

IPPF Policy on Sex Work

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ABOUT THIS POLICY PAPER

The IPPF Sex Work Policy makes clear the position and commitments of the International Planned Parenthood Federation (IPPF) with regards to sex work. This is the first time IPPF has taken a position on sex work, and presents human rights-based values and principles which apply broadly to all contexts, without being prescriptive about approaches or actions. It aims to provide a framework to guide IPPF's programming, service delivery and advocacy, and is based on sex workers' * lived experiences in all their diversity. It is rooted in positions taken by sex worker-led organizations and networks across the world, and in documents that IPPF has discussed and published in the last few years,¹ particularly *Sexual Rights: An IPPF declaration*.²

Member Associations (MAs) of IPPF are encouraged to use the policy as guidance to be integrated into their commitment to respect, protect and advance the rights of sex workers throughout their activities, advocacy and policies, as relevant to their strategic goals and national contexts. While this policy allows MAs to decide which elements to draw from in their national context, MAs may not campaign, advocate or take action in opposition to the positions laid out below.

* The majority of sex workers are cisgender women and/or members of the LGBTIQ+ communities. Please see Position 1 on pages 7-8 for a deeper discussion on structural inequalities, including gender inequalities.

DEFINITIONS AND CONCEPTS

For the purposes of this policy paper, IPPF defines 'sex work' as *the provision of sexual services by and between consenting adults for some form of remuneration, with the terms agreed between the parties.*³

IPPF believes it is important to explicitly refer to the aspect of consent between the parties to make clear the absence of coercion in these interactions.⁴ Sex work takes different forms and can be more or less formal,⁵ frequent or sporadic, take place in diverse contexts, including digital ones, involve people of different/varying genders, and differ between and within countries and communities.

IPPF takes the lead from the perspectives of sex worker-led organizations in using the term 'sex worker'.⁶ The terms 'prostitute' and 'prostitution' are often connected with stigmatization, criminalization and a lack of agency, so we will not use these words.⁷

Fundamental to our understanding of sex work and our position on it, is the respect for people's lived experiences and self-identification. IPPF recognizes that all people, including sex workers, lead complex, intersectional, multidimensional lives. This allows IPPF to transcend the victim/criminal dichotomy that exists in some feminist theorizing and engage with sex workers' full humanity.

Sex work as an activity between consenting adults is different from trafficking and associated human rights violations.⁸ Sex worker-led organizations have consistently opposed the conflation of sex work with human trafficking, noting that such conflation is untrue and has negative effects on their lives and the respect of their human rights.⁹ IPPF opposes all forms of forced labour and human trafficking. These abuses can occur in any labour sector, including sex work, and should be prevented as violations of the rights of workers without implying that sex work is inherently exploitative. We support sex workers' analysis about the negative impact of conflating sex work with rights violations such as human trafficking, forced labour, violence and abuse.

Sex workers face myriad barriers to their sexual and reproductive health and rights (SRHR). Widespread

criminalization, stigma and discrimination not only violate their human rights to live free from violence and discrimination, the right to health, and sexual and reproductive rights, but also limit sex workers' capacity to self-organize, access funding for service provision and advocacy, and meaningfully engage with civil society organizations (including unions) and policymakers. Globally, sex workers experience high rates of HIV infection, sexually transmitted infections (STIs), unintended pregnancies, social marginalization and gender-based violence, yet are often excluded from mainstream sexual and reproductive health (SRH) programming.¹⁰ Regrettably, some SRH programs advocate against sex workers' rights and/or disseminate stigmatizing messaging undermining sex workers' right to health.

Over the last decade, many international institutions, human rights organizations, researchers, and sex worker-led organizations and networks have jointly advocated for a rights-based approach to promoting sex workers' SRHR.¹¹ Specialized guidance and reports have been published which address intersectional forms of oppression experienced by sex workers, including on the basis of age,¹² sexual orientation and gender identity,¹³ migration status,¹⁴ HIV status,¹⁵ and drug use.¹⁶

As a leading organization for SRHR for nearly 70 years, IPPF first published the 1997 *Charter Guidelines on Sexual and Reproductive Rights*,¹⁷ the landmark 2008 *Sexual Rights: An IPPF declaration*,¹⁸ and subsequently its 2018 *IPPF Policy Handbook*.¹⁹

Sexual Rights: An IPPF Declaration reaffirms sex workers' rights to be free from violence created by stigma and discrimination,²⁰ as well as their right to safe working conditions, health services, and the support necessary to insist on safer sex practices.²¹ The *IPPF Policy Handbook* further identifies sex workers as a marginalized group and outlines measures to address their SRHR, including through gender analysis,²² linkages between SRH and HIV services,²³ acknowledgment of the double stigma faced by sex workers living with HIV,²⁴ measures to reduce gender-based violence, and the acceptance of sex workers' choice of employment.²⁵ The Policy Handbook also makes a clear distinction between sex work and forced labour and human trafficking.²⁶

GUIDING CONCEPTS

The IPPF position on sex work is grounded in human rights and universal access to health frameworks included in Sexual Rights: An IPPF Declaration, and key concepts such as intersectionality and reproductive justice.

Human rights

Foundational to the IPPF mission and values is the Universal Declaration of Human Rights (UDHR), which declares that all human beings are born free and equal in dignity and rights, and that all people are entitled to the full respect, protection and fulfilment of their human rights, without distinction of any kind.²⁷ The IPPF human rights-based approach uses the framework of rights and norms emanating from the International Bill of Human Rights, composed of the UDHR, International Covenant on Civil and Political Rights (ICCPR),²⁸ and International Covenant on Economic, Cultural and Social Rights (ICECSR),²⁹ as well as other binding human rights treaties, *inter alia* the Convention on the Elimination of all forms of Discrimination against Women (CEDAW),³⁰ Convention on the Rights of the Child (CRC),³¹ Convention against Torture (CAT),³² Convention on the Rights of Persons with Disabilities (CRPD),³³ Convention on the Elimination of Racial Discrimination (CERD),³⁴ and the authoritative interpretations and norms developed by United Nations (UN) treaty monitoring bodies and Special Procedures.

