

BSAMUN 2024

Human Rights Council

Examining the Rights and Autonomy of Sex Workers

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Introduction

Sex work, the exchange of sexual services for money or goods, remains a contentious and complex issue globally, touching upon matters of human rights, social justice, and public health. The issue of the rights and autonomy of sex workers has garnered increasing attention, reflecting evolving societal perceptions and the recognition of sex work as an integral part of many economies, cultures and societies. The landscape of sex work is characterised by diversity, complexity and intersecting inequalities, influenced heavily by factors such as gender, race, class and nationality. Sex workers globally face varying vulnerabilities, access to resources and experiences of discrimination and marginalisation. Sex work-associated legislation is globally diverse and seeks to strike a balance between upholding the autonomy of sex workers, and cultural values as a reduction in accosted crimes such as human trafficking or sexual exploitation. Addressing the rights and autonomy of sex workers requires a holistic understanding of these intersecting dynamics, and a commitment to upholding the principles of equity, dignity and human rights while navigating complicated cultural and societal perceptions.

Key Terms


Sex Work: The exchange of sexual services, performances or products for material compensation (money and/or goods).

Prostitution: The act of engaging in sexual activity with someone in exchange for a form of payment.

Decriminalisation: Removing criminal penalties associated with sex work.

Autonomy: The rights of individuals to make decisions about their own bodies and lives.

Labour Rights: The rights of workers to fair wages, safe working conditions and freedom from discrimination or unfair treatment by employers.



Trafficking: The recruitment, transportation, transfer, harbouring, or receipt of persons by improper means (such as force, abduction, fraud or coercion) for an improper purpose (such as forced labour or sexual exploitation).

Brothel: A house where individuals go to visit prostitutes.


Curb Crawling: The act of driving slowly around certain areas in search of prostitutes to solicit

Pimping: The action or practice of controlling prostitutes and arranging clients for them, taking part of their earnings in return.

Solicitation: The act of accosting someone and offering one's or someone else's services as a prostitute.

General Overview

The issue of examining the rights and autonomy of sex workers is a complex and multifaceted topic, of global concern. Sex work, encompassing activities such as prostitution, pornography, and exotic dancing, intersects with a multitude of social, legal, economic, and public health factors, that shape the experiences and vulnerabilities of individuals involved within the industry. Societal perceptions and stigma towards sex work often perpetuate discrimination and marginalisation, hindering efforts to protect the human rights, dignity and overall well-being of sex workers. Legal frameworks governing sex work vary widely across countries, ranging from criminalisation to legalisation. Certain countries follow the criminalisation framework, where all parties involved are criminalised (sellers, buyers and any third parties). While some use a partially criminalised framework, where the sale and purchase of sex is legal however certain surrounding activities are not, such as the keeping of a brothel, curb crawling or solicitation. Other countries follow a legalised model, where sex work is completely legalised, as long as certain measures and regulatory compliances are made by those involved, including regular health checkups, registration and mental/emotional welfare checks. All of these models as well as those in between have significant implications for the health, safety, and autonomy of sex workers. Marginalised groups are often most vulnerable within the sex work industry, due to intersectional factors such as gender, race, class, and nationality. In recent years, the globally increasing recognition of sex work as labour has



sparked calls for the protection of sex workers' rights, labour rights, and economic empowerment. Central to the discourse surrounding the rights and autonomy of sex workers is the recognition of their agency and ability to make choices about their bodies and lives. Due to these complexities, addressing the rights and autonomy of sex workers requires holistic, rights-based approaches that prioritise the voices and unique needs of sex workers themselves, challenge stereotypes, and advocate for their access to resources and support services.

Major Parties/Countries Involved

The United States: The United States has a diverse range of perspectives on the issue of sex work and the rights of sex workers. Individual states criminalise sex work differently, while others implement harm reduction measures. Nevada is currently the only US State to allow legal prostitution. However, it is also heavily decriminalised in Maine.

Nordic Countries: The Nordic countries, including Sweden, Norway, Iceland, Finland, and Denmark have adopted the “Nordic Model”. This model criminalises the purchase of sex while decriminalising its sale. This approach aims to combat demand for sex work while supporting efforts to address the underlying factors that contribute to exploitation and trafficking while supporting the rights and autonomy of sex workers. Proponents of this model argue that it promotes gender equality and targets the demand for commercial sex, thereby reducing exploitation and trafficking, however, critics argue that the model pushes sex work underground, increasing stigma and resulting in an increasingly dangerous environment for sex workers. The adoption of the Nordic Model by Nordic countries has sparked international debate and discussion about the effectiveness and implications of different legislative approaches to the issue of sex work.

