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UNHRC



STUDY GUIDE

Examining the role of sex work in modern society

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Welcome from the Dias and Secretariat

Dear delegates,

We are delighted to welcome you to this years ATUMUN conference and the United Nations Human Rights Council (UNHRC).

At this conference you will discuss one of the worlds oldest professions, sex work. While it is an old profession, it is not one where international agreement has ever been found. Further in the modern age, it has become increasingly to either force or lure people into sex work, with the use of the internet. This is both in terms of how people are forced in to sex work, but it is also used as a platform, both illegally and legally. In many countries it is also a heavily stigmatised profession, making it an extremely volatile profession, while also making it hard to reintegrate into society if you have been a forced sex worker. Thus, it is a complex but important topic you will discuss during this conference, and even though you may not end up with a complete solution, hopefully you can take a step in the right direction.

The following Study guide will provide you with an introduction to the committee's topic - Examining the role of sex work in modern society - as well as give a brief overview of the key issues within the topic.

We encourage you to do further research on your own in order to fully comprehend the different aspects of the topic and to be as well-prepared as possible. It is recommended you utilise the resources provided in the Further Reading section.

We hope you found the Study Guide helpful, and are as excited for the conference as we are. If you have any questions feel free to ask your questions in the ATUMUN Facebook group or contact us on our email atumunsekretariat@gmail.com. We will make sure to answer any questions in a timely manner.

We are looking forward to meeting all of you and to a fantastic debate!

Sincerely your Dias and Secretariat,

Signe Ottesen, Dicte Møberg, Lucca Dybtved Kjærgaard, Nicoline Meng Aagaard Andersen,
& Simon Mosgaard Jørgensen

Abbreviations

UN - United Nations

UNHRC - United Nations Humans Rights Council

Key definitions

Sex work: a term coined by Carol Leigh (an activist in San Francisco) in the 1980s to refer to sex that generates income, this term can be used to refer to a range of sex-related occupations: cam girls, sugar babies, streetwalking, brothels, escorts, phone sex, exotic dancers, strippers, etc.

Prostitution: exchanging sex activity with someone for payment (e.g., money or goods). Prostitution is sex work, but not all sex work is prostitution. And sex trafficking is separate from prostitution, using force and control of the person made to sell sexual services.

Forced sex work: is when a person has been forced by others or a system into doing sex work in any degree.

Sex trafficking: The action of illegally transporting people from one place to another, for the purpose of sexual exploitation. It is often performed through force, fraud, and/or coercion where the victim holds little to no power in the situation.

Pornography: Filmed prostitution.

Introduction to the committee

The United Nations Human Rights Council (UNHRC) is an intergovernmental body within the United Nations system. Their responsibilities include strengthening the promotion and protection of human rights around the globe and addressing situations of human rights violations and country situations and making recommendations on how to better implement human rights. Thus the UNHRC has the ability to discuss all thematic human rights issues and situations that require its attention throughout the year.¹

The UNHRC consist of 47 member states, elected by the majority of members of the General Assembly of the United Nations through direct and secret ballot and is based on equitable geographical distribution². The council meets at the United Nations Office at Geneva (UNOG).

Introduction to the topic

Prostitution and sex work is one of the oldest jobs, which still exists to this day. It can be traced back to at least 2400 BC, making the profession nearly 4500 years old. Furthermore,

¹ <https://www.ohchr.org/en/hr-bodies/hrc/about-council>

² <https://www.ohchr.org/en/hr-bodies/hrc/membership>

the rights of sex workers can be traced back almost 4000 years. Even though it is such an old profession, the international community has still not reached a general consensus regarding sex workers, with views on sex workers also changing dramatically through the years.³

Sex work can be defined as many things, but in reality it is more a spectrum than one single thing. By definition, sex work is the exchange of sexual services for money. This includes erotic dancing, adult film, escort girls (or boys), prostitutes, and much more. Historically, sex work has existed in various forms across virtually every society, yet debates around its legitimacy, legality, and the rights of those involved is still debated. Sex work can be seen both as a survival strategy and a deliberate economic choice for many individuals. However; poverty, limited access to education, gender inequality, and lack of employment opportunities, are all factors that push people, especially women and marginalized groups, into sex work. For others, it is a form of economic independence that offers more flexibility than traditional employment.