Intersectionality

Intersectionality has its roots in activism, born out of concrete experiences of structural inequality and discrimination as verbalized by Black women in the 1970s and 1980s.³⁵ Intersectionality, or an intersectional approach, asks policymakers to consider how power is structured in society to produce inequalities and how these interact and compound in people's lives.³⁶ People do not live single-issue lives, where they experience, for example, sexism, racism, and ableism³⁷ separately, but instead experience barriers to their rights and discrimination which intersect and mutually reinforce each other.

Reproductive justice

Similarly, reproductive justice is defined as the human right to maintain personal bodily autonomy, have children, not have children, and parent children in safe and sustainable communities.³⁸ The reproductive justice framework centers access, not choice, because there is no meaningful choice without access.³⁹ Achieving reproductive justice depends on access to specific, community-based resources including high-quality health care, housing and education, a living wage, a healthy environment, and a safety net when these resources fail.⁴⁰ This requires an analysis of the systems of power, intersecting oppressions, and centering the most marginalized.⁴¹ Reproductive justice also centers the social determinants of health and access to rights, which also aligns with guidance from UN human rights bodies.⁴²

Universal access to health

IPPF's people-centered programming and service delivery are based in the firm conviction that every human being must enjoy universal access to quality health care and wellbeing, free from stigma, discrimination and violence, and tailored to their particular needs. IPPF takes an evidence- and rights-based approach that supports and empowers all people, including sex workers in general and sex workers from gender and sexual minorities in particular, to take control over their lives and their bodies. Our programming and services uphold privacy and confidentiality, and promote choice, dignity, equality and justice.

RIGHTS-BASED PRINCIPLES

This policy reaffirms that the human rights of all people, including sex workers, must be respected, protected and fulfilled. All human rights are indivisible and interdependent, including the following ones that have bearing on the issue of sex work.

The right to bodily autonomy & integrity and sexual & reproductive health & rights

Sexual and reproductive rights and the rights to bodily autonomy and integrity are located in certain human rights which are already recognized in national laws and international human rights documents. They include the rights to seek, receive, and impart information related to reproduction and sexuality; decide if, when and with whom to be sexually active or not; to have consensual sexual relations free from violence, discrimination or coercion; to choose if, when, and with whom to marry or found a family; and to decide if, when and how to have children.

The ability to make autonomous decisions about these issues is at the very core of the human rights to liberty and security, the right to privacy, the right to be free from violence, torture, cruel, inhuman and degrading treatment, the right to health, and the rights to equality and non-discrimination.⁴³ These human rights, among others, such as the right to education and the right to the benefits of scientific progress, form the foundation for sexual and reproductive rights and bodily autonomy and integrity.

These rights are also foundational to *Sexual Rights: An IPPF Declaration*, as seen in Principle 3 on non-discrimination, Article 3 on the rights to life, liberty, security of the person and bodily integrity, and Article 5 on personal autonomy.⁴⁴ In line with these principles and rights, respecting adults' right to engage in consensual sexual relations with each other, including in exchange for remuneration, is essential to respecting, protecting and fulfilling their sexual rights and bodily autonomy.

Consent

Sexual Rights: An IPPF Declaration emphasizes that ensuring sexual rights for all requires a commitment to freedom and protection from harm, meaning that all sex work should be based on affirmative consent between adults: consent which is informed, freely given, on-going, clear, mutual and can be withdrawn at any time.⁴⁵ Consensual sexual activity between adults is an exercise of the human right to bodily autonomy, including when it takes place while providing sexual services.

Consent always takes place within a context of power dynamics. All choices and decisions, including those regarding choice of livelihood, are influenced by the social context and power dynamics in which one makes them, including the contexts of capitalism, patriarchy, gender inequality, and institutionalized forms of discrimination based on age, gender, race, ethnicity, economic status, migration status, health status, education, disability and more. Historically, sex work has been treated differently from other areas of life in which adults make decisions, because it has been stigmatized as a moral transgression as a result of patriarchal norms and purity culture,⁴⁶ or has been incorrectly framed as inherently violent. Based on the Definitions and Concepts above, people's autonomy and capacity to consent to sex work must be respected in the same way that people's capacity to consent to engage in any other form of work or working environment, or make any other decision about their lives, is respected.

We reiterate that under no circumstance would a power imbalance leading to coercion and exploitation be considered under this stance, as that constitutes sexual exploitation and abuse. For example, the UN Protection from Sexual Exploitation and Abuse guidance⁴⁷ advises that humanitarian aid workers must not exchange money or any goods or services for sex with 'persons of concern'⁴⁸ regardless of the legal status of sex work in the country in which they are working. This restriction is because of the great power imbalance between aid workers and the communities they serve, the subsequent increased potential for humanitarian workers to use the purchase or exchange of sex to exploit individuals and communities, and the need to abide by humanitarian principles and ensure

that everyone receives goods and services based exclusively on their needs. It is, however important to note that sex worker-led organizations highlight the significant contribution that foreign aid workers make to the local economy.

