote to decriminalise sex work – a victory propelled by years of advocacy and the unprecedented visibility of sex workers' exclusion from social protection.<sup>45</sup>

***“Belgium has a high standard of living because of a huge social safety net... So people were actually quite shocked that sex workers just had no government support, when every other sector did... People could see lines of sex workers in the streets queueing for [food distributions] and that visibility was so important.”<sup>46</sup>***

DAAN BAUWENS, DIRECTOR OF UTSOPI, BELGIUM

This shift represents a major achievement and underscores the power and importance of social protection as a rallying point for sex workers' rights advocacy.

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43 NSWP, 2020, “Smart Sex Worker’s Guide to Decent Work.”

44 Anna Louie Sussman, “‘Don’t have to fight for pennies’: New Zealand safety net helps sex workers in lockdown,” *The Guardian*, 28 April 2020.

45 Joanna Gill, “How COVID-19 helped sex workers in Belgium make history,” Thomas Reuters Foundation, 31 May 2022.

46 Marin Scarlett, “In Conversation With: Daan and Laïs, Director and Co-President of Utsopi,” *European Sex Workers Rights Alliance*, 4 April 2022.



## Expanding National Social Protection Frameworks

Even where sex work remains criminalised, governments can still take measures to promote the rights of sex workers and other informal workers to social protection. This would entail expanding the coverage of existing national social protection mechanisms to previously excluded groups, as well as adapting policies to accommodate different forms of employment, including within the informal sector. Upholding the right of sex workers to social protection in this manner would not only foster social and economic security, but would also reinforce the recognition of sex work as work, supporting sex workers' fight for other labour rights and protections.

***“In many countries where the informal sector is large, social security benefits of different types are one of the means through which workers are able to be recognised as workers. Such benefits, which should be seen as entitlements, are very important, particularly for sex workers, because once they can have access to them, then they can either expand on them and/or continue on the struggle for other workers' rights.”***

IGOR BOSCH, CHIEF TECHNICAL ADVISOR –  
WORK IN FREEDOM PROGRAMME, ILO

The COVID-19 pandemic has also offered opportunities and impetus for some governments to expand their social protection systems. The vulnerabilities exposed by the pandemic prompted governments to provide emergency assistance for informal workers, with or without explicit mention of sex workers. In some cases, such as Argentina, the mention of sex work ushered backlash from fundamental feminists and abolitionist groups, while in others, sex workers have gained lasting recognition within national social protection frameworks.

In India, in September 2020, amidst reports of sex workers starving due to loss of income during COVID-19 lockdowns and not having access to social protection schemes, the Supreme Court ordered state and local governments to provide sex workers with ration cards, even if they lacked the formal identification normally required. In December 2021, state and local governments were then ordered to allow sex workers to register in India's biometric ID system to further facilitate their access to ration cards. These measures have not only increased sex workers' access to essential support measures during the pandemic but have facilitated the greater recognition of sex workers' rights and the regularisation of their status. In 2022, India's Supreme Court defined sex work as a profession, reaffirming the health and labour protections introduced during the pandemic.<sup>47</sup> While such measures fall short of ensuring sex workers' access to the full range of social protection entitlements, and are already attracting backlash,<sup>48</sup> they are an important step in addressing structural barriers and recognising sex workers as rights-bearers.

47 Miriam Berger, “India's sex workers win new rights, but still fear police violence,” *The Washington Post*, 30 May 2022.

48 “Sex workers in India celebrate Supreme Court ruling recognising sex work as a ‘profession,’” *NSWP*, 1 June 2022.

## Sex Worker-Led Social Protection Initiatives

Sex worker-led organisations play an integral role in increasing their communities' access to social protection through service provision, case management, providing linkages to state support, and advocacy. For years, sex worker-led organisations have delivered health and social services directly to their communities to address critical gaps in public health care and social services. Examples of such interventions have included community-led HIV and STI programming for sex workers, housing and education support for sex workers and their families, and economic empowerment initiatives.

In Chiang Mai, Thailand, the sex worker-led organisation Empower founded the Can Do Bar, a sex worker-owned and -run bar which operates in accordance with the Thai Labour Protection Act. Sex worker staff are enrolled in the national social security scheme and can also receive job and skills training to promote their economic empowerment. Despite being told for years that sex workers could not join the social security system, Empower managed to obtain a social security scheme for all workers in the bar, covering unemployment benefits, pension, maternity leave, and other basic labour rights. The Can Do Bar has since become a working model for other bars in Thailand, some of which have implemented its social security scheme for workers.<sup>49</sup>

Sex worker-led organisations have also collaborated with diverse stakeholders to increase sex workers' access to social protection measures, including policymakers, NGOs, and service providers. In France, where health insurance coverage is mandatory, many health insurance companies discriminate against and refuse to insure sex workers. To address this problem, STRASS collaborated with a small health insurance company to set up an affordable insurance scheme for sex workers, which would guarantee anonymity and would not require applicants to disclose their occupation. STRASS also negotiated a sick pay fund through the company, covering sex workers' income in the event of long-term illness or hospitalisation costs in the event of an accident. Work on setting up a pension system for sex workers has also begun.<sup>50</sup>

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49 NSWP, 2020, "Economic Empowerment for Sex Workers."