New Zealand: New Zealand was the first nation to legalise sex work, due to its 2003 Prostitution Reform Act, decriminalising the purchase, sale and management (keeping a brothel or pimping) of sex work. It has created a legal framework that recognizes sex work as legitimate labour, prioritizing the health, safety, and rights of sex workers while allowing for regulation and oversight of the industry. Supporters of decriminalisation in New Zealand argue that it has improved working conditions for sex workers, reduced stigma, and facilitated access to healthcare and support services. Critics, however,

express concerns about the impact on public morality and the potential for exploitation and trafficking.

Human Rights Organizations: Human rights organisations advocate for the recognition of sex work as legitimate labour and the decriminalisation of consensual adult sex work, emphasising the fundamental principles of human dignity, equality and non-discrimination. They usually employ a rights-based approach, utilising international human rights standards and mechanisms to address discrimination, violence and exploitation faced by sex workers. They aim to ultimately advance the rights and autonomy of sex workers, and create an enabling environment where sex workers can exercise their rights, access justice and live free from stigma and violence.

Sex Worker-led Organisations: Organisations led by sex workers play a crucial role in advocating their rights and autonomy. These groups often emphasise the importance of recognising sex work as labour, ensuring the safety and well-being of sex workers and combating the stigma and discrimination. They are an integral part of understanding the rights and autonomy of sex workers as they serve to make the unique and diverse needs of sex workers known to legislative bodies.


Timeline of Key Events

1948: The Universal Declaration of Human Rights (UDHR) is adopted by the UN General Assembly, affirming the principle of equality and fundamental human rights for all individuals.

1973: COYOTE (Call Off Your Old Tired Ethics), one of the first sex worker-led organisations in the United States is founded, advocating for the rights and autonomy of sex workers.

1990: The first International Conference on Health, Rights and Sex Work is held in California, United States. This conference brought together sex workers, activists and healthcare professionals to discuss the health, safety and human rights of sex workers globally.

1999: Sweden adopts the Nordic model of sex work criminalisation, supporting the rights and autonomy of sex workers.



1999: The United Nations Development Programme (UNDP) releases the “Sex Work and Human Rights” report, highlighting the global need to address human rights violations against sex workers, as well as advocating for the decriminalisation of sex work as a whole.

2002: UNAIDS publishes its first guidance document on HIV and sex work, emphasising the major importance of recognising the human rights and autonomy of sex workers in HIV prevention and care efforts globally.

2003: New Zealand passed the Prostitution Reform Act, decriminalising sex work and providing a legal framework that recognizes sex work as legitimate work.

2009: Building upon the foundation of the first guidance document of 2002, UNAIDS publishes its Guidance Note on HIV and Sex Work, providing recommendations for policymakers and stakeholders on addressing HIV prevention, treatment and care among sex workers.

2011: India’s Supreme Court issues a landmark ruling recognising the rights of sex workers to live with dignity and access social welfare benefits, while also calling for measures to be taken that prevent exploitation and trafficking.

2012: The Global Network of Sex Work Projects (NSWP) launches the “Sex Workers’ Rights are Human Rights” campaign, advocating for the recognition of sex work as a legitimate form of labour, and propagating the decriminalisation of sex work.

2016: France adopts the Nordic model of sex work decriminalisation, in an attempt to reduce the demand for commercial sex and minimise human trafficking.

2018: Amnesty International releases its policy on sex work, calling for the decriminalisation of consensual sex work and the protection of the rights and autonomy of sex workers.

2020: UN Women issues a statement that calls for the decriminalisation of sex work as a necessary step towards achieving gender equality and women’s rights globally.

2023: Maine, United States adopts the Nordic model of sex work decriminalisation, and becomes the second state in the US where the sale of sex work is legal (alongside Nevada).

UN Involvement & Relevant Resolutions

UN Women's Statements and Reports: UN Women, the UN entity dedicated to gender equality and women empowerment, has engaged in several efforts to advance the rights and autonomy of sex workers. UN Women has advocated for policies and programs that address discrimination, violence, and marginalisation experienced by sex workers, emphasising the importance of ensuring their access to justice, healthcare, and economic opportunities. It has also submitted multiple proposals that aim to advance the rights of individuals engaged in sex work.

UN Special Rapporteur on the Right to Health & Human Rights Bodies: Various UN Special Rapporteurs and human rights bodies have addressed issues related to sex work in their work on human rights and discrimination. The Special Rapporteur on the Right to Health, for example, has emphasized the importance of decriminalising sex work to protect the health, autonomy and human rights of sex workers. Human rights bodies such as the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) have also addressed the rights of sex workers in their reviews of nations' compliance with international human rights treaties.