This restriction on humanitarian workers does not restrict sex workers from involvement in humanitarian response work, or from accessing goods and services. All IPPF's work in humanitarian contexts will ensure that sex workers are able to access all services without stigma. IPPF is guided by the Women, Peace and Security agenda, based in UN Security Council Resolution 1325⁴⁹ and subsequent statements, as well as the recognition that women, sexual minorities and people of non-binary gender identities are uniquely affected by these issues and should be centered in situations of war, conflict and humanitarian crises as essential stakeholders and contributors in peace processes.⁵⁰ As members of these affected groups, sex workers should also be included as stakeholders and contributors to these processes.

The right to work

The recognition of sex work as work is paramount to sex workers' ability to exercise their human rights. IPPF advocates for a diversity of livelihood opportunities and for governments to respect, protect and fulfil the human right to work through access to quality education, training opportunities, and social services. In line with this, IPPF validates the lived experiences of people who decide to engage in sex work. Simultaneously, we support the right to decent work and decent working conditions as described by International Labour Organisation standards and conventions.

The UDHR proclaims that all people have the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.⁵¹ Article 6(1) of the ICESCR also recognizes the right to work, which includes the right of everyone to the opportunity to gain their living by work which is freely chosen or accepted, and the obligation of states to take appropriate steps to safeguard this right.⁵² Article 23 of the UDHR includes the right of workers to create a union, which is an objective of some sex worker-led organizations and networks. Sex worker-led organizations and rights coalitions in and of themselves are protected by the right to assemble and freely associate stated in Article 21 and 25 of the ICCPR.⁵³ More recently, the

International Labour Organization's (ILO) four pillars of decent work (employment creation, social protection, rights at work, and social dialogue)⁵⁴ were included in the Sustainable Development Goal (SDG) 8 of the 2030 Agenda for Sustainable Development, to which all 193 Member States of the United Nations committed.⁵⁵

In line with the lived experiences of sex workers, we recognize that intersecting forms of oppression impact the ability of people to exercise the right to work. The right to free choice of work and employment, outlined in human rights treaties, SDGs and the ILO decent work agenda, include choosing to engage in sex work for material compensation. Those who do so are entitled to the same labour protections as all workers: a safe and healthy working environment, free from violence, discrimination or coercion; just and favourable remuneration, including social welfare benefits and social protection schemes; and the right to self-organization and collective action.⁵⁶ As will be discussed in later sections, sometimes sex workers are compelled to undergo repeated medical exams and tests based on the discriminatory assumption that they are 'vectors of disease' in order to be allowed to work, to which IPPF is opposed. In no case should any worker be subjected to medical procedures or tests without their free and informed consent.⁵⁷

The right to live free from violence and discrimination

Sexual Rights: an IPPF Declaration upholds the right to be protected from, and to have recourse regarding, all forms of violence and harm.⁵⁸ Principle 6 also declares that sexual rights may be subject only to those limitations determined by law for the purpose of securing due recognition and respect for the rights and freedoms of others, and that such limitations must be non-discriminatory, necessary and proportionate to the achievement of a legitimate aim.⁵⁹ In line with Principle 6, legal and policy measures which restrict or punish consensual sex between adults do not fall within this exception and are discriminatory, unnecessary and disproportionate, as they do not have a legitimate aim.

States have the obligation to protect sex workers from violence and discrimination, including that experienced in accessing health care and services. Under Article 2 of the ICESCR, all individuals and groups should be able to enjoy equal access to the same range, quality and standard of sexual and reproductive health

facilities, information, goods and services and to exercise their rights to sexual and reproductive health without any discrimination.⁶⁰ Article 26 of the ICCPR states that “all persons are equal before the law and are entitled without any discrimination to the equal protection of the law.”⁶¹ Governments and state institutions are obliged to protect people, including sex workers, from violence and discrimination and provide them with access to justice and redress to address violations when they occur. Addressing stigma and discrimination requires not only legal and formal equality, but also substantive equality. Substantive equality requires that the distinct sexual and reproductive health needs of particular groups, as well as any barriers that particular groups may face, are addressed, with the needs of particular groups, such as sex workers, given tailored attention.⁶²

Overwhelmingly, the most extensive human rights violations and abuses that sex worker-led organisations and IPPF MAs report are institutional violence, especially by law enforcement officers,⁶³ and discrimination against sex workers. Sex workers face discrimination, *inter alia* when accessing housing, financial services (such as having a bank account) and in regards to child custody. Additionally, sex workers’ families, in particular their children, are stigmatized, and face discrimination and institutional violence, such as the removal of children from their parents’ custody solely on the basis of their being a sex worker.

Discrimination and institutional violence are more likely to impact specific groups of sex workers because of overlapping stigma and biased policy frameworks that enable these rights violations. For example, transgender sex workers, sex workers of colour, and migrants are most often targeted by law enforcement and are very likely to be harmed in these interactions.⁶⁴ Sex workers should be, though very rarely are, able to seek remedies when their rights are violated, whether those rights violators are state agents like the police or non-state actors such as abusers posing as clients.

The right to health

International human rights law enshrines the fact that all people have the right to enjoy the highest attainable standard of physical and mental health, including control over their sexuality and sexual and reproductive health, free from coercion, discrimination

and violence.⁶⁵ Building on the right to health laid out in Article 15 of the UDHR and Article 12 of the ICESCR, *Sexual Rights: An IPPF Declaration* affirms that all persons have a right to the enjoyment of the highest attainable standard of physical and mental health, which includes the underlying determinants of health and access to sexual health care for prevention, diagnosis and treatment of all sexual concerns, problems and disorders.⁶⁶

IPPF respects the right to health of all people, irrespective of their gender, sex, profession, race, ethnicity, migration status, ability or creed. This includes the rights of sex workers to available, accessible, acceptable and quality (AAAQ) health care and services, free from stigma, discrimination and violence. Health programming and legal frameworks that reinforce stigma and discrimination towards sex workers violate the right to health and the right to live free from violence and discrimination, as do policies that require forced testing of sex workers.

