



Global Network of Sex Work Projects

Promoting Health and Human Rights

For the Attention of: Special Rapporteur on the right to health

Subject: Drug policies and responses: a right to health framework on harm reduction

Date: 14th November 2023

NSWP is a global network of sex worker-led organisations, with 344 members in 105 countries, that exists to uphold the voice of sex workers globally and connect regional networks advocating for the rights of sex workers, in all their diversity. It advocates for rights-based health and social services, freedom from abuse and discrimination, and self-determination for sex workers.

NSWP welcomes the opportunity to respond to the call for input on the above topic, to inform the Special Rapporteur's forthcoming report to the Human Rights Council.

General Commentary

NSWP welcomes the Special Rapporteur's recognition of health equity as a strategic priority, including the need to eliminate structural and systemic barriers in accessing health services, particularly among criminalised and marginalised groups, including sex workers. NSWP also welcomes her recognition that certain laws, policies, and practices disproportionately and negatively impact certain groups, including those in situations of homelessness or poverty, people who use drugs and sex workers.

The Special Rapporteur's wish to take a "broadened view of harm reduction to examine how this approach can intersect with the right to health and related human rights in other realms, including but not limited to sex work, abortion, and safe sex" is, however, problematic. This frames sex work as a 'harm' to be 'reduced'.

NSWP and sex worker-led organisations have long advocated for taking a labour rights approach to sex work. Criminalisation, by perpetuating stigma, discrimination, and social marginalisation, and by alienating sex workers from formal labour protections, creates conditions in which violations of sex workers' rights, including their labour rights, can continue with impunity. Within a labour rights framework, sex workers can claim the same workplace protections, civil and labour rights, and social protections that all workers are entitled to, and exploitation and violence can be more easily addressed. Sex work is work, as the Special Rapporteur herself has acknowledged. Framing sex work as a 'harm', distances us from that recognition of sex work as work, and further away from being able to address workplace conditions, health, safety, and violence at work.

Furthermore, the Special Rapporteur has included a question that asks "what other areas can benefit from harm reduction policies, programmes, and practices [...]?" Examples may include, but are not limited to, the decriminalisation of sex work". This framing significantly increases the likelihood that the Special Rapporteur will receive numerous responses advocating for harmful 'End Demand' / Nordic model approaches to sex work¹, as well as calls for the proliferation of extremely harmful exiting

¹ NSWP, 2018, "[Policy Brief: The Impact of 'End Demand' Legislation on Women Sex Workers.](#)"

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programmes² and ‘raid and rescue’ operations, rather than quality, rights-based programming that improves sex workers’ living and working conditions and ability to achieve economic security.³

Decriminalisation and Labour Rights as Best Practice

International best practice guidelines, supported by a substantial body of evidence, promote the full decriminalisation of sex work as the best means to reduce violence, improve health outcomes, and uphold the human rights of sex workers. Decriminalisation guarantees sex workers the same health and safety standards as other workers. Decriminalisation is the legal framework favoured by the overwhelming majority of sex worker-led organisations worldwide, as well as leading authorities in health and human rights⁴.

The Special Rapporteur, in her July 2022 report *“supports the removal of all laws and policies criminalizing or otherwise punishing abortion, contraception, adolescent sexuality, same-sex conduct and sex work.”*⁵ In her recent statement⁶ about a European Court of Human Rights, ruling the Special Rapporteur stated *“Sex work is real work...My hope is that the future ruling on this law by the European Court of Human Rights will be based on international human rights and standards...The criminalisation of sex workers and the criminalisation of their clients has a negative impact on sex workers’ health and their access to services to the detriment of their enjoyment of physical and mental health, including sexual and reproductive health.”*

[The Joint United Nations Programme on HIV/AIDS \(UNAIDS\)](#), [UNFPA](#), [WHO](#), [UNDP](#), [the World Bank](#), [the International Commission of Jurists](#), the [UN Working Group on Discrimination Against Women and Girls](#), [Amnesty International](#), [Médecins Du Monde](#), [Human Rights Watch](#), the [Global Commission on HIV and the Law](#), [Open Society Foundations](#), the [Global Network of People Living with HIV](#), the [Global Action for Gay Men’s Health & Rights \(MPact\)](#), the International Women’s Health Coalition, the [Association for Women’s Rights in Development](#), the [American Jewish World Service](#), the [Global Alliance Against Traffic in Women \(GAATW\)](#), [The Lancet](#), The Global Fund for Women, the Elton John AIDS Foundation, [Frontline AIDS](#), the [International Community of Women Living with HIV](#), [Global Health Justice Partnership of the Yale Law School and Yale School of Public Health](#), [European AIDS Treatment Group](#), [ILGA-Europe](#), the [Platform for International Cooperation on Undocumented Migrants \(PIKUM\)](#), [Freedom Network USA](#), [STOPAIDS](#), [La Strada International](#), [International Planned Parenthood Foundation](#), and [ILGA World](#) all call for the full decriminalisation of sex work.

Rather than approach the issues of sex work through the lens of harm reduction, we call on the Special Rapporteur to continue to support the call for States to:

- Decriminalise all aspects of sex work. Whether some aspects or all aspects of sex work are criminalised, criminalisation creates structural barriers and promotes marginalisation that increases vulnerability to exploitative work conditions and violence.
- Recognise sex work as work⁷ and ensure that sex workers are accorded labour rights in line with decent work as defined by ILO. Decent work, according to ILO, has four components: employment, social protection, workers’ rights, and social dialogue. Sex workers’ rights activists have been advocating for decent work for many years, and sex workers should be included in the decent work agenda, at national, regional, and international levels⁸.

² NSWP, 2015, [“Economic Empowerment: Does Rehabilitation have a role.”](#)

³ NSWP, 2020, [“Economic Empowerment for Sex Workers.”](#)

⁴ NSWP, 2014, [“Sex Work and the Law: Understanding Legal Frameworks and the Struggle for Sex Work Law Reforms.”](#)

⁵ UN OHCHR, 2022, [“A/77/197: Report by the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health - Racism and the right to health,”](#) para. 92.

⁶ UN OHCHR, 5 September 2023, [“UN expert welcomes European Court decision to hear appeal against French anti-prostitution law.”](#)

⁷ NSWP, 2017, [“Policy Brief: Sex Work as Work.”](#)

⁸ NSWP, 2020, [“Smart Sex Worker’s Guide to Decent Work.”](#)

Kindest regards,

A handwritten signature in black ink, appearing to read 'Jules Kim', with a stylized, cursive script.

Jules Kim

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