50 NSWP, 2020, "Smart Sex Worker's Guide to Decent Work."

Sex worker-led organisations have also demonstrated their ability to efficiently address their communities' needs in times of crisis. During the COVID-19 pandemic, after sex workers were excluded from emergency relief measures and national social protection schemes, sex worker-led organisations quickly mobilised. Sex worker-led emergency responses during the pandemic included the establishment of mutual aid funds for community members in need; delivering food packages, hygiene kits, essential medicines and other commodities; and securing housing for homeless sex workers.<sup>51</sup>

***“During COVID-19... many [sex workers] starved, but were saved by sex worker-led organisations who fundraised from donors to support them.”***

UGANDA NETWORK FOR SEX WORKER-LED ORGANISATIONS, UGANDA

Lastly, sex worker-led organisations have advocated directly to local and national governments for policy change which would increase sex workers' access social protection. In jurisdictions such as New Zealand and parts of Australia, where sex work has been decriminalised thanks to the advocacy of sex worker-led organisations, sex workers have also been able to take active roles in developing workplace regulations together with governments.<sup>52</sup> While this process is often slow and fraught with challenges, it is an important long-term strategy to foster systemic change.

***“Sex workers do not have any social benefits guaranteed by law, so in Guanajuato we are working hard so that legislators adopt compensatory measures and guarantee their rights in the local constitution.”***

COLECTIVO SERES A.C., MEXICO

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51 NSW, 2022, “Smart Sex Worker’s Guide to Community-led Responses to COVID-19.”

52 NSW, 2020, “Smart Sex Worker’s Guide to Decriminalisation.”

# Recommendations for Sex Workers' Rights Organisations, Policymakers, and Allies

- Recognise sex work as work. When sex work is not recognised as a legitimate form of work, sex workers are denied access to the full range of social protection benefits and labour protections afforded to other workers.
- Governments, policymakers, and civil society advocates must actively work towards the full decriminalisation of sex work, including sex workers, clients and third parties, given that criminalisation significantly impedes sex workers' access to social protection benefits and labour rights.
- Address the widespread stigma and discrimination that prevents sex workers from accessing social protection services at all levels.
- Expand national legislation and policies to explicitly include sex workers and other 'informal' workers within social protection schemes and labour rights frameworks.
- Invest in community capacity-building to increase sex workers' awareness of human rights and labour frameworks that underpin social protection, as well as social protection entitlements at the national level. This knowledge will not only strengthen advocacy but will empower sex workers to access social protection schemes which are available to them.
- Conduct community-led research to gather data on sex workers' exclusion from social protection schemes. This evidence can be used to hold governments accountable and strengthen advocacy at the national and international levels, including through the submission of reports to international treaty bodies and as part of UN Special Procedures.
- Promote the meaningful involvement of sex workers in the design and implementation of social protection programmes to ensure that they are accessible and meet sex workers' needs.
- Promote the meaningful involvement of sex workers in crisis preparedness and emergency response planning. Ensure that plans for future crises, emergencies, and pandemics include financial and other support for sex workers in need, regardless of employment or immigration status.
- Increase flexible funding for sex worker-led organisations to implement emergency response and other social protection measures in the event of future crises and emergencies.
- Build and strengthen alliances with likeminded organisations and movements, including key population-led organisations and networks, labour movements and trade unions, migrants' rights organisations, and other human rights stakeholders, to jointly address structural and policy barriers that obstruct access to social protection benefits.

# Conclusion

Social protection is a fundamental human right which is closely connected to the goals of the sex workers' rights movement: full decriminalisation, the recognition of sex work as work, and the promotion of access health and human rights. The COVID-19 pandemic has only further exposed the devastating consequences of sex workers' exclusion from national social protection and emergency responses. For that reason, there has never been a more critical and opportune moment for sex worker-led organisations to advocate for the inclusion of sex workers in national social protection schemes and emergency responses.

In addition to continuing advocacy to address structural barriers, sex worker-led organisations need to engage in community capacity-building to increase awareness of human rights and labour frameworks, while gathering data surrounding sex workers' exclusion from social protection schemes. These efforts will bring greater attention to the widespread stigma and discrimination experienced by sex workers that results in their exclusion from national social protection schemes, as well as to the consequences of this exclusion.



**nswp**

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

## **SOLIDARITY IN ACTION**

**Even before the HIV epidemic, sex workers were organising themselves. NSWP, as a global network of sex worker-led organisations, has strong regional and national networks across five regions: Africa; Asia-Pacific; Europe (including Eastern Europe and Central Asia); Latin America; and North America and the Caribbean.**

NSWP has a global Secretariat in Scotland, UK, with staff to carry out a programme of advocacy, capacity building and communications. Its members are local, national or regional sex worker-led organisations and networks committed to amplifying the voices of sex workers.



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