The right to privacy and confidentiality is an integral part of the right to health. Confidential health and personal information, including health status, migration status, and occupation, should not be shared without informed consent. This is of particular importance to sex workers and organizations working with them to provide services.

The right to family life

All people also have the right to the benefits of scientific progress, including in medicine and health services.⁶⁷ The UDHR, ICESCR, CEDAW and *Sexual Rights: An IPPF Declaration* also all establish rights around making choices about children and family that in turn depend on access to sexual and reproductive health and rights.⁶⁸ Sex workers have the right to decide if, when, and how to form a family, have children, and parent in safe and sustainable communities, and to AAAQ sexual and reproductive health services to support their choices. The families and children of sex workers have the right to live free from violence and discrimination, including that which is perpetuated by stigmatizing law and policy frameworks.

IPPF POSITIONS ON SEX WORK

1. IPPF condemns and works to end all forms of stigma, discrimination and violence against sex workers and lack of legal redress, and supports comprehensive efforts to dismantle systemic inequalities, including gender inequalities.

Sex workers experience intersecting forms of stigma and discrimination that cause significant challenges in accessing quality sexual and reproductive health services and in being able to participate in civil society and enjoy their human rights.

Sex workers face formidable barriers to accessible, acceptable, appropriate and quality health services. Few health workers in SRH settings are aware of or informed about sex workers' needs, and sex workers have reported frequent violations of their right to privacy and confidentiality in health settings.⁶⁹ Due to the high prevalence of stigma and discrimination, most sex workers do not disclose their occupational status, and some may avoid seeking health care altogether.⁷⁰ Many sex worker-led organizations and IPPF MAs who work with sex workers report stigma and discrimination as some of the biggest barriers to sex workers' right to health, deterring them from accessing the sexual and reproductive health services they need. Stigma and discrimination are extensively documented to significantly impact health.⁷¹

At the same time, sex workers are subject to violence with widespread impunity, frequently at the hands of law enforcement officers. This is intensified by the criminalization of sex work, which places sex workers in vulnerable situations in which they can be punished and experience negative consequences for reporting abuse and injustices committed against them.

Sex worker human rights defenders can face reprisals for defending the rights of sex workers and forming sex worker-led organizations and unions.⁷² Stigma and discrimination can be multiplied by the overlapping identities sex workers have, including their nationality, language spoken, migration status, race, ethnicity, gender identity or expression, sexual orientation, HIV status, disability, and more. Sex workers' families, in particular their children, are often stigmatized, leading to trauma, discrimination and institutional violence against them. The locations where sex work takes place, including places of work, neighbourhoods, brothels, and entertainment areas, can also be stigmatized, and people who visit and work in these locations may be discriminated against. In order to address these issues, sex workers recommend using non-discriminatory language and changing social norms and narratives about people who visit or work in these areas.

These barriers are exacerbated for sex workers facing intersecting forms of marginalization, including gender non-conforming and transgender sex workers, Black, Indigenous, and people of colour (BIPOC) sex workers, sex workers with disabilities, sex workers who use drugs, migrant sex workers, sex workers living in poverty and those living with HIV. This is because sex work, like any other type of work, is affected by systemic inequalities, including gender inequality. Sex workers, the majority of whom are cisgender women and/or members of the LGBTIQ+ communities, are essential advocates and partners to IPPF in seeking social, economic and gender justice. Unequal gender and other power relations are foundational to all marketplaces under capitalism, which largely serve to reinforce the economic power of cisgendered men in male-dominated patriarchal societies. Patriarchal social norms, generational poverty, the feminization of poverty, discriminatory migration policies, and political structures exert intersecting forms of oppression, including gender inequalities, on sex workers. These inequalities and structures of power are compounded by others, such as heteronormativity, homophobia, transphobia, xenophobia, racism, classism and gendered familial and social structures that affect the ability of sex workers to enjoy their human rights.

It is essential that comprehensive, cross-sectoral efforts to dismantle unequal power structures in legal, political and social institutions accompany decriminalization of sex work. A critical element of this is comprehensive sexuality education (CSE), which has been proven to foster positive gender equitable attitudes and to prevent and reduce gender-based violence and intimate partner violence. In addition to this, sex workers should be included and supported to meaningfully participate in decision-making bodies and gender justice processes as leaders and change-makers. This is particularly crucial considering the intersecting challenges populations in vulnerable situations face and the centrality of the human rights principle that those directly affected by rights issues should be able to participate and lead.

IPPF is firmly opposed to any form of stigma, discrimination and violence against sex workers, their families and children, and commits to fighting stigma and discrimination, changing social norms and societal attitudes about sex work, and improving access to justice and redress. We will ensure that our SRHR programming, service delivery, research and advocacy contribute to this fight, partnering with organizations and agencies able to contribute to such approaches beyond SRHR, even in contexts where sex work is criminalized. IPPF also supports comprehensive, cross-sectoral efforts to dismantle unequal power structures in legal, political and social institutions as part of the decriminalization of sex work, including changing stigmatizing attitudes about sex work and gender norms.

2. IPPF supports the recognition of sex work as work

Human rights treaties, including Article 23 of the UDHR and Articles 6 and 7 of the ICESCR, enshrine the right to work.⁷³ These treaties guarantee the right of everyone to the opportunity to gain their living by work which they freely choose or accept, including the right to just and favourable conditions of work, safe and healthy working conditions, equal opportunities, and reasonable limitations on working hours to allow for rest and leisure. This includes people who choose sex work to gain a living, and entitles them to all associated rights regarding working conditions, opportunities, and rest.