The sex industry spans globally, and can be found in any country, legally or illegally. It is vast and diverse, encompassing street-based work, brothels, online services, and high-end escort services. The advent of digital platforms has further complicated the industry, enabling workers to connect directly with clients and establish greater control over their working conditions. Nevertheless, the sex work industry is interlaced with a deeply illegal scene of human trafficking and forced prostitution, with networks spanning across state borders. Thus, it is therefore necessary to discuss internationally.

The current state

Today there are around 52 million sex workers globally with about 42 million being female.⁴ However, the legislation regarding sex work varies drastically. Even though sex work or prostitution might technically be legal or illegal, that does not mean there can't be ramifications for those involved. The stances taken on sex work can broadly be split into four categories: (1) Prohibitionism - Sex work is illegal. (2) Abolitionism - Sex work is technically legal, but buying, organising and soliciting sex is illegal. The workers will not be prosecuted, but clients, pimps, etc. will be. (3) Regulation - Selling, buying and some forms of organised sex work is legal, however it is regulated fairly heavily by the state. (4) Decriminalisation - No parts of sex work is illegal, and you can sell, buy, organise or solicit sex in any ways you like. There are no or very few regulations imposed by the state. Instead regulations are left to local municipalities.^{5 6}

In many countries the legislation regarding sex work may differ between prostitution and sex work in general. Out of 160 countries prostitution is illegal in 75 countries, legal in 22, of limited legality in 61 (with most of these countries using the concept of abolitionism), and in two countries it varies depending on the state or territory, one of these two countries being the

³ <https://prostitution.procon.org/historical-timeline/>

⁴ <https://iusw.org/sex-worker-statistics/>

⁵ <https://documents.un.org/doc/undoc/gen/g24/078/81/pdf/g2407881.pdf>

⁶ <https://worldpopulationreview.com/country-rankings/countries-where-prostitution-is-legal>

United States of America, where prostitution is illegal everywhere, except for in 10/16 counties in Nevada.⁷

While sex work can be legal or illegal, there is no country in the world where human trafficking and forcing people into sex work is legal. However, that doesn't change the fact that human trafficking and forced prostitution is a widespread problem. Up to five million sex workers are forced into sexual exploitation, with 1 million of these being children.⁸ In this digital age sexual exploitation, especially exploitation of children has become more prevalent, with children being forced to perform sexual acts or in other ways exploited, while being recorded.⁹

In countries where sex work is legal, there can still be stigma involved making it hard to work as a sex worker. Further it can be a dangerous occupation with many sex workers being victims of assault. Around a hundred thousand sex workers are killed each year.^{10 11} In countries where sex work and prostitution is illegal, it might still be widespread. As an example China and Russia have more than eight million sex workers combined. However, prostitution is illegal in both countries.^{12 13}

In the last ten years or so, the UN has increasingly started to investigate sex work, and as a consequence started pushing for the legalisation of sex work. In 2016 the UN Secretary General indicated that “*decriminalization of sex work can reduce violence, harassment and HIV risk*” and called on the States to remove laws, policies and practices that violate human rights, including the criminalization of sex work.¹⁴

As recently as March 2024 the *UN Working Group on discrimination against women and girls (WGDAGW)* together with other actors released *A guide on the human rights of sex workers*. Within this guide, among other things, it is recommended that States and stakeholder “*Review relevant legislation and regulations in force to decriminalize sex work.*”¹⁵ and “*Ensure that people involved in sex work have access to equal protection of the law in theory and in practice.*”¹⁶

Furthermore, in July 2021 the UN Human Rights Council appointed Ms. Reem Alsalem as the *United Nations Special Rapporteur on violence against women and girls, its causes and consequences*. On the 7th of May 2024 she published a rapport regarding *Prostitution and violence against women and girls (A/HRC/56/48)*.¹⁷

⁷ <https://worldpopulationreview.com/country-rankings/countries-where-prostitution-is-legal>

⁸ <https://iusw.org/sex-worker-statistics/>

⁹ <https://www.ijm.org/our-work/trafficking-slavery/online-sexual-exploitation-children>

¹⁰ <https://theconversation.com/the-stigma-of-sex-work-comes-with-a-high-cost-79657>

¹¹ <https://iusw.org/sex-worker-statistics/>

¹² Ibid.