Mandate of the Working Group on discrimination against women and girls: The mandate of the Working Group on discrimination against women and girls entails a focused effort to identify, document, and address various forms of discrimination towards women and girls globally. This includes advocating for measures and policies that aim to eliminate discrimination, as well as promoting gender equality in all spheres of life. The Working Group's mandate from October of 2023 encompasses efforts to understand and address the discrimination, violence, and human rights violations experienced by sex workers. By conducting research, engaging with governments and stakeholders, and submitting reports with recommendations, the Working Group aims to raise awareness and advocate for policies that uphold the rights and dignity of sex workers. Through its efforts, the Working Group has contributed to advancing the recognition of sex work as legitimate work and advocating for the protection of the human rights and autonomy of sex workers on the international stage.

United Nations Human Rights Office of the High Commissioner: The UN HRC High Commissioner's Office has released several statements, proposals and mandates relating

to the topic of sex work and the rights of sex workers. One of the UN Special Rapporteurs recently went on record saying “Sex work is real work”, in response to a European Court appeal against a French anti-prostitution law, showcasing support for sex worker autonomy.


Previous Attempts to Solve the Issue

Decriminalisation and Legalisation: Some countries have implemented policies that decriminalise or legalise areas of sex work. For example, the Netherlands, and New Zealand have created a legal framework that recognises sex work as a legitimate form of work and aims to ensure sex workers have access to labour rights, healthcare and legal protections. Such approaches reduce the stigma, violence and exploitation surrounding sex work while promoting the health and safety of sex workers.

The Nordic Model: Other countries, such as Sweden and Norway have adopted the Nordic Model which criminalises the purchase of sex while decriminalising its sale. This approach believes that the ability to sell sex is a matter of human rights and that penalising one for doing so is unfair, while still believing that the purchase of sex is incorrect. This approach aims to combat the commercial demand for sex work and reduce exploitation and trafficking while providing support and exit strategies for sex workers. However, such an approach often drives sex work underground, increasing stigma and undermining the safety and autonomy of sex workers to work in a legal environment.

Harm Reduction and Support Services: Many organisations and governments have implemented harm reduction approaches and support services for sex workers. Such initiatives aim to reduce the harm associated with sex work, such as violence, HIV/AIDS transmission and substance abuse while promoting the rights, health and well-being of sex workers. This includes providing access to condoms and other contraceptives, HIV testing and treatment, substance abuse treatment, legal aid and other support services/resources.

Advocacy and Policy Reform: Sex worker-led organizations, human rights advocates, and NGOs have been vital in advocating for necessary policy reform and the legal recognition of sex work as legitimate work. These groups have worked to challenge stigma, discrimination, and criminalisation while promoting the rights, autonomy, and



agency of sex workers. They engage in advocacy, awareness-raising, and community organizing to push for changes in laws, policies, and social attitudes toward sex work.

International and Regional Initiatives: Various international and regional bodies, such as the United Nations, the European Union, and the African Union, have addressed the rights and autonomy of sex workers through resolutions, guidance documents, and initiatives. These efforts aim to promote human rights, gender equality, and public health while addressing the specific needs and challenges faced by sex workers globally.

Possible Solutions:

Full Decriminalisation: Completely decriminalising consensual adult sex work (purchase, sale and third-party involvement). This would reduce stigma, improve access to justice and empower sex workers to assert their rights and autonomy without fear of legal repercussions. Such decriminalisation would be within an organised framework, where sex workers would be required to register themselves and undergo regular health, well-being and financial checks to ensure legality and safety. Such a system would also include access to social benefits, healthcare, workplace safety standards, and the ability to unionise.

Community-Led Health and Support Services: Investing in community-led health, wellbeing and support services tailored to the needs of sex workers, to improve access to healthcare, harm reduction services and social support. Such services would be non-judgemental, culturally sensitive (and adapted to regional needs) and designed in collaboration with sex worker organisations to address the unique challenges faced by sex workers.

Education and Awareness Campaigns: Education and awareness campaigns aimed at reducing stigma, challenging stereotypes, and promoting a deeper understanding of sex work(ers) can help shift societal attitudes and perceptions. These campaigns should involve sex workers as active participants and aim to humanize their experiences, raise awareness of their rights, and challenge myths and misconceptions about sex work. This could help increase societal understanding of sex workers and reduce potential violence and hate crimes.

Policy Reform and Legal Protections: Reforming laws and policies related to sex work to prioritize the human and labour rights and safety of sex workers, including repealing punitive laws that criminalise sex work, implementing anti-discrimination legislation, and enacting measures would prevent violence and exploitation within the industry. Legal protections should be accompanied by effective enforcement mechanisms and access to justice for sex workers.

Research and Data Collection: Further research and data collection on the experiences, needs, and challenges of sex workers are crucial for informing evidence-based policies and interventions. Research should include the voices and perspectives of sex workers themselves and prioritise participatory approaches that centre the agency and autonomy of sex workers.

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