Recognizing sex work as work is essential to respecting, protecting and fulfilling the human right to work of sex workers, including free choice of work or employment and entitlement to labour rights, benefits, and protections that all other workers should receive. All people, including sex workers, are entitled to equal protection before the law, regardless of their occupation. Refusing to recognize certain livelihoods violates the human right to work of those who chose to engage in them, and puts these workers at increased risk of violence, in particular those experiencing intersecting forms of discrimination, such as undocumented migrants and refugees. Due to the criminalization and the lack of recognition of sex work as a legitimate form of work in national and local policies, most sex workers are excluded from social protection and social welfare frameworks worldwide,⁷⁴ in violation of their human rights. Sex workers are also often denied access to financial services, loans and banking, making them economically vulnerable in numerous ways. They may also be prevented from diversifying their income sources or transitioning to other forms of work due to criminal records related to sex work.

Recognizing sex work as work has the potential to shift power imbalances in sex workers' relationships with state agents, such as law enforcement, who can otherwise use the threat of working 'outside the law' to violate the rights of sex workers. It opens up possibilities for sex workers to improve their working conditions, interact more equitably with other sectors of labour, and be recognized in their communities as workers making a societal contribution. Recognizing sex work as work also allows sex workers to receive, for example, benefits such as maternity leave, occupational health and safety protection, and retirement allocations.

At the same time that sex work is recognized as work, to respect, protect and fulfil the right to work, governments must also address structural inequalities, including gender and racial inequalities that result in women and LGBTIQ+ people finding themselves in situations where they only have a single choice of occupation. Addressing such structural inequalities includes guaranteeing social and economic rights, such as universal access to at least 12 years of education, training and economic opportunities, and supportive policies and services for sex workers to transition to other work if they choose or to diversify their income sources (i.e., working in other sectors while continuing to work in sex work as well).

IPPF supports the recognition of sex work as work and supports sex workers and sex worker-led organizations in advocating for the recognition of sex work as work. Labour and self-employment frameworks provided by states should be available to sex workers, free from measures that would stigmatize or discriminate against them. Sex workers should be guaranteed eligibility for social benefits and protection, while ensuring equal access to labour rights.

3. IPPF condemns forced labour and human trafficking, and supports sex workers in distinguishing between sex work and such violations.

According to the ILO Forced Labour Convention, 1930 (No. 29),⁷⁵ forced or compulsory labour is ‘all work or service which is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily.’ The Forced Labour Protocol (Article 1(3))⁷⁶ explicitly reaffirms this definition.

This definition consists of three elements:

- Work or service refers to all types of work occurring in any activity, industry or sector including in the informal economy.
- Menace of any penalty refers to a wide range of penalties used to compel someone to work.
- Involuntariness: The term ‘offered voluntarily’ refers to the free and informed consent of a worker to take a job and his or her freedom to leave at any time. This is not the case for example when an employer or recruiter makes false promises so that a worker takes a job they would not otherwise have accepted, or withholds essential travel documents such as passports.

Human trafficking is defined by international law by the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000)⁷⁷ in its article 3 as ‘constituting three elements:

1. An “action”: that is, the recruitment, transportation, transfer, harboring or receipt of persons;
2. A “means” by which that action is achieved (threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or a position of vulnerability, and the giving or receiving

of payments or benefits to achieve consent of a person having control over another person); and

3. A “purpose” (of the action/means): specifically, exploitation. All three elements must be present to constitute “trafficking in persons” under the UN Trafficking Protocol. The only exception is when the victim is a child, in which case the “means” requirement is no longer an element of the crime.⁷⁸

IPPF condemns in the strongest possible terms all forms of forced labour and human trafficking in all types of work occurring in any activity, industry or sector, including in the informal economy. Sex work, as clearly stated in the Definitions and Concepts section of this policy, does not fall into either of these categories. However, various actors regularly conflate sex work with these violations, to the detriment of sex workers.

Sex worker-led organizations have consistently opposed the conflation of sex work with human trafficking, noting how anti-trafficking initiatives have placed further restrictions on sex work and increased prosecution, particularly among migrant sex workers, including within legalized contexts.⁷⁹ There is no evidence that interventions that equate sex work with trafficking eradicate sexual exploitation, forced labour, or human trafficking; on the contrary, these interventions frequently put sex workers at risk and violate their rights.⁸⁰ Additionally, anti-trafficking initiatives can lead to discriminatory profiling and increased scrutiny and harassment which restrict the free movement of cisgendered women, transgender people and migrant sex workers.

Migration laws and administrative laws that deny migrants and transgender people proper documentation in line with their gender identity or permission to work greatly exacerbate the vulnerable situation in which migrant and transgender sex workers are placed, providing additional tools of exploitation, coercion, and oppression to perpetrators. Safe migration, in particular for people seeking refuge during humanitarian crisis, including sex workers and transgender people, is an essential element in addressing rights violations.

Due to widespread conflations of sex work with human trafficking, SRH programs for sex workers may even be excluded from international and national HIV and health funding. The most notable policy of this kind is the United States President’s Emergency Plan for AIDS Relief (PEPFAR) anti-prostitution and sex trafficking clauses (often called the Anti-Prostitution Pledge),⁸¹ which require non-U.S.-based organizations

receiving HIV funding from the U.S. Agency for International Development (USAID) to sign statements that they oppose “the practices of prostitution and sex trafficking” as intertwined elements, in opposition to evidence-based best practices.⁸²

IPPF condemns forced labour and human trafficking, clearly distinguishes these violations from sex work, and condemns the conflation of these distinct terms due to the negative effect on sex workers’ rights. IPPF supports the human right to freedom of movement, without discrimination, and the inclusion of sex workers as key stakeholders in addressing forced labour and human trafficking from a rights-based perspective.