¹³ <https://worldpopulationreview.com/country-rankings/countries-where-prostitution-is-legal>

¹⁴ <https://www.ohchr.org/sites/default/files/2024-03/2024-march-sex-work-guide-un-report-short.pdf>

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ <https://documents.un.org/doc/undoc/gen/g24/078/81/pdf/g2407881.pdf>

The report by Ms. Alsalem, published in 2024, identifies root causes of the prostitution system, explores the nexus between violence and prostitution, examines consequences for gender equality and the empowerment of women and girls, perpetrators of violence, legal and policy models on prostitution and applicable international human rights standards. The report ends with conclusions and recommendations on the topic. Among other things Ms. Alsalem recommends decriminalisation of women in prostitution, helping women out of prostitution, as well as working with offenders to prevent them from offending, and abolishing pornography.¹⁸

While multiple organs within the UN framework are currently pushing for decriminalisation of sex work, this faces multiple issues. Some of the recommendations by WGDAGW has faced critique for supporting sex trade and specifically sex trafficking, and thus any UN Resolutions on the matter should take into account that outright decriminalising sex work, would play directly into the hands sex traffickers and others exploiting sex workers.

Another large issue faced in decriminalising sex work is the 1949 UN *Convention of the Suppression of the Traffic in Person and the Exploitation of the Prostitution of Others*, which states “*Whereas prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family and the community.*”¹⁹ This resolution, while not outright against prostitution is very clear in its language regarding exploiting prostitutes in any way. Thus, if we look at the four categories for the legislative framework regarding prostitution, this 1949 resolution can not support full decriminalisation or even regulation. Instead it can only support prohibitionism or abolitionism.^{20 21}

All in all, sex work is a very complicated topic with many differing opinions, while still affecting millions daily. Many people, including children, are forced into prostitution by different means, a problem many countries struggle to deal with. Further, there has recently been a push from inside the UN framework to legalise/decriminalise sex work, which bears its own struggles, and which might violate human rights as they were declared in the late 1940’s.

Timeline of events

December 10, 1948 - The Universal Declaration of Human Rights.²²

¹⁸ Ibid.

¹⁹

<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-suppression-traffic-persons-and-exploitation>

²⁰ Ibid.

²¹ <https://www.cap-international.org/wp-content/uploads/2016/11/ProstitutionUnderIntlHumanRightsLawEN.pdf>

²² <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

December 02, 1949 - Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.²³

December 18, 1979 - The Convention on the Elimination of All Forms of Discrimination against Women.²⁴

June 5, 1981 - First Mention of AIDS.²⁵

1985 - World Whore Congress.²⁶

1992, The Committee on the Elimination of Discrimination against Women included gender based violence in the interpretation of the definition of discrimination against women.

May 25, 2016 - Amnesty International Releases New Policy on Decriminalization of Prostitution.

2020, The Committee on the Elimination of Discrimination against Women acknowledged trafficking and the exploitation of women as a phenomenon rooted in structural sex-based discrimination, constituting gender based violence.²⁷

May 7, 2024 report A/HRC/56/48 on prostitution and violence against women and girls.

Key issues

Root causes of prostitution

The report by Reem Alsalem, published in 2024, identifies some of the root causes of the prostitution system as heavily influenced by patriarchal norms, abuse of power and sexual demand by men, economic inequalities, conflict, occupation and increased militarization, war, complex emergencies and humanitarian consequences, which result in further marginalisation and forced displacement of women and girls. The report states that the most susceptible to enter, engage or remain in prostitution are women and girls who face multiple and intersecting forms of discrimination. Therefore, prostituted women often have irregular status and no access to effective assistance, protection, services or livelihood opportunities. These conditions increases women and girls risk of further exploitation, sexual assault and coercion. Prostitution thrives on sexualising and racializing poverty, targeting women, especially those from minority and marginalised backgrounds.²⁸

²³

<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-suppression-traffic-persons-and-exploitation>

²⁴Ibid.

²⁵ <https://prostitution.procon.org/historical-timeline/>

²⁶ Ibid.

²⁷ <https://documents.un.org/doc/undoc/gen/g24/078/81/pdf/g2407881.pdf>

²⁸ Ibid.

