

Explaining Sex Worker Rights and Regulations

WHAT ARE SEX WORKER RIGHTS?

Sex workers' rights encompass a variety of goals being pursued by sex workers, advocates and organizations. They include a wide range of human, health, civil and labor rights of sex workers.

The sex worker rights movement goals are diverse and vary from country to country and even between cities, but generally aim to decriminalize and destigmatize sex work and ensure that sex workers are treated fairly by government, private, and broader society.

WHO IS A SEX WORKER ?

The term sex work is most frequently used to refer to the exchange of sex for money, drugs, or other things, especially in health literature. However, as a movement, we use it as an umbrella term - to describe full-service sex workers, adult video performers, phone sex operators, dancers in strip clubs, and others who provide sexually-related services.

WHAT HUMAN RIGHTS ISSUES DO SEX WORKERS FACE?

Sex workers face a myriad of human rights issues. In the United States, the following issues are particularly common:

Discrimination from health care, immigration officials, housing, family court systems, lending and educational institutions, & broader society.

Verbal and Physical Violence from law enforcement, intimate partners, communities, clients, and management.

Discrimination against sex workers in India is as much an issue as the discrimination faced by other marginalized groups along lines of class, caste, race or religion.

The result of this stigma is the denial of basic rights for both sex workers and their families: women cannot access good health care and are often subject to abuse, violence and exploitation by police and government officials, while their children face harassment in schools and the workplace.

-SANGRAM (INDIA)

The decriminalization model is the only legal model for sex work that is based within a human rights framework Criminalization reinforces stigma against sex workers that facilitates continued violations of human rights.

-SWEAT & SISKONE (SOUTH AFRICA)

What we want is a refocusing of laws to tackle acts of exploitation, abuse and trafficking – rather than catch-all offences that only criminalize and endanger sex workers.

-CATHERINE MURPHY, AMNESTY INTERNATIONAL

Asset Seizure by the government and private financial institutions.

Racial and Gender-Based Profiling, resulting in the false profiling of people of color and trans women in public spaces.

Obstruction of a Safe Work Environment - Perpetual raids on or closures of strolls, red light districts, massage parlours, or online adult work spaces disrupt communities. Sex workers rely on each other and these systems to stay safe and economically independent.

Condom Seizure by police, or the use of condoms as evidence.

Forced HIV and STI Testing

Arrest, Detention, and Deportation, including of victims of trafficking and children, often under the guise of rescuing victims.

Inability to Find Mainstream, Livable Wage Work due to race, gender identity, status as a single parent, criminal history, or simply economic inequality and unemployment rates.

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SOME GLOBAL SEX WORKER RIGHTS GOALS

- Stop police harassment of and violence against sex workers.
- Ensure sex workers have access to safe, fair working conditions.
- Eliminate barriers to health care, housing, mainstream employment, and financial services.
- End stigma and discrimination.
- Identify and assist victims of sex trafficking and reduce vulnerabilities to trafficking.
- Increase economic, racial and gender equality to address economic compulsion.
- Stop harmful brothel raids, sting operations, and crackdowns on sex worker communities online and outdoors.
- Decriminalize sex work.

Criminalization of sexual and gender minorities, sex work and drug use contributes to stigma, discrimination and violence against key populations, including by state actors, and is a key barrier to an evidence-informed, rights-based AIDS response.

-UNAIDS

When sex workers are no longer seen and treated as 'criminals' or 'accomplices' they are less at risk of aggressive police tactics and can demand and enjoy better relationships with and protection from police. Decriminalization returns rights to the workers, making them free agents.

-AMNESTY INTERNATIONAL

Most interviewees cited a stable workplace with regular clients as key to maintaining 'good' work conditions and improving safety. The majority of participants agreed that working with others – was crucial in dealing with problems that arise at work.

- X:TALK, A MIGRANT SEX WORKERS ORGANISATION, (UK)

REGULATING COMMERCIAL SEX

Criminalization - Criminalizes both clients and sex workers. This enables abuse of sex workers by law enforcement and clients. It disenfranchises and isolates sex workers. And it doesn't stop people from engaging in commercial sex.

Nordic Model - Aims to reduce the harms of criminalization by only criminalizing clients and third parties. However, sex workers that share an apartment or work together are liable under third party laws, as are family members they share finances with and land lords. While clients are criminalized, this does not deter all clients equally, nor does it shift power imbalances between sex workers and clients. Frequently, sex workers wind up jeopardizing their own safety and screening practices to meet the needs of and new fears of their clients.

Legalization - Creates specific sex industry laws, allowing people to engage in commercial sex in specific contexts, like brothels or red light districts, if they register and qualify for and comply with the terms of registration.

There are a number of issues with legalization: it can force sex workers to work in brothels, for management, which reduces sex worker power, autonomy, and invites labor exploitation and rights abuses. It can force sex workers into more dangerous areas. Registration can impede the ability of sex workers to travel or later get mainstream work due to stigma and travel bans on individuals who have engaged in commercial sex. It can force unnecessary, invasive tests onto sex workers. In order to work legally. Perhaps most importantly, legal regimes often it continues to criminalize the most vulnerable sex workers, such as street-based sex workers and migrant sex workers.

Decriminalization - Removes all laws that could directly or indirectly criminalize or penalize an individual sex worker for engaging in commercial sex, and allows limited regulation of formal, commercial businesses. General tax, business, and criminal laws still apply. This improves sex worker relationships with law enforcement, reduces opportunities for abuse of power by police, increases sex worker autonomy, and ensures the most vulnerable groups of sex workers are not criminalized for their involvement in commercial sex.

However, sex workers are often criminalized in multiple ways. Even when sex work is decriminalized, many sex workers are still vulnerable under laws that criminalize drug users, migrant workers and homeless populations: laws against loitering, public alcohol consumption, trespassing, drug possession or sale, survival crimes or undocumented work. It is crucially important to work with harm reduction, homeless, prison and immigration reform advocates to fight the criminalization of not only sex work but the many ways that individual sex workers are criminalized.