4. IPPF supports the decriminalization of sex work.

IPPF supports the decriminalization of sex work because this is a crucial step in respecting, protecting and fulfilling the human rights of sex workers.

Decriminalization is unanimously favoured by every global and regional sex worker-led network as well as countless national-level sex worker-led organizations. It is also supported by major international health and human rights organizations, including WHO, UNAIDS, Amnesty International, the International Lesbian, Gay, Bisexual, Trans, and Intersex Association (ILGA) World, Human Rights Watch, Transgender Europe, and many others.

Decriminalization entails the removal of all criminal and other penalties for any parties engaged in sex work and other restrictions that affect the lives of sex workers (i.e., restrictions on advertising, communication, access to public space, migration, financial institutions, etc.), and allows for sex workers’ prior criminal records to be expunged. Policies that disproportionately affect sex workers, such as laws against trespassing, vagrancy, loitering, public nuisance, public indecency, drug use, homosexuality, and ‘crossdressing’, are also removed as part of decriminalization.⁸³ Policy environments which decriminalize all aspects of sex work reduce the risk of physical, sexual, mental and other forms of abuse and violence from police, third parties, abusers posing

as clients, health providers, the justice system, and members of the public, as well as institutionalized violence and discrimination from government bodies and society at large. Decriminalizing sex work removes major sources of stigma and discrimination against sex workers. It also decreases the chilling effect on reporting violence and discrimination that sex workers experience, and empowers sex workers to report abuse, seek justice and receive assistance.

There is strong evidence regarding the positive impacts of decriminalization on public health and human rights. Modelling estimates have indicated that the decriminalization of sex work could reduce HIV infections by 33 to 46% over the next decade.⁸⁴ As attested by UNAIDS, the decriminalization of sex work ‘is key to changing the course of the HIV epidemics among sex workers and in countries as a whole’.⁸⁵ In New Zealand, where sex work has been decriminalized since 2003, street-based sex workers are much more likely to report violence they experience to the police.⁸⁶ Decriminalization of sex work in New Zealand ended the practice of courts removing sex workers’ children from their homes and care simply because parents were found to be, or suspected to be, sex workers.⁸⁷ In New South Wales (NSW), Australia, decriminalization of sex work improved worker safety and health interventions in comparison to other legislative models in the country, and reduced incidents of police corruption to zero (previously police corruption had been a significant issue for sex workers in NSW).⁸⁸

It is important to note that decriminalization of sex work is essential, but it does not guarantee the full enjoyment of sex workers’ human rights. Decriminalization should be a first step to achieve equality and social justice for all people, including sex workers, without any kind of discrimination. As such, full workers’ rights and social protections in line with international agreements, such as the ILO Decent Work agenda,⁸⁹ should be guaranteed to sex workers in all countries. Decriminalization has the potential to prevent active harm to sex workers’ human rights, but in order to guarantee equality of rights and equal protection of the law, sex work must also be recognized as work (see Position #2 below).

IPPF does not support the criminalization of sex work because it is incompatible with respecting, protecting and fulfilling the human rights of sex workers.

There are many legislative and policy approaches in which sex workers' lives can be criminalized, but the end effect is the same. Sex workers' rights can be violated directly through laws prohibiting the sale of sexual services, solicitation, advertisement, or working collectively with other sex workers. They may also be criminalized through laws targeting other parties such as clients or venues, or through restrictions on living from the proceeds of sex work. Some laws, including those very frequently used against transgender and gender non-conforming people, condone police action based solely on the subjective assumptions from law enforcement about who is a sex worker (through appearance or activity) in public space. Sex workers' freedom of movement may also be curtailed via laws and local restrictions on trespassing, vagrancy, loitering, public nuisance, public indecency, and the congregating of people who have been previously arrested or are assumed to be sex workers by the police.⁹⁰

Criminalization of sex work reinforces societal biases which portray sex workers as 'deviant' or 'immoral', exacerbating violence, discrimination, and stigma against them, while hampering their access to health, social services and justice.⁹¹ Criminalization has a negative impact on sex workers' right to family life, both through direct violations and through the stigma it fuels. Many sex workers have their parental rights restricted or denied if they are arrested, charged or suspected of engaging in sex work.⁹² Sex workers' children are denied, as a result of stigma, access to education and health care.⁹³ Sex workers' health and safety are jeopardized, increasing their risk of HIV, STIs, and sexual and physical violence. Police may confiscate condoms, safe sex information and medications, and use them in courts as evidence.⁹⁴ Punitive policies relating to HIV and STI exposure, non-disclosure, and transmission deter sex workers from seeking testing, treatment and care for fear of legal consequences.⁹⁵ Criminalization also poses challenges for outreach, hampering sex workers' access to health services. Health care providers in general, and sex worker peer health care providers in particular, face policing and other reprisals when conducting outreach to communities of sex workers.⁹⁶

Criminalization fosters a climate of impunity for perpetrators of violence, as sex workers must work clandestinely and may not report abuse due to fears of legal repercussions.⁹⁷ Sex workers whose rights are violated by the police and the judicial system often have no legal recourse at all.

Even where sex work is considered only an administrative offence in local legislation, such as via ordinances concerning 'public order', sex workers are still targeted. In these situations, sex workers are subjected to harassment, extortion, illegal detainment, and violence perpetrated by police and other law enforcement officials on the basis of these local regulations.⁹⁸

IPPF does not support other criminalizing approaches such as 'ending demand', the Nordic Model, and the 'equality model' because they are incompatible with respecting, protecting and fulfilling the human rights of sex workers.

The idea that there is a distinction between 'full' and 'partial' criminalization is sometimes part of discussions of legal frameworks. Sex worker-led organizations reject this notion, explaining that any degree of criminalization harms sex workers and renders them more susceptible to other forms of legal oppression.⁹⁹ Evidence shows that any model in which the sale, purchase, or benefit from sex work is criminalized does not stop sex workers from working and does not eliminate sex work.¹⁰⁰ Moreover, these forms of criminalization have a negative effect on sex workers' health, wellbeing and livelihood. Their vulnerability to violence and other rights violations is increased as they are forced to work clandestinely and take risks to mitigate the consequences imposed on them by these kinds of criminalization.¹⁰¹

Criminalizing any element of sex work turns sex work into a criminal business exchange. It is not possible to criminalize only one half of a transaction without stigmatizing the other half and without increasing sex workers' risk and vulnerabilities to violence and discrimination in the transaction as well. These approaches are often justified by conflating trafficking with sex work and portraying sex workers either as victims to be rescued or criminals deserving of mistreatment, rather than human beings with dignity, agency and rights. Such conflation also often drives xenophobic migration policies that treat migrant women inherently as victims who must be saved,

and lead to violations of their right to freedom of movement. Even those penalties criminalizing those who profit from sex work, while intended to punish those who 'exploit' or 'force' people into sex work, have negative consequences: they criminalize sex workers who take collective action in order to create safe and empowered workplaces, as well as non-exploitative third parties. 'End demand' approaches have had serious negative impacts on parental rights in Nordic countries, as sex workers are seen as victims and incapable of being parents.¹⁰² This increases social stigmatization and creates jurisprudence in violation of sex workers' human rights.

IPPF does not support regulation that treats sex work as different from other forms of labour because it is incompatible with respecting, protecting and fulfilling the human rights of sex workers.

It is important to distinguish between the decriminalization and legalization of sex work as two distinct legislative models, even though some elements overlap. Decriminalization removes all criminal and administrative penalties for sex work, as well as civil and other law/policies that have a punitive or punishing effect on sex workers, while legalization often introduces laws which permit sex work under highly regulated and often very restrictive conditions, which treat it differently from other forms of labour.

Officially, regulatory frameworks are promoted as a means to protect sex workers and the public by enforcing health and safety standards. Legalization has also been promoted as a means of combatting human trafficking.¹⁰³ However, numerous concerns exist in regards to the unintended negative human rights impacts and implications of legalization. In practice, these frameworks reinforce the idea that sex work is inherently different than other forms of work. One of the main impacts is that legalization policies frequently foster a two-tier system in which some sex workers are able to work legally, while others are pushed underground into illegal and often precarious environments.¹⁰⁴ Even those who legally maintain rights under this framework are further subjected to high levels of stigma, discrimination and violence from state authorities and abusers posing as clients.¹⁰⁵

In some contexts, sex workers who do not, or are unable to, comply with legal regulations may still be subject to the same penalties as those working in criminalized contexts. Legal regulations can be onerous and subject to local interpretations or manipulation that can affect the rights of sex workers. In many jurisdictions where sex work is legalized, sex workers

must register with the police and/or health authorities in order to work legally. This can expose sex workers to increased police surveillance and breaches in confidentiality. Registration requirements are particularly problematic for migrant sex workers¹⁰⁶ and others who may lack the necessary working permits and/or health insurance to comply with regulations.

Compulsory HIV and STI testing and treatment policies are violations of human rights and constitute coercion. These policies are often a feature of legalization models.¹⁰⁷ Although these enforced practices are aimed at promoting public health, there is no evidence that they reduce HIV and STI rates.¹⁰⁸ They constitute violations of sex workers' rights to privacy, bodily integrity, and health, and have been classified as torture in some jurisdictions.¹⁰⁹

In some legalization models, failure to submit to periodic HIV and STI screenings can result in administrative fines, loss of registration, or in the case of migrant workers, deportation. This forces sex workers to go underground. Compulsory testing and treatment policies not only reinforce the pathologisation of sex workers as 'vectors of disease', but detract attention and resources from their actual clinical and support service SRH needs. Results of tests should be confidential in all cases, but unauthorized disclosure results in violence and discrimination from police, health providers and society, driving sex workers underground and further discouraging them from accessing health care, in violation of their human rights.

IPPF supports legislative models that respect, protect and fulfil sex workers' human rights, and which demonstratively decrease violence, discrimination and abuse, since stigmatization and violence are some of the largest structural barriers sex workers and their families face. Therefore, IPPF supports the decriminalization of sex work as essential to promoting sex workers' health and human rights.

5. IPPF supports sex worker-led and -centered SRHR programming and service delivery.

The WHO's *Consolidated Guidelines on HIV prevention, diagnosis, treatment and care for key populations*¹¹⁰ stresses the importance of promoting community-led health services and programs,

including for SRH and HIV services. In regards to sex workers, WHO recommends that programming for sex workers be comprehensive and include the whole portfolio of SRHR services.¹¹¹

Sex workers, in all their diversity, have a broad range of SRH needs which are often ignored in favour of narrowly focused HIV and STI care and programming. Furthermore, sex workers' needs may be disregarded entirely by some health providers due to stigmatization and discrimination. IPPF's rights-based participatory programming strives to place sex workers' lived experiences at the center and ensure meaningful engagement of sex workers across all stages of the programming cycle, from research and strategy design to implementation and evaluation. This means considering sex workers' health and wellbeing as embedded in the social and political contexts in which they live.

To serve sex workers, IPPF takes an intersectional lens, considering not only the accessibility, availability, acceptability, and quality of health care services, but also the multiple identities and layers of oppression experienced by sex workers, which serve as barriers to access, such as those based on gender identity and expression, sexual orientation, occupation, race, ethnicity, ability, relationship status, migration status, language, poverty, the feminization of poverty and economic status, among others. In line with this approach, IPPF commits to the following in all service provision:

- Respect for all
- Zero tolerance towards discrimination
- Dignified care
- Empowering people in sex work for accessing health
- Working to dismantle barriers for sex workers to access health care and services, including combatting stigma and discrimination
- Integrating SRHR and related health strategies which are specifically tailored to the needs of people engaged in sex work, within universal health coverage

IPPF will implement and advocate for sex worker programming that includes comprehensive health care and prevention models that address sex workers' needs (for instance, in terms of opening times and high standards of privacy and confidentiality) and accessible and non-discriminating clinical and support¹¹² services, encouraging regular training of health care workers on sex workers' rights and needs.

IPPF recognizes that many SRH programs are often still not intersectional in practice,¹¹³ and will strive to integrate an intersectional approach in all service provision and advocacy.

IPPF commits to meaningfully engage sex workers and sex worker-led organizations in programming and service delivery. IPPF commits to investing in rights-based, community-led SRHR programming and to directly invest in programs led by sex worker-led organizations. IPPF will advocate for governments, organizations and health providers to apply a sex worker-centered approach to health programming and service delivery.

6. IPPF supports sex workers' leadership, community empowerment, and organizational sustainability.

IPPF acknowledges the agency, leadership and determination of the sex workers' movement to fight for their rights amid the human rights abuses and violations sex workers are subjected to on a daily basis across the world. IPPF considers it essential to work with sex workers as leaders and agents of change. This includes being inclusive of sex workers in IPPF's own organizational decision-making structures at the highest level and in our advocacy and programming.

Sex workers' leadership must be prioritized in all discussions, policies, and programming which concerns their lives. Organizations must treat sex workers as the experts they are and meaningfully engage them and their rights-based organizations as equal collaborators from the outset of any initiative. This goes beyond working solely on the issues of sex work, and includes acknowledging sex workers' expertise in programming in general; for example, in labour organizing. The principles of sex workers' meaningful involvement and assessment tools to gauge progress have already been developed by sex worker-led organizations, and these must be implemented.¹¹⁴

Direct investments in sex worker-led organizations and programming have yielded gains in sex workers' health and human rights, while strengthening community capacity. Nevertheless, sex workers are routinely excluded from these opportunities, or may be invited to participate in ways which are tokenistic and superficial. This exclusion not only hampers

the promotion of rights-based SRH and threatens the ability to address the needs, priorities, and lived experiences of sex workers, but also weakens trust and harms the sustainability of partnerships with sex workers.

Community empowerment¹¹⁵ refers to the process by which sex workers take leadership and ownership of programs, advocacy and policy making, and collectively take action to address structural barriers to their health and human rights.¹¹⁶ Community empowerment is also listed as a critical factor within WHO's *Consolidated Guidelines on HIV prevention, diagnosis, treatment and care for key populations*.¹¹⁷

Key elements of community empowerment of sex workers include:

- Promoting the self-organization, collectivisation, and self-determination of sex workers
- Removing barriers to the full participation of sex workers
- Strengthening partnerships between sex workers, governments, civil society, and other stakeholders
- Supporting the leadership of sex workers in all processes and discussions which concern their lives including regulations and legislation
- Promoting the meaningful participation of sex workers in all aspects of program design, implementation, management and evaluation
- Investing resources directly in sex worker-led organizations and communities¹¹⁸
- Commitment to economic empowerment of sex workers
- Acknowledging and including sex workers as leaders at the highest levels in decision-making

Community empowerment and meaningful partnerships require sustained, long-term efforts. Sustainability goes beyond achieving decriminalization, and partnerships must be continuous and provide long-term support to combat relentless attempts at retrogression. Moreover, given the heterogeneous and transient nature of many sex worker communities and that legal, social, and economic barriers to collectivization vary, there is no 'one-size-fits-all' approach to partner with sex worker-led organizations. Even in difficult contexts, collectivization should be supported and partnerships with sex workers should be sought. Including capacity building for sex worker-led organizations, such as organisational development, in programming and advocacy is an essential strategy for the sustainability of sex workers' organizations.¹¹⁹

IPPF is committed to uphold sex workers' leadership and community empowerment and supports their right to collectivization, self-organisation and self-determination. IPPF will seek long-term partnerships with sex worker-led organisations and support their sustainability.

7. IPPF supports feminist movements which stand in solidarity with sex workers.

IPPF commits to contributing to feminist movements which stand in solidarity with sex workers, advocating with allies and coalitions in support of sex workers' rights. IPPF will work in partnership with sex workers' organizations to amplify their demands through joint advocacy, and through advocating for sex workers' direct involvement in spaces where they are excluded.

Advocacy efforts in coalition and through partnerships have the potential to play a vital role in promoting access to services, mobilizing funding, raising awareness of human rights violations, and influencing policy. As an SRHR leader, IPPF will open dialogues to discuss sex work and will join efforts convening governments, national, regional and international organizations, nurturing partnerships to increase understanding and taking action in favour of sex workers' rights. IPPF will consistently advocate for sex workers' rights but will never speak on behalf of sex workers themselves.

IPPF will establish partnerships with feminist movements, recognizing that there is antagonism between positions on sex work, and will aim to be a vehicle of dialogue when circumstances permit, in consultation with sex worker-led organizations.

IPPF will continue to work in partnership with feminist movements and advocate for the inclusion and meaningful involvement of sex workers in policy discussions and advocacy, strengthening dialogue and partnerships between sex workers, governments, civil society, and other stakeholders.

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