

# CONSENSUS STATEMENT

## On Sex Work, Human Rights, and the Law

*a summary*



**nswp**

Global Network of Sex Work Projects



**Following a global consultation with members, the NSWP Consensus Statement reaffirms NSWP’s global advocacy platform for sex work, human rights and the law. NSWP membership comprises more than 160 sex worker organisations in over 60 countries across the globe, including local, regional and national networks. The Consensus Statement is issued on behalf of NSWP members and the sex workers they represent including sex workers of all genders<sup>1</sup>, class, race, ethnicity, health status, age, nationality, citizenship, language, education levels, disabilities, and many other factors.**

**NSWP would like to thank Open Society Foundations’ Public Health Program (SHARP) for financial support and all the NSWP member organisations who took part in producing this document.**

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<sup>1</sup> In this statement, ‘sex workers of all genders’ refers to female, male and trans-identified sex workers. Sex workers across the world use different terminology to refer to trans communities – we use the term trans in a global context but different terminology in regional contexts.

## **THIS CONSENSUS STATEMENT IS GUIDED BY NSWP'S CORE VALUES:**

- 1 Acceptance of sex work as work.**
- 2 Opposition to all forms of criminalisation and all other legal oppression of sex work (including sex workers, clients, third parties\*, families, partners and friends).**
- 3 Support self-organisation and self-determination of sex workers.**

**\*The term 'third parties' includes managers, brothel keepers, receptionists, maids, drivers, landlords, hotels who rent rooms to sex workers and anyone else who is seen as facilitating sex work**

This summary document outlines 8 rights that have been recognised and ratified by most countries as fundamental human rights – these 8 rights are established in various international human rights treaties, as well as national constitutions.

**NSWP and other social justice groups argue that states are responsible to proactively protect fundamental rights and take measures that will help to protect, respect and fulfil these rights for all. To see the FULL Consensus Statement that also includes NSWP demands for these measures as well as how these rights are violated, please visit [our website](#).**

# 1

## Right to associate and organise

### Sex workers have the fundamental right to:

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

# 2

## Right to be protected by the law

### Sex workers have the fundamental right to:

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

# 3

## Right to be free from violence

### Sex workers have the fundamental right to:

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

# 4

## Right to be free from discrimination

### Sex workers have the fundamental right to:

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

# 5

## Right to privacy and freedom from arbitrary interference

### Sex workers have the fundamental right to:

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



# 6

## Right to health

### Sex workers have the fundamental right to:

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

# 7

## Right to move and to migrate

### Sex workers have the fundamental right to:

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

# 8

## Right to work and free choice of employment

### Sex workers have the fundamental right to:

- Work and free choice of employment (including sex workers living with HIV).
- Regulatory frameworks that govern labour conditions and occupational health and safety. At a minimum, sex work must be consistent with the fundamental principles of the ILO and must receive the same rights and legal protections as other groups of workers.
- Safe and healthy workplaces in which sex workers are fairly compensated and are treated with respect, and which are free from health hazards and abuse including sexual violence and physical violence.
- No discriminatory dismissal from employment based on sex work history.
- Equal access to labour codes and to other labour rights.



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Promoting Health and Human Rights

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