Sex trafficking and sex slavery

In Zurich some sex workers live and work in the same room with four other girls. They have been forced to work as prostitutes, as they were trafficked out of their home country and are in debt of around 50.000£. This debt was incurred from their traffickers getting them to a new country. The debt is nearly impossible to repay, with their very low income. Additionally, they work in the criminalised districts of Zurich, where they would receive a fine if they are discovered doing sex work, an occupation they are forced into.²⁹

Different approaches and views on sex work

Feministic look on sex work

Although the name “sex work” indicates that sex workers only can perform sexual acts with their customers, the name includes many different kinds of services. These services include: company, getting physical touch (not necessarily of a sexual kind), performance of sexual acts (without physical touch), and direct sexual acts with the consumer.³⁰

Although feminism is often deemed as one ideology or one way to think, it is on the contrary actually a range of socio-political movements and ideologies which aim to define and establish the political, economic, personal, and social equality of the sexes. Therefore, we can delve into two polar opposite ways to look at sex work from a feministic point of view. One of the groups, which can be called Sex Worker Exclusionary Radical Feminists (SWERF), which are fundamentally against sex work, as they see it as ultimately oppressive. They believe sex work is fueled by the patriarchy, and therefore helps to keep humans oppressed.

From the point of view of those pro-sex-work and sex workers themselves, the “SWERFs” overlook sex workers' rights because of their beliefs. The sex workers feel left out in discussions regarding themselves, as their words mean less as they must be “corrupted by capitalism”. Alternatively sex workers want feminists to fight for their inherent rights, not only when they are empowered by their work, but to gain their rights as a form of empowerment.

As seen by those pro-sex-work, the “SWERFs” are just tributing to the stigma and degradation experienced by sex workers. An example can be found in a tweet written by swedish feminist, Kajsa Ekis Ekman, who referred to thai sex workers as “cheap pussy”, where the Empower Foundation, a thai sex work organisation, responded: “*Perhaps you don't know that sex workers in Thailand are mothers and family providers? ... Tonight at least 300,000 of us will go to work in Thailand who have never heard of Kajsa Ekis Ekman. You do not need to agree with what we do to earn our living. However your disapproval should not be allowed to degrade us or incite hatred and stigma against us.*”³¹ This all begs the question:

²⁹ <https://www.youtube.com/watch?v=gtjpKHIHR3Y>

³⁰ Ibid.

³¹ https://www.youtube.com/watch?v=hi_OwpNndo8&t=328s

do SWERFs contribute as much to the hate and stigma around sex work as groups already established for centuries?

Unfortunately, some groups are more likely to end up in the sex work industry, e.g. people in a minority groups or people with a substance abuse. Therefore, it can be argued that sex work, as an employment or enforcement, can be a part of a system which keeps the people from leaving, especially those who already are vulnerable.

There is also a third way to look at sex work. Here it can be seen as a form of empowerment, where anyone can be their own boss and make a living. There has been a huge rise in platforms where individuals can sell sexual content to those who would like to buy it, like creating an onlyfans with a paying group of subscribers. Some sex-workers also see their jobs as a very giving and empowering choice of job (due to the fact that sex workers choose their job freely, and can change jobs as they please). The sexworker can be seen as a caregiver to somebody seeking what they perhaps cannot find anywhere else, and therefore receive a good sexual experience.³²

The prohibition approach

The prohibition approach, also known as the criminalization approach, sanctions all actors involved, often based on moralistic, religious and/or cultural grounds. This approach is often discriminatory since the prostituted people usually are the ones suffering the consequences by being arrested and prosecuted, socially marginalised and incarcerated. They face discrimination and barriers to housing, health, and financial services as well as access to justice. Police and law enforcement officers in countries with this approach are frequently reported as perpetrators of violence as victims are more likely to be exposed to police raids, deportation and sexual abuse and violence.

In some countries prostitution is administered or condoned under visa or labour mobility schemes and immigration authorities may be involved in the prostitution system. In these countries exit or support services usually don't exist, except for rehabilitation programmes, which is often seen as a form of punishment. The clients of prostitution are rarely apprehended, arrested or convicted and third parties are rarely held accountable. The prohibition approach can be found in states such as China, the Islamic republic of Iran, and in most of the United States of America. Other states such as the Russian Federation and Lebanon sanctions persons exploited in prostitution and actors organising and benefiting from it, without criminalising sexual act buyers.³³

The Neo Abolitionist approach (The “Nordic model”)

In some countries a different approach has been taken in an effort to insure the rights of the people working in the industry, whilst still maintaining the illegality of sex work. Here it is

³² <https://www.soundspheremag.com/news/culture/something-alternative-how-sex-work-changed-my-life/>

³³ <https://documents.un.org/doc/undoc/gen/g24/078/81/pdf/g2407881.pdf>

not the sexworker who will be prosecuted but the buyer (or the pimp if there is one). This approach has been adapted in Sweden, Norway, Iceland, Northern Ireland, Canada, France, and Israel. The approach ultimately looks at the sex worker (here prostitute) as a victim of the system in which they work. These countries try to protect the sex workers by removing the criminalisation from them and placing it on the buyer and the provider (pimp).

Studies show that the groups of people who mostly end up in the sex work industry, are already from vulnerable groups, such as those suffering from childhood abuse, poverty, grooming, and drug misuse. The model tries to help the targeted groups out of the system, provide sufficient help for them to leave the sex industry, as well attempting to remove the reasons they end up in the industry. For the system to work as intended the state needs to provide high quality services. Furthermore, they need to ensure that sex workers do not face harassment from those handling their cases. Thus, they attempt to remove stigmas around the group, so they do not interfere with their treatment.

This model has, however, been heavily criticised, because of its inherent view that all sex workers must be victims, and that it has been largely ineffective. In Sweden the numbers of sex workers have remained approximately the same since it was introduced in the 90's, the industry has just moved underground. There have also been many instances of harassment from the state. This harassment could be refusal to believe the sex workers, as they are always seen as victims. By being refused help if they seek it, if they do not align with the states 'victim' status. Further they may be targeted by police in order to seek out their clients.³⁴

The regulation approach

The regulation approach legalises, organises, regulates and profits from the prostitution of others and all sex establishments through administrative or territorial laws. This approach only address' the conduct of buyers through laws on rape and sexual assault, or public order, if a prostituted women should file a complaint. Often grounded in public health and city planning requirements, this approach places control on prostituted women, prescribing conduct, location, timing and mandatory registration within the state. While states with this approach acknowledge the harm of working environments characterised by pimping and exploitation, this approach, rather than eradicate them, seeks to manage them through state interventions such as mandatory health checks, zoning, levies, contracts and the penalization of prostituted people who do not compile with the regulations.

However, according to Ms. Alsalems report the purported intentions to destigmatize prostituted women, create jobs with social security, better healthcare conditions, reduce violence, and curb criminal networks has not been achieved under this approach. Many prostituted women in these states are still not registered with authorities and even fewer are working under an official employment contract. Furthermore, in a fully legalised system, states benefit from the prostitution of women through personal income tax imposed on them,

³⁴ <https://nordicmodelnow.org/what-is-the-nordic--model/?amp=1>

corporate taxing, and licensing fees required on brothels and cyber-enabled businesses. Essentially the state becomes the pimp.

The approach has resulted in a significant increase of foreign women, from economically challenged eastern countries or the global south, in prostitution. Despite the law recognising prostitution as employment, most of these women do not obtain employment contracts and are in debt bondage with their pimps and traffickers. Legalisation of prostitution increases the demand, fosters violence, and weakens the tools for law enforcement to monitor, target, and prosecute perpetrators. This includes traffickers and third-party exploiters, because courts may treat situations of violence in prostitution as “work incidents” and the rape of prostituted as “theft of services”. The regulation approach is practised in Austria, Germany, Switzerland and Uruguay.³⁵

The decriminalisation approach

The decriminalisation approach is similar to the regulation approach when it comes to framework and impact. This approach decriminalises and deregulates, at the federal level, buyers, prostituted persons, and third parties. However, it still leaves in place administrative, police, or health controls to local municipalities. Furthermore, it advocates for “harm reduction” policies such as negotiating access to brothels, identifying sexually exploited children, and access to reproductive checks.

The removal of the illegality of third parties has, according to Ms. Alsalem, aided traffickers, boosted sex tourism and expanded the overall size of the prostitution market. The continued high demand creates incentive for exploiters to traffic and exploit vulnerable women and has failed to discourage unsafe sexual practices and widened the spectrum of “offers”. The decriminalisation of the sex trade has kept the identification and prosecution of traffickers low. Prostituted women will have to seek legal actions for unsafe or slavlike conditions through labour courts. This approach also lacks state mechanisms for exiting prostitution and obtaining social and professional integration. The decriminalisation approach is adopted in countries such as New Zealand and Belgium.³⁶

Social vulnerability, discrimination and other risks associated with sex work

Globally, sexworkers confront “*greater barriers to sexual and reproductive health rights with national averages*”³⁷. There are several other risk factors associated with sex work. Sexworkers are vulnerable to sexual transmitted infections (STIs), including human immunodeficiency virus (HIV). Other risk factors could be unintended pregnancies, stigma, violence, being cheated, social and economic insecurity,³⁸ and stealing. The report by Reem Alsalem explores the nexus between violence and prostitution. In the report it is stated that prostitution “*results in egregious violations of human rights and multiple forms of violence*

³⁵ <https://nordicmodelnow.org/what-is-the-nordic--model/?amp=1>

³⁶ <https://documents.un.org/doc/undoc/gen/g24/078/81/pdf/g2407881.pdf>

³⁷ <https://www.ohchr.org/sites/default/files/2024-03/2024-march-sex-work-guide-un-report-short.pdf>

³⁸ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3507866/>

against women and girls, who they are often dehumanized and perceived as persons without human rights”, stating that prostitution violates the right to dignity and often constitutes torture, inhumane-, and degrading treatment. Prostituted women and girls can also fall victim to physical violence, mainly by sex buyers, such as; sexual abuse, rape and gangrape, severe beatings, abduction, and mutilation. Prostituted women and girls are regularly subjected to verbal abuse offline and online, shaming and blackmail. Other forms of violence associated with prostitution include economic violence, marginalisation and losing the right to privacy, freedom of movement, and right to family. The nexus between violence and prostitution extends to pornography where gagging, choking, and brutal penetration can lead to lasting physical disabilities.³⁹

Criminalization of sex work?

The UN reports that barriers to sexual and reproductive health rights are further worsened by criminalising sex work. Criminalisation of sex work can lead to poorer health outcomes for sexworkers, because sexworkers are less likely to seek proper healthcare in systems that criminalise sex work, due to stigmatisation and fear of legal consequences, harassment, and judgement. A study undertaken in 10 countries in the Sub-Saharan Africa indicates that sexworkers living in a country that criminalises sex work is 7.17 times as likely to contract HIV compared with a country that partially legalised sex work⁴⁰.

Criminalisation of sex work affects both workers and clients. A report from 2021 UNAIDS concludes that *“The criminalization of the clients of sex workers has also been repeatedly shown to negatively affect sex workers’ safety and health, including reducing condom access and use, and increasing the rates of violence.”*⁴¹ Criminalisation has also been noted to diminish “the bargaining power” of sexworkers to choose their clients and negotiate the use of condoms.⁴² The Committee on Economic, Social and Cultural Rights (CESCR Committee) called on States Parties to *“take measures to fully protect persons working in the sex industry”* and ensuring *“access to the full range of sexual and reproductive healthcare services”*⁴³. However, decriminalisation and regulation of sex work can lead to an increase in demand and higher rates of sextrafficking, violence, abuse, and rape, as well as increased prospects for money laundering and drug trafficking.⁴⁴

Major bloc positions

Decriminalising countries - the Nordic model and other viewpoints

In the last two decades work has been done around the world to break stereotypes, and decriminalise sex work. This has been done to different degrees around the world, with the

³⁹ <https://documents.un.org/doc/undoc/gen/g24/078/81/pdf/g2407881.pdf>

⁴⁰ <https://www.ohchr.org/sites/default/files/2024-03/2024-march-sex-work-guide-un-report-short.pdf>

⁴¹ https://www.unaids.org/sites/default/files/media_asset/05-hiv-human-rights-factsheet-sex-work_en.pdf

⁴² <https://www.ohchr.org/sites/default/files/2024-03/2024-march-sex-work-guide-un-report-short.pdf>

⁴³ <https://digitallibrary.un.org/record/832961?ln=en&v=pdf>

⁴⁴ <https://documents.un.org/doc/undoc/gen/g24/078/81/pdf/g2407881.pdf>

majority of the work being done by countries placed in Europe. The extent varies from full legalisation, to partial legalisation, where parts of sex work is still illegal i.e. buying.

The Nordic model, introduced in 1999 by Sweden, tries to eliminate the market by criminalising the act of buying sex, rather than the act of selling it. This has been done with a focus on men often being the buyers and the vast majority of sexworkers being women and girls. This model also includes public educational programs and exit programs, as well as support for people wishing to leave the industry. The model has been adopted to different extents by countries such as France, Norway, Canada, and Northern Ireland. The full legislation consists of countries such as Germany, Greece and Hungary, where the sexworker might have to register themselves to the state, to be able to pay taxes.⁴⁵ A resolution based on the Nordic model was passed in the European Parliament in 2023. It has, however, been criticised by the Human Rights Watch. The criminalisation often puts sexworkers further at risk, with a heightened risk of police abuse, sexual violence, and murder. Coupled with the fact that there is no evidence for the Nordic model decreasing demand for sexual services, are the reasons behind the criticism.⁴⁶

In general, most European countries, as well as a handful of countries with similar values, have been working on either decriminalising sex work, or parts of sex work. How they do this and to which degree differs, the same goes for the degree of regulation.

Regulating and decriminalising States

In states such as Austria, Germany, Switzerland, and Uruguay, prostitution is legalised and regulated. Prostituted people are prescribed conduct, location, timing and mandatory registration within the state. The state intervenes and orders mandatory health checks, zoning, levies, contracts and penalises prostituted people who do not comply with the regulations. In these states sexworkers and sex-selling businesses are taxed. In countries such as New Zealand and Belgium prostitution is decriminalised and deregulated on a federal level, however local municipalities are responsible for the administrative, police and health controls.⁴⁷

Prohibiting countries

In States such as China, the Islamic republic of Iran and most of the United States of America prostitution is prohibited and all actors involved can face sanctions and legal action. The prohibition of prostitution is often based on moralistic, religious and/or cultural ground. The prostituted people are often the ones who face the harshest consequences in these systems. States such as the Russian Federation and Lebanon only sanctions actors organising or managing the selling of sex and the sex workers. In these states it is not necessarily illegal to buy sex.⁴⁸

⁴⁵ <https://www.thenewfederalist.eu/how-to-regulate-sex-work-eu-countries-can-t-agree?lang=fr>

⁴⁶ <https://www.hrw.org/news/2023/09/18/eu-harmful-prostitution-resolution-passes>

⁴⁷ <https://documents.un.org/doc/undoc/gen/g24/078/81/pdf/g2407881.pdf>

⁴⁸ Ibid.

Conservative countries

The conservative countries also come with varying degrees of regulations, as well as enforcement. With deeply religious countries having criminalised all kinds of sex work. While some countries such as Thailand do have legislation that prohibits sex work the laws are ambiguous and are often not enforced. The same thing can be seen in other countries such as Japan, where the legal scope of sex work is very limited, but workers are finding loopholes and workarounds.⁴⁹ Some countries experience rampant problems with sex trafficking, even if they have regulations on the area. One of these countries being the United Arab Emirates who in 2023 drew headlines with their sex trafficking industry. Here, predominantly African women are forced into sex work, by illicit networks around the country.⁵⁰ Some may think that more religious tendencies, and limited rights granted, especially to women, could attribute to a conservative view and laws regarding sex work. However, there is a limited amount of sources stating such, especially when you look at multiple countries at the same time.

⁴⁹ <https://worldpopulationreview.com/country-rankings/countries-where-prostitution-is-legal>

⁵⁰ <https://www.reuters.com/investigates/special-report/uae-trafficking-sex/>

Questions a resolution should answer

1. How can it be ensured that no one is forced into sex work?
 - a. Which steps can be taken to avoid sex trafficking?
 - i. How can governments help ensure the rights of sexworkers in their efforts to stop sextrafficking?
 - b. How can sex workers be helped to get out of sex work and helped into other jobs?
 - c. How can we make sure no vulnerable groups are forced in to sex work due to, social or economic structures?
 - i. Further, how can it be ensured no children do sex work?
2. How should the rights of sexworkers be ensured regarding:
 - a. The human rights of sex workers?
 - b. The prevention of the spread of sexually transmitted diseases such as HIV and AIDS?
 - c. Access to contraceptives?
 - d. Avoiding violence, deprivation of liberty and threats?
3. Should sex work be decriminalised?
 - a. How can guidelines for the decriminalisation of sex work be established within the UN?
 - b. If criminalised, should the penalty lie on the provider, worker or the buyer?
 - c. Can it be insured through legislation that all sex work is conducted in an orderly manner?

Further Reading

- Sex work is integral to the feminist movement
https://www.youtube.com/watch?v=hi_OwpNndo8
- Country list of sex work laws
<https://www.nswp.org/sex-work-laws-map/country-list>
- Prostitution and violence against women and girls (Chapter VIII)
<https://documents.un.org/doc/undoc/gen/g24/078/81/pdf/g2407881.pdf>
- Feminism in the Sex Industry
<https://www.youtube.com/watch?v=g9pI-5NwsUc>
- Amnesty International policy on state obligations to respect, protect and fulfil the human rights of sex workers
<https://www.amnesty.org/en/documents/pol30/4062/2016/en/>

Sources

- Welcome to the Human Rights Council
<https://www.ohchr.org/en/hr-bodies/hrc/about-council>
- Membership of the Human Rights Council
<https://www.ohchr.org/en/hr-bodies/hrc/membership>
- Historical Timeline
<https://prostitution.procon.org/historical-timeline/>
- Sex Worker Statistics by Country, Gender [2024]
<https://iusw.org/sex-worker-statistics/>
- Prostitution and violence against women and girls
<https://documents.un.org/doc/undoc/gen/g24/078/81/pdf/g2407881.pdf>
- Countries Where Prostitution Is Legal 2024
<https://worldpopulationreview.com/country-rankings/countries-where-prostitution-is-legal>
- Online Sexual Exploitation of Children
<https://www.ijm.org/our-work/trafficking-slavery/online-sexual-exploitation-children>
- The stigma of sex work comes with a high cost
<https://theconversation.com/the-stigma-of-sex-work-comes-with-a-high-cost-79657>
- A guide on the human rights of sex workers
<https://www.ohchr.org/sites/default/files/2024-03/2024-march-sex-work-guide-un-report-short.pdf>
- Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others
<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-suppression-traffic-persons-and-exploitation>
- Prostitution under International Human Rights Law: An Analysis of States' Obligations and the Best Ways to Implement Them
<https://www.cap-international.org/wp-content/uploads/2016/11/ProstitutionUnderIntlHumanRightsLawEN.pdf>
- Universal Declaration of Human Rights
<https://www.un.org/en/about-us/universal-declaration-of-human-rights>
- Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others

<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-suppression-traffic-persons-and-exploitation>

- Is Switzerland's £3 billion legal sex trade too liberal?
<https://www.youtube.com/watch?v=gtjpKHIHR3Y>
- Sex work is integral to the feminist movement
https://www.youtube.com/watch?v=hi_OwpNndo8&t=328s
- Something Alternative: How Sex Work changed my life
<https://www.soundspheremag.com/news/culture/something-alternative-how-sex-work-changed-my-life/>
- What is the Nordic Model?
<https://nordicmodelnow.org/what-is-the-nordic-model/?amp=1>
- Risks, benefits and survival strategies-views from female sex workers in Savannakhet, Laos
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3507866/>
- HIV and sex work
https://www.unaids.org/sites/default/files/media_asset/05-hiv-human-rights-factsheet-sex-work_en.pdf
- General comment no. 22 (2016) on the Right to sexual and reproductive health
<https://digitallibrary.un.org/record/832961?ln=en&v=pdf>
- How to regulate sex work? EU countries can't agree
<https://www.thenewfederalist.eu/how-to-regulate-sex-work-eu-countries-can-t-agree?lang=fr>
- EU: Harmful 'Prostitution' Resolution Passes
<https://www.hrw.org/news/2023/09/18/eu-harmful-prostitution-resolution-passes>
- How torture, deception and inaction underpin UAE's thriving sex trafficking industry
<https://www.reuters.com/investigates/special-report/uae-trafficking